

County of Kendall, Illinois
LAW, JUSTICE, AND LEGISLATION COMMITTEE
Kendall County Courthouse Law Library
807 W. John Street; Yorkville, IL.
Monday, March 11, 2019– 3:15 p.m.
Meeting Agenda

- 1. Call to order**
- 2. Pledge of allegiance**
- 3. Roll call and determination of a quorum:** Tony Giles (Chair), Judy Gilmour, Audra Hendrix, Matthew Prochaska, Robyn Vickers
- 4. Approval of the agenda**
- 5. Approval of the February 11, 2019 meeting minutes**
- 6. Public comment**
- 7. Status reports**
 - A. Coroner
 - B. Emergency Management Agency
 - C. Public Defender
 - D. Sheriff's Office
 1. Operations division
 2. Records division
 3. Corrections division
- 8. Old Business**
- 9. New Business.**
 - A. *Discussion of SB 1216*
- 10. Legislative update**
- 11. Chairman's report/comments**
- 12. Executive session**
- 13. Adjournment**

COUNTY OF KENDALL, ILLINOIS
Law, Justice and Legislation Committee
Monday, February 11, 2019
Meeting Minutes

Call to Order and Pledge Allegiance - Chair Tony Giles called the meeting to order at 3:15p.m. and led the Pledge of Allegiance.

Roll Call:

Committee Member	Status	Arrived at Meeting	Left Meeting
Tony Giles	Here		
Judy Gilmour		3:20p.m.	
Audra Hendrix	Here		3:44p.m.
Matthew Prochaska	Here		
Robyn Vickers	Here		

With four members present voting aye, a quorum was determined to conduct business.

Others Present: Sheriff Dwight Baird, Chief Deputy Mike Peters, Commander Jason Langston, Deputy Commander Mitch Hatten, Commander Bobby Richardson, Coroner Jacquie Purcell, Presiding Judge Robert Pilmer, State’s Attorney Eric Weis, EMA Director Joe Gillespie, Scott Koeppel, Senior Planner Matt Asselmeier, Court Services Director Alice Elliott, and Public Defender Vicki Chuffo

Approval of the Agenda –Member Hendrix made a motion to approve the agenda, second by Member Prochaska with the amendment to move the Chairman’s Report before the Public Comment section.

With four members present voting aye, the motion carried.

Approval of Minutes – Member Hendrix made a motion to approve the January 14, 2019 meeting minutes, second by Member Prochaska. **With four members present voting aye, the motion carried.**

Status Reports

Coroner –Coroner Purcell reviewed the monthly report with the committee, and reported 19 deaths for the month of January. Written report provided.

Circuit Clerk – Written report provided in packet.

Court Services – Written report provided. Alice Elliott stated that two new employees, Matt Blackburn from Indiana Probation, and Darian Kerr from DeKalb County (previously an intern with Kendall County), have been hired and they are once again fully staffed.

EMA – Written report provided. Search and Rescue was called out twice in the month of January. He continues to monitor the ice jams on the Fox River in the Millington area. They continued the Siren, STARCOM and WSPY Emergency Alert System (EAS) testing.

Public Defender – Written report provided in packet.

Sheriff's Report

- a. Operations Division – Written report provided. Commander Jason Langston reported the weather had a larger impact on operations.
- b. Records Division – Written report provided. Discussion on the increase in Sheriff's Sales this year. Sheriff Baird stated that most were postponed from December due to the holidays.
- c. Corrections Division – Written report provided. Chief Deputy Peters stated they expect to receive the Body Scanner for Corrections in March. Sheriff Baird reported that the ability of the scanner to detect drugs or other paraphernalia in body cavities is another step in keeping the staff and facility safer.

Old Business - None

New Business

- A. Discussion and Approval of Gateway Foundation, Inc. and KC Drug Court Agreement – Motion by Member Hendrix, second by Member Vickers. **With five members present voting aye, the motion carried.**
- B. Review and Approval of the Mutual Aid Resolution – Motion by Member Hendrix, second by Member Prochaska. **With five members present voting aye, the motion carried.**
- C. Discussion and Approval of 2019 ISACo Membership Dues Payment – Motion by Member Hendrix, second by Member Prochaska to forward to the County Board for approval to pay the ISACo Membership dues out of the contingency line item of the budget. Member Prochaska briefed the committee on the advocacy of ISACo, the County's base membership payment last year for the Cook and Collar County Caucuses. This year ISACo is asking the County to also join for the Large County Caucuses (all Counties over 100,000 citizens) this year.

Roll Call: Member Gilmour – yes, Member Hendrix – yes, Member Prochaska – yes, Member Vickers – yes, Member Giles – yes. **With five members present voting aye, the motion carried.**

Chairman's Report/Comments – Chairman Giles announced that the March 11th and April 8th meetings will meet in the Law Library due to jury trials meeting in the Jury Assembly Room those two weeks.

Public Comment - Jim Brummel, Priscilla Gruber, Ed Gruber, Bob Davidson, Gary Hastert, Chris Pollock, Todd Milliron, Larry Gibson, Fred Davis, Dave Schlapp, Don Brummel, Bill Bergland, Brian Michel, Geri Hendrickson

New Business part two

- A. Discussion of an Ordinance Regulating or Prohibiting the Discharge of Firearms in Unincorporated areas (as defined by 55 ILCS 5/5-1117) – Discussion on gun ranges versus hunting or target practice on personal property, the need for an ordinance in Kendall County, current gun ranges in Kendall County, and legitimate agriculture use and the right to bear arms.

State's Attorney Eric Weis stated addressed the issue of the risk of personal injury that might result from the discharge of a firearm, by saying that state law already in place - Class 4 Felony, with a \$250 fine that would apply to personal injury caused by a firearm. Mr. Weis said that Township rules and regulations are separate from County regulations, and firearm regulations are different from hunting regulations.

Member Prochaska made a motion to dismiss the Discussion of an Ordinance Regulating or Prohibiting the Discharge of Firearms in Unincorporated areas (as defined by 55 ILCS 5/5-1117) indefinitely, second by Member Gilmour.

Roll Call: Member Prochaska – yes, Member Gilmour – yes, Member Giles – yes, Member Vickers – no. **With Members Prochaska, Gilmour, and Giles voting aye, and Member Vickers voting no, the motion carried by a vote of 3-1.** Member Hendrix was absent for this vote.

Legislative Update

A. Discussion of House Bills and Senate Bills – Item was tabled to a future meeting

1. HB 1573
2. HB 1448
3. HB 158
4. HB 191
5. SB 108

Executive Session – Not needed

Adjournment – Member Vickers made a motion to adjourn the meeting, second by Member Gilmour. **With all in agreement, the meeting adjourned at 4:54p.m.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Clerk



KENDALL COUNTY CORONER
— JACQUIE PURCELL —

Description	**	Month: February (FY 2019)	Fiscal Year-to- Date	February 2018
Total Deaths		31	77	28/80
Natural Deaths		27	62	28/75
Accidental Deaths		0	1	0
Pending		3	0	0
Suicidal Deaths		1	0	0
Homicidal Deaths		0	0	0
Toxicology		4	5	0
Autopsies		4	5	0
Cremation Authorizations		17	45	17/48
Scenes Responded to:		Transported by Coroner's Office:		External Examinations:
7		5		3

PERSONNEL/OFFICE ACTIVITY:

1. On February 4, Coroner Purcell provided a morgue tour to the Aurora University Criminal Justice class. There were 20 attendees.
2. On February 6, Coroner Purcell facilitated the 'Lights of Hope' support group for families and friends who have been impacted by an overdose related death
3. On February 13, Coroner Purcell provided an open-to-the public morgue tour. There were 13 attendees.
4. On February 20, Coroner Purcell provided a presentation for Operation Impact at Oswego High School.
5. On February 21, Chief Deputy Coroner Gotte attended a meeting at the Kane County Sheriff's Office to discuss the dynamics of the 'A Way Out' program.
6. On March 1, 2019, Coroner Purcell held a Coroner's Inquest for the February 12, in-custody death at the Kendall County Jail.

FINANCIAL ACTIVITY:

1. EXPENSES

1. General Budget Total Expenses: \$1231.35
2. SUDORS Grant Expenditures: \$51.75

2. REVENUE

1. Special Fees Revenue: \$250.00

CARORUM AD CURAM

Kendall County Emergency Management Agency

1102 Cornell Lane, Yorkville Illinois 60560

630-553-7500

Joseph T. Gillespie, Director

Tracy Page, Deputy Director

EMA/Search and Rescue Report

February 2019

February 4 - Missing person search for 43 yoa bipolar male missing for seven (7) days from Wayne. Three (3) people from Kendall County EMA SAR participated in the search.

February 9 - Missing person search for 43 yoa bipolar male missing for twelve (12) days from Wayne. Search cancelled when the person was located at a shelter in Champaign, IL. Seven (7) Kendall County EMA SAR people were scheduled to participate in the search.

February 9 - Missing person search for 25 year old endangered (suicidal) female missing for nine (9) hours in Crest Hill, IL. Two (2) people from Kendall County EMA SAR participated in the search. Missing female returned home on her own after spending the night at a friend in Plainfield.

February 9 - Multi Agency Search and Rescue Training in the subject of Alzheimer's and Autism. We had a guest speaker, Phillip Bennett, from the Alzheimer's Association talk about Alzheimer's and responding to them. Kimberly Gotte, KCEMA, gave the training on Autism. Thirty-two (32) Search and Rescue professionals from eight (8) area agencies were in attendance, including nine (9) from Kendall County EMA Search and Rescue.

February 11 - Emergency Management monthly meeting/training. Business meeting with announcements/reports. Training was a scenario for a train derailment. Nine (9) KCEMA members participated in the IAP creation exercise. This training was to see where we are at with knowledge of the IAP. Each month we will have training on individual sections of the IAP and at the end of the summer, we will have another exercise to test what we have learned.

February 16 - Evidence search in North Aurora, IL for a gun that was used in an armed robbery in Dixon on February 11. Law Enforcement had looked for the gun and it was not found. Search and Recue teams from eleven (11) area agencies gathered and found the gun in under an hour. Five (5) people from Kendall County EMA SAR participated in the search.

Continued with siren testing on the first Tuesday morning of the month

Continued with STARCOM testing first Tuesday morning of the month

Continued with WSPY EAS testing first Tuesday morning of the month

Upcoming Important Dates:

April 2nd – NWS Outdoor Event Exercise
Jury Assembly Room – 9am

April 8th – NWS Weather Spotter Training (open to the public)
New Life Church – 7pm

June 25th – Dresden Pre-Exercise

July 30th – Dresden Exercise

Basic Severe Storm & Tornado Spotter Class

Instructed by: NATIONAL WEATHER SERVICE

Monday, April 8th

3205 Cannonball Trail, Yorkville

New Life Church

(Not a function of New Life Church)

7pm to 9pm

Cost: FREE

(Chance to Win a Free Weather Radio)

No registration required

HOSTED BY:

KENDALL COUNTY EMERGENCY MANAGEMENT AGENCY

This basic level course is designed to assist the participant in how to safely observe, recognize, identify and report severe storms capable of producing damaging winds, tornadoes, heavy rain, and hail.

Who should attend: Interested persons from the Public (including students in 4th grade and up), Emergency Management, Fire, Police, Public Works, School Personnel, Bus Drivers, Amateur Radio Operators, Long Term Care Facilities, Plant Safety Personnel

For more information, visit www.weather.gov/lot/spotter_talk

Questions please contact Tracy Page at tpage@co.kendall.il.us

TO: Law, Justice and Legislation Committee Members

FROM: Victoria Chuffo, Public Defender; Monthly Report VC

NUMBER OF CASES ASSIGNED TO EACH PUBLIC DEFENDER
AS OF MARCH 11, 2019

VICTORIA CHUFFO, Public Defender

- 125 cases / last month 134 cases - Felony cases

COURTNEY TRANSIER, First Asst. Public Defender

- 201 cases / last month 184 cases - Felony cases

MICHAEL MONTGOMERY, Asst. Public Defender

- 324 cases / last month 321 cases - Felony/ Juvenile cases

LINDSEY LACHANSKI, Asst. Public Defender

- 398 cases/ last month 408 cases -
Misdemeanor/Traffic/Juvenile cases

JESSICA DEETS, Asst. Public Defender

- 394 case/ last month 380 cases -
Misdemeanor/Traffic/Juvenile cases

My office has been appointed a total of 187 new cases between February 11, 2019 and March 11, 2019. The Kendall County Public Defender's Office currently has 1,442 open cases as of today's date; March 11, 2019. The Public Defender appointments for felony cases have increased since last month.

To: Kendall County Board * Law, Justice and Legislation Committee
From: Alice Elliott, Director * Kendall County Court Services
Date: 03-11-19
Re: Monthly Report

Juvenile Detention – FY2019 ~ Costs Incurred

Kendall County Court Services FY2019 Summary - Juvenile Detention					Same Time 2018	Same Time 2017	Same Time FY2016	Same Time FY2015	Same Time FY2014
Month	Total New Admissions	Total Holdovers*	Total Days	Total Cost Incurred					
12/2018	13	6	147	\$17,640.00	\$10,450.00	\$8,690.00	\$15,620.00	\$3,000.00	\$3,400.00
01/2019	10	3	101	\$12,120.00	\$9,020.00	10,560.00	15,180.00	8,400.00	7,600.00
02/2019	9	3	86	\$10,320.00	\$11,330.00	15,070.00	11,110.00	4,100.00	9,400.00
03/2019					\$21,730.00	9,900.00	3,410.00	2,300.00	4,300.00
04/2019					\$15,960.00	13,640.00	5,940.00	2,400.00	3,000.00
05/2019					\$10,560.00	5,610.00	4,180.00	7,800.00	11,510.00
06/2019					\$7,320.00	6,270.00	11,660.00	5,500.00	13,600.00
07/2019					\$1,1760.00	1,540.00	10,120.00	8,400.00	8,700.00
08/2019					\$12,000.00	3,850.00	11,880.00	7,400.00	6,300.00
09/2019					\$9,120.00	9,130.00	2,640.00	16,000.00	11,200.00
10/2019					\$15,120.00	10,780.00	5,610.00	15,440.00	5,600.00
11/2019					\$18,600.00	5,170.00	11,110.00	15,100.00	1,400.00
TOTAL				\$40,080.00	\$152,970.00	\$100,210.00	\$108,460.00	\$95,840.00	\$86,010.00

*Holdover=A minor detained on the last day of the previous month carried over to the first day of the current month.

Kendall County Fiscal Year 2019 (Juvenile Detention):

Amount Budgeted: \$ 110,000.00
Amount Expended: \$ 40,080.00
Amount Remaining: \$ 69,920.00

Juvenile Board & Care - FY2019 ~ Costs Incurred

	Number of Minors Placed	Days Paid	Total Monthly Cost Incurred	Total Cost Incurred
12/2018	1	31****	\$5487.00	\$5,487.00
01/2019	1	31***	\$5487.00	\$5487.00
02/2019	1	28***	\$4956.00	\$4956.00
03/2019				
04/2019				
05/2019				
06/2019				
07/2019				
08/2019				
09/2019				
10/2019				
11/2019				
TOTAL				\$15,930.00

Kendall County Fiscal Year 2019 (Juvenile Board & Care):

Amount Budgeted: \$ 70,000.00
Amount Expended: 15,930.00
Amount Remaining: \$ 54,070.00

**** - The parent has been ordered to reimburse the county \$1577.00 per month toward this expense.**

Items Worthy of notice to the County Board: The Probation Department has been working closely with Waubonsee Community College to develop a 6-9 month Leadership Institute Program slated to begin in the Fall. This program will be open not only to probation officers, but also to other departments with employees that wish to develop their leadership skills. Throughout the program the participants will meet monthly for self-examination (360 evaluation), instruction on the fundamentals of leadership and will culminate with a leadership project to practice what they have learned. The goal is to offer more opportunities for growth to our existing personnel.

KENDALL COUNTY SHERIFF'S OFFICE

MONTH-END REPORT



FEBRUARY

2019

OPERATIONS DIVISION

POLICE SERVICES	February-18	February-19
Calls for Service	628	645
Police Reports	284	311
Total Arrests	82	78
Cannabis Civil Law Citations Issued	8	0
Ordinance Citations Issued	0	0

TRAFFIC SERVICES	February-18	February-19
Traffic Contacts	696	430
Traffic Citations Issued	229	110
DUI Arrests	6	5

TRAFFIC CRASH INVESTIGATIONS	February-18	February-19
Property Damage	53	49
Personal Injury	10	9
Fatalities	0	0
TOTAL CRASH INVESTIGATIONS	63	58

VEHICLE USAGE	February-18	February-19
Total Miles Driven by Sheriff's Office	50,809	52,029
Vehicle Maintenance Expenditures	\$3,372.16	\$3,908.21
Fuel Expenditures	\$10,964.09	\$8,072.58
Fuel Gallons Purchased	4,434	4,121
Squad Damage Reports	2	0

AUXILIARY DEPUTIES	February-18	February-19
Ride-A-Long Hours	0	0
Auxiliary Hours	110	28
TOTAL AUXILIARY HOURS	110	28

EVIDENCE/PROPERTY ROOM	February-18	February-19
New Items into Property Room	78	94
Disposal Orders Processed	63	27
Items Disposed Of	6	100
DVD/VHS Copy Requests	50	82
Items Sent to Crime Lab for Processing	72	10
Pounds of Prescription Meds Collected from Drop Box Program	21	12.75

INVESTIGATIONS/COPS ACTIVITIES	February-18	February-19
Total Cases Assigned (Patrol/Invest)	21	8
Total Cases Closed (Patrol/Invest)	25	19
Total Current Open Cases (Patrol/Invest)	169	129
Community Policing Meetings/Presentations	30	32

RECORDS DIVISION

SHERIFF SALES	February-18	February-19
Sales Scheduled	20	8
Sales Cancelled	13	5
Sales Conducted	7	3

CIVIL PAPERWORK	February-18	February-19
Papers Filed/Received	183	168
Papers Served/Executed	130	117

REPLEVINS/LEVY	February-18	February-19
Replevin/Levy Scheduled	0	0
Replevin/Levy Conducted	0	0

SUBPOENA/FOIA REQUESTS	February-18	February-19
Accident Reports	56	32
Background Checks	16	14
Incidents	63	70
Subpoenas	2	5
TOTAL REQUESTS	137	121

WARRANTS	February-18	February-19
Total Warrants on File	1,412	1,424
New Warrants Issued	95	100
Total Warrants Served	90	88
Warrants Quashed	25	18

EVICCTIONS	February-18	February-19
Evictions Scheduled for Month	14	10
Evictions Cancelled	6	5
Evictions Conducted	8	5

FEEs	February-18	February-19
Civil Process Fees	\$5,847.47	\$4,038.00
Sheriff Sales Fees	\$8,100.00	\$8,700.00
Records Fees/Fingerprinting	\$310.00	\$296.35
Bond Processing Fees	\$661.11	\$920.52
TOTAL FEES COLLECTED	\$14,918.58	\$13,954.87

CORRECTIONS DIVISION

JAIL POPULATION	February-18	February-19
New Intake Bookings	233	207
Inmates Released	225	186
Federal Inmate ADP	14	80
Kendall County Inmate ADP	70	62
Other Jurisdictions Inmate ADP	90	7
Average Daily Population	153	149

JAIL MEALS	February-18	February-19
Number of Meals Prepared Consolidated Food	12,333	12,059
Price Per Meal	\$1.20	\$1.23

INMATE TRANSPORTS	February-18	February-19
To and From Kendall County Courthouse	94	88
Other County Court Transports	7	8
Out of County Prisoner Pickups	32	10
To I.D.O.C	5	2
Medical/Dental Transports	8	13
Court ordered medical transports	1	0
Juvenile To and From Youth Homes/Courts	11	12
Federal Transports	11	100
TOTAL INMATE TRANSPORTS	169	233

INMATE WORK CREWS	February-18	February-19
Number of Inmates	8	0
Number of Locations	4	0
TOTAL HOURS WORKED	12	0

REVENUE	February-18	February-19
Amount Invoiced for Inmates Housed for Other Juris.	\$106,200.00	\$11,820.00
Amount Invoiced for Federal Housing	\$20,775.00	\$168,300.00
Amount Invoiced for Federal Court Transport	\$2,767.74	\$14,175.28
Amount Invoiced for Federal Medical Transport	\$0.00	\$1,026.50
TOTAL INVOICED	\$129,742.74	\$195,321.78

MEDICAL BILLING	February-18	February-19
Medical Contractual Services	\$14,998.56	\$15,278.11
Prescriptions	\$20,644.28	\$773.54
Medical	\$1,047.25	\$327.37
Dental	\$0.00	\$0.00
Emergency Medical Services	\$0.00	\$0.00
Medical Supplies	\$38.75	\$304.04
TOTAL MEDICAL BILLING	\$36,728.84	\$16,683.06

Outstanding FTA Fees	February-18	February-19
FTA Fees- Outstanding	\$375.00	\$225.00

Sex Offender / Violent Offenders Against Youth Registrations	February-18	February-19
Sex Offender Registrations	11	9
Sex Offender - Address Verifications Completed	5	5
Sex Offender - Address Verification Attempted	11	9
Total # of Sex Offenders- Jurisdiction/Entire County	34/70	28/71
Violent Offenders Against Youth Registrations	1	1
VOAY - Address Verification Completed	0	0
VOAY - Address Verification Attempted	0	0
Total # of VOAY- Jurisdiction/Entire County	2/11	2/15

COURT SECURITY	February-18	February-19
Entries	12,478	11,801
Items X-rayed	4,568	4,871
Bond Call	43	52
Kendall Prisoners	86	58
Other Prisoners	36	24
Arrests made at Courthouse	19	23
Contraband Refused	63	66

KCSQ TRAINING

CORRECTIONS DIVISION	February-18	February-19
NATURE OF TRAINING		
Cell Extraction Practicals		91
Web Based Training		34
Narcan Train the Trainer		3
Evidence Technician		40
The Reid Technique of Interviewing and Interrogation		24
De-Escalation and Smarter Policing		8
Below 100		87.5
Corrections Basic Academy		72
Taser Certifications		31.5
CERT Training		28
TOTAL HOURS	433	419

OPERATIONS DIVISION		February-18	February-19
	NATURE OF TRAINING		
Winter Shoot			119
Web based training			46.5
Illinois Vehicle Code Refresher Course			8
Criminal Related Interviewing: CRIME 123			8
ALICE Instructor Recertification			1
FTO School			40
Below 100			108.5
Suburban Law Enforcement Academy			280
Police Executive Role in the 21st Century			32
Northwestern School of Police Staff and Command			80
	TOTAL HOURS	578	723

COURT SECURITY		February-18	February-19
	NATURE OF TRAINING		
Web Based Training			9
	TOTAL HOURS	25	9

CORRECTIONS/OPERATIONS COMBINED		February-18	February-19
	NATURE OF TRAINING		
SRT		64	40
	TOTAL HOURS	64	40

RECORDS DIVISION		February-18	February-19
	NATURE OF TRAINING		
Below 100			35
	TOTAL HOURS	-	35

AUXILIARY		February-18	February-19
	NATURE OF TRAINING		
	TOTAL HOURS	29	0

**101ST GENERAL ASSEMBLY
State of Illinois
2019 and 2020
SB1216**

Introduced 2/6/2019, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

5 ILCS 140/1.2
5 ILCS 140/11

from Ch. 116, par. 211

Amends the Freedom of Information Act. Provides that a public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that release of the record would harm an interest protected by the asserted exemption. Removes the requirement that, before imposing specified civil penalties, the court find that a public body willfully and intentionally failed to comply with the Act or otherwise acted in bad faith. Provides that in assessing the civil penalty, the court shall consider in aggravation or mitigation, among other factors, whether the public body acted in bad faith and the extent to which the public body delayed the resolution of the request or lawsuit. Provides that, under specified circumstances, the court shall (rather than may) impose an additional penalty of up to \$1,000 for each day the violation continues.

LRB101 06259 HEP 51285 b

A BILL FOR

SB1216

LRB101 06259 HEP 51285 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Sections 1.2 and 11 as follows:

6 (5 ILCS 140/1.2)

7 Sec. 1.2. Presumption. All records in the custody or
8 possession of a public body are presumed to be open to
9 inspection or copying. Any public body that asserts that a
10 record is exempt from disclosure has the burden of proving by
11 clear and convincing evidence that it is exempt and that
12 release of the record would harm an interest protected by the
13 asserted exemption.

14 (Source: P.A. 96-542, eff. 1-1-10.)

15 (5 ILCS 140/11) (from Ch. 116, par. 211)

16 Sec. 11. (a) Any person denied access to inspect or copy
17 any public record by a public body may file suit for injunctive
18 or declaratory relief.

19 (a-5) In accordance with Section 11.6 of this Act, a
20 requester may file an action to enforce a binding opinion
21 issued under Section 9.5 of this Act.

22 (b) Where the denial is from a public body of the State,

SB1216

- 2 -

LRB101 06259 HEP 51285 b

1 suit may be filed in the circuit court for the county where the
2 public body has its principal office or where the person denied
3 access resides.

4 (c) Where the denial is from a municipality or other public
5 body, except as provided in subsection (b) of this Section,
6 suit may be filed in the circuit court for the county where the
7 public body is located.

8 (d) The circuit court shall have the jurisdiction to enjoin
9 the public body from withholding public records and to order
10 the production of any public records improperly withheld from
11 the person seeking access. If the public body can show that
12 exceptional circumstances exist, and that the body is

13 exercising due diligence in responding to the request, the
14 court may retain jurisdiction and allow the agency additional
15 time to complete its review of the records.

16 (e) On motion of the plaintiff, prior to or after in camera
17 inspection, the court shall order the public body to provide an
18 index of the records to which access has been denied. The index
19 shall include the following:

20 (i) A description of the nature or contents of each
21 document withheld, or each deletion from a released
22 document, provided, however, that the public body shall not
23 be required to disclose the information which it asserts is
24 exempt; and

25 (ii) A statement of the exemption or exemptions claimed
26 for each such deletion or withheld document.

SB1216

- 3 -

LRB101 06259 HEP 51285 b

1 (f) In any action considered by the court, the court shall
2 consider the matter de novo, and shall conduct such in camera
3 examination of the requested records as it finds appropriate to
4 determine if such records or any part thereof may be withheld
5 under any provision of this Act. The burden shall be on the
6 public body to establish that its refusal to permit public
7 inspection or copying is in accordance with the provisions of
8 this Act. Any public body that asserts that a record is exempt
9 from disclosure has the burden of proving that it is exempt by
10 clear and convincing evidence.

11 (g) In the event of noncompliance with an order of the
12 court to disclose, the court may enforce its order against any
13 public official or employee so ordered or primarily responsible
14 for such noncompliance through the court's contempt powers.

15 (h) Except as to causes the court considers to be of
16 greater importance, proceedings arising under this Section
17 shall take precedence on the docket over all other causes and
18 be assigned for hearing and trial at the earliest practicable
19 date and expedited in every way.

20 (i) If a person seeking the right to inspect or receive a
21 copy of a public record prevails in a proceeding under this

22 Section, the court shall award such person reasonable
23 attorney's fees and costs. In determining what amount of
24 attorney's fees is reasonable, the court shall consider the
25 degree to which the relief obtained relates to the relief
26 sought. The changes contained in this subsection apply to an

SB1216

- 4 -

LRB101 06259 HEP 51285 b

1 action filed on or after January 1, 2010 (the effective date of
2 Public Act 96-542).

3 (j) If the court determines that a public body ~~willfully~~
4 ~~and intentionally~~ failed to comply with this Act, ~~or otherwise~~
5 ~~acted in bad faith~~, the court shall also impose upon the public
6 body a civil penalty of not less than \$2,500 nor more than
7 \$5,000 for each occurrence. In assessing the civil penalty, the
8 court shall consider in aggravation or mitigation the budget of
9 the public body, ~~and~~ whether the public body has previously
10 been assessed penalties for violations of this Act, whether the
11 public body acted in bad faith, and the extent to which the
12 public body delayed the resolution of the request or lawsuit.
13 The court shall ~~may~~ impose an additional penalty of up to
14 \$1,000 for each day the violation continues if:

- 15 (1) the public body fails to comply with the court's
16 order after 30 days;
17 (2) the court's order is not on appeal or stayed; and
18 (3) the court does not grant the public body additional
19 time to comply with the court's order to disclose public
20 records.

21 The changes contained in this subsection made by Public Act
22 96-542 apply to an action filed on or after January 1, 2010
23 (the effective date of Public Act 96-542).

24 (k) The changes to this Section made by this amendatory Act
25 of the 99th General Assembly apply to actions filed on or after
26 the effective date of this amendatory Act of the 99th General

SB1216

- 5 -

LRB101 06259 HEP 51285 b

1 Assembly.

2 (Source: P.A. 99-586, eff. 1-1-17; 99-642, eff. 7-28-16.)

Counties at the Capitol

February 18, 2019 • www.ilcounty.org

As of the February 15 filing deadline, over 3,700 House bills and over 2,100 Senate bills had been filed by state lawmakers. Senate committees now have until March 22nd to review these measures and make determinations on which of them to send to the floor for consideration. The House committee deadline is March 29th. This edition of "Counties at the Capitol" includes select bills introduced since the last report in addition to actions taken by the IACBM Legislative Committee. Future editions will focus on bills advanced from committees and floor actions.

HB 1612 (Skillcorn)

Counties Code – Gardening Zoning

Provides that a county or municipality may not prohibit a private homeowner from gardening on his or her property.

HB 1619 (Skillcorn)

Red Light Camera Funds

Provides that after deducting all non-personnel and personnel costs associated with the operation and maintenance of an automated traffic law enforcement system, the net proceeds that a municipality or county receives from the civil penalties imposed under the system shall only be expended for transportation purposes. The provision does not apply to any home rule unit of government.

HB 1621 (Skillcorn)

Municipal/County Travel Funds

Provides that a county or municipality may not use payments received from the Local Government Distributive Fund for payments for travel, lodging, or dining. Limits home rule powers.



HB 1630 (Skillcorn)

Local Government Bankruptcy Neutral Evaluation Act

Authorizes a local public entity to initiate a neutral evaluation process if that entity is unable to meet its financial obligations. Provides for the selection and qualification of an evaluator and the evaluation process. A public body may hold closed meetings related to the Act.

New ethics watchdog appointed

Both chambers adopted **Senate Joint Resolution 17**, appointing Carol Pope as the new Legislative Inspector General, a post responsible for investigating complaints made against lawmakers and legislative employees. Judge Pope currently serves as a member of the Illinois Judicial Ethics Committee, which provides ethics advice to judges throughout Illinois. She previously served seven years as a State's Attorney in Menard County, 17 years as a Circuit Court Judge and nine years as Appellate Justice in the Fourth Appellate District. *Term is March 1, 2019 thru June 30, 2023.*

MINIMUM WAGE BILL HEADS TO GOVERNOR

After passing the Illinois House on a party-line vote of 69-47, the \$15 per hour minimum wage hike is expected to quickly be signed into law by Gov. JB Pritzker prior to his budget address on February 20th. The increase is estimated to benefit 1.4 million Illinoisans.



"Today we made history in Illinois by increasing the minimum wage to \$15 an hour for the hardest working people in our state," said House Speaker Michael Madigan. "We heard from people across Illinois and took their message to heart."

Senate bill 1 calls for a \$1 hourly pay hike at the beginning of next year, followed by a 75-cent increase to \$10 on July 1, 2020. Afterwards, the wage would increase \$1 each January 1 until 2025. Minimum wage for individuals under the age of 18 would go from \$8 on January 1, 2020 to \$13 on January 1, 2022.

Opponents of the plan noted the vast differences in the cost of living across Illinois. They also raised concerns that the incremental increase could have far-reaching implications for employers across the board, including an increase in annual costs for state agencies, local school districts, human service providers and hospitals.



IACBM Legislative Committee Position Statements

Additional actions taken by the Committee will be listed in future reports.

HB 191 (Ford) – OPPOSE

Safe Spaces in Public Places Act – Metal Detectors **Status: Elementary and Secondary Education Committee**

As part of his or her duty to maintain the security of a courthouse, a sheriff shall maintain a walk-through metal detector "at each point of entry" into the courthouse.
NOTE: While the idea is well-intended, the bill is an unfunded mandate and would result in additional expenses for counties. Also, a state appropriation is unlikely.

HB 301 (McSweeney) – OPPOSE

Lobbyist Registration – County Board Prohibition **Status: Constitutional Law Subcommittee**

Provides that a person required to be registered under the Lobbyist Registration Act, his or her spouse, and his or her immediate family members living with that person may not serve as a member of a county board.

HB 306 (McSweeney) – OPPOSE

Recorders Fees **Status: Counties and Townships Committee**

Allows a county board, by ordinance, to assume control over county recorder fees. Upon the adoption of such ordinance, the county board may "reduce" any fee charged by the county recorder of deeds to a figure selected by the county board and transfer all or part of a county recorder of deed's budget surplus to the county general fund.

HB 307 (McSweeney) – OPPOSE

Citizens Empowerment Act **Status: Cities and Villages Committee**

Provides that electors may petition for a referendum at the next general election to dissolve a unit of local government. Provides for the transfer of all real and personal property and any other assets, together with all personnel, contractual obligations, and liabilities of the dissolving unit of local government to the receiving local government.

HB 348 (McSweeney) – OPPOSE

McHenry County Township and District Dissolution **Status: Counties and Townships Committee**

Allows for consolidation of townships in McHenry County as well as the abolishment of any road district within the county and in neighboring Lake County that manages less than 15 miles of road. Also, limits extensions of specified property tax levies to 90% of the original property tax levy.
NOTE: While the legislation carves out only McHenry County, the bill is poorly written, as it forces the county to absorb all debt and responsibilities of the township. The Committee cited that current law already allows for dissolution of townships in a process that is fair for all units.

HB 1449 (Bennett) – OPPOSE

Counties Code Zoning Division – Special Uses **Status: Rules Committee**

Provides that a county board may, by majority vote (rather than by ordinance) and without a further public hearing, deny, grant, or grant subject to conditions a proposed special use on receiving the report from the board of appeals (rather than the board may adopt a proposed special use on receiving the report or it may refer the proposal back to the board of appeals for further consideration).

HB 1495 (Weber) – OPPOSE

County Board Chairman Removal **Status: House Rules Committee**

Provides that a chairman of a county board who is chosen by the board may be removed, with or without cause, upon a motion adopted by an affirmative vote of four-fifths of the board. Upon adoption of a motion to remove the chairman: (i) the chairman position becomes vacant and the former chairman's compensation shall be prorated to the date the motion was approved; (ii) the vice-chairman immediately assumes the duties of chairman without chairman compensation; and (iii) a new chairman shall be elected at the next regularly scheduled county board meeting.
NOTE: We are working with the sponsor to address the Committee's concerns and potentially offer language that would make this bill more acceptable.

SB 1 (Lightford) – NEUTRAL

Minimum Wage Law – \$15 Per Hour **Status: Passed both Houses**

Increases the state's minimum wage incrementally to \$15 an hour by 2025. Offsets the increase by providing a tax refund for businesses that employ fewer than 50 workers.

SB 7 (Stearns) – TABLED

Cannabis Regulation and Taxation Act **Status: Senate Assignments**

At this time, the bill contains only a short title provision. The Committee tabled the measure until such time as language is introduced for consideration.

SB 39 (Mulroe) – OPPOSE

Property Tax Code – Police and Fire **Status: Senate Executive Committee (Postponed)**

Creates a homestead exemption in the amount of a reduction of \$5,000 from the equalized assessed value of property of police officers and firefighters with duty-related disabilities. **NOTE:** A higher exemption for one class of property shifts the tax burden to other classes of property and to homes that do not receive exemptions.

HB 2077 (Caulkins) – OPPOSE

State Revenue Sharing Act – School Districts

In fiscal year 2020, each school district having Personal Property Tax Replacement Fund receipts totaling 13% or more of its total revenues in FY2018 shall receive an additional amount equal to 11% of the total amount distributed to the school district from the PPTR Fund during FY 2018. **NOTE: The money would be taken away from other units of local government, including counties.**

HB 2124 (Welch)

Open Meetings Act – Exceptions

Allows a public body to hold a closed meeting to consider the appointment, employment, compensation, discipline, performance, or dismissal of "specific" employees, independent contractors, or volunteers (currently, only specific employees) of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, independent contractor, or volunteer of the public body or against legal counsel for the public body to determine its validity.

HB 2125 (Moylan) – SUPPORT

Motor Fuel Tax Continuing Appropriation

In the absence of an appropriation for any State fiscal year, moneys that are required to be distributed to local governments from the State and Local Sales Tax Reform Fund, Motor Fuel Tax Fund, State Gaming Fund, Local Government Video Gaming Distributive Fund, and Statewide 9-1-1 Fund are subject to a continuing appropriation.

HB 2138 (Wheeler)

Civil Procedure – Local Government Damages Limitation

Provides that a unit of local government may not seek damages in connection with a temporary restraining order or preliminary injunction based upon a constitutional challenge to a tax. If a petition is filed in violation of the provisions, the court shall award the respondent reasonable attorney's fees and costs incurred.

HB 2143 (Davis)

Motor Fuel Tax Business Enterprise Data

Provides that no municipality, county, or road district that received distributions totaling more than \$2,000,000 in any State fiscal year beginning on or after July 1, 2019 shall receive any funds on or after July 1 of the third fiscal year to occur after the fiscal year in which the municipality, county, or road district received distributions totaling more than \$2,000,000 unless, on or before June 30 of the second fiscal year the municipality, county, or road district received distributions totaling more than \$2,000,000, that municipality, county, or road district implements a disadvantaged business enterprise program setting goals for the inclusion of minority, veteran, and female-owned businesses in the procurement of all contracts.

HB 2158 (Jones)

Fire Department Contractor Logos

A nongovernmental entity with which a county, township, municipality, or fire protection district contracts to furnish fire protection services that displays a logo of the unit of local government on the entity's vehicles or uniform shall conspicuously display on all vehicles and uniforms a disclosure with specified information. A violation is a business offense with a \$1,000 fine per occurrence. Limits home rule powers.

HB 2168 (Felgenholtz)

Property Tax Code – Rental Housing

Provides for a reduction in the EAV of newly-constructed or rehabilitated rental property if the property owner commits that, for a period of 10 years, at least 15% of the multifamily building's units will have rents that are at or below maximum rents and are occupied by households with incomes at or below maximum income limits. The chief county assessment officer (CCAO) of a county with 3,000,000 or more inhabitants shall establish such a program, and the CCAO in all other counties shall establish such a program upon passage of an ordinance by the county board.

Bennett proposes new statues at Capitol

Rep. Tom Bennett (R-Livingston County) is sponsoring two bills that propose four to six new statues be built on the State Capitol grounds. **HB 168** and **HB 169** are pending hearings



in the House Executive Committee.

Rep. Bennett said initial interest came from his constituents to place a statue of Ronald Reagan at the Capitol. Eureka College, where President Reagan attended school, is in his district. Interest has now swelled among various groups to expand the list in a more bipartisan fashion. In addition to Reagan, **HB 169** calls for the acquisition and placement of statues depicting President Barack Obama, Governor James Thompson, State Representative and Illinois labor union leader Reuben Soderstrom, Mayor of Chicago Harold Washington, and Jean Baptiste Point du Sable.

Funds for the proposed statues would most likely be raised by donors.

NEWSWORTHY...



Sen. Sue Rezin (R-Grundy County) and Rep. David Allen Welter (R-Morris) have sent a letter to Exelon Corporation requesting a meeting to discuss the company's statement in a filing with the Securities & Exchange Commission that they may close their generating stations at Dresden (Grundy County) and Braidwood (Will County). Not only do these facilities stimulate Illinois' labor income and employment, but they also provide huge amounts to the local property tax base, supporting school districts and local government.

IN THE KNOW

HB 2184 (Manley) **Local Officials Hiring Self**

No person holding an office, either by election or appointment, in a unit of local government may hire himself or herself to a position over which that official has supervisory authority.

HB 2206 (Yingling) **Local Residential Inspections**

Except for a fire, medical, or police emergency or as otherwise permitted by specified provisions of the Fire Investigation Act, a unit of local government may not conduct a physical inspection of residential property without the voluntary consent of the owner or occupant of the property, a lawful warrant, or court order.

HB 2207 (Yingling) **Public Office Prohibited Acts**

A local government with taxing authority, or any person holding public office with that local government, shall not use public resources or funds to obstruct, fight, or challenge initiatives to consolidate, merge, or eliminate any unit of local government. State moneys shall be withheld from the local government until the obstruction is concluded.

HB 2209 (Yingling) **TIF Info on Property Tax Bill**

Each tax bill shall contain a list of each tax increment financing (TIF) district in which the property is located and the dollar amount of tax due that is allocable to the TIF district.

HB 2212 (Yingling) **Property Tax Abatement**

Provides that the county clerk shall abate property taxes levied by a unit of local government on property that is included in a neighborhood association that maintains the roads or sidewalks serving the property.



HB 2243 (Martwick) – SUPPORT **Assessor Qualifications**

Makes changes concerning certifications required for township assessors and supervisors of assessments.

DeLuca's bill brings tax dollars back to local governments

A bill introduced by Rep. Anthony DeLuca (D-Cook County), which would increase the amount of money that counties and municipalities receive from the state passed out of the Cities and Villages Committee with unanimous bipartisan support on February 13th.

House Bill 158 would incrementally increase the current Local Government Distributive Fund (LGDF) share to 10% of total income tax collections by February 1, 2023. In 2011, the amount that municipalities received from the LGDF was reduced from 10 to 8 percent. This bill simply seeks to restore the previous rate of funding, making it easier for communities to fund the necessary services and amenities for residents. Under the proposal, LGDF distributions would increase to 8.5 percent in 2020, 9 percent in 2021, 9.5 percent in 2022, and remain at 10 percent after February 2023.

"Often I hear stories about how high property taxes are forcing people out of their homes," DeLuca said. "This bill gives local governments greater ability to meet the needs of their residents without passing along an increase in property taxes year-after-year."

Please contact your House members and ask for a "YES" vote on HB 158!



HB 2214 (Yingling) **Election Code – County Apportionment**

Provides that apportionment plans pursuant to certain provisions of the Counties Code shall provide racial minorities or language minorities with equal opportunity to participate in the political process and elect candidates of their choice.

HB 2270 (Martwick) **TIF Initial and Total EAV**

If a county clerk determines that any lot, block, tract, or parcel of real property within a redevelopment project area is not taxable or has an initial equalized assessed value (EAV) of \$0, then the fair market value shall be instead determined by a written MAI-certified appraisal or by a written certified appraisal of a State-certified or State-licensed real estate appraiser. Limits the provisions to tax increment allocation financing ordinances adopted after the effective date.

HB 2306 (Slaughter) – OPPOSE **Juvenile Court Detention Hearings**

Provides that minors shall be brought before a judicial officer within 40 hours, which includes Saturdays, Sundays, and court-designated holidays (rather than within 40 hours exclusive of Saturdays, Sundays, and holidays).

HB 2310 (Mazzochi) **Property Tax Investigation**

If an individual or entity has been found by any court, administrative agency, assessor, deputy, or inspector general to have knowingly made fraudulent or material misrepresentations in connection with securing a reduced assessed value for any property and has a legal interest in any other property subject to the jurisdiction of any other county or township assessor within the State, then the board of review having jurisdiction over that property may conduct an investigation, and summon any assessor, deputy, or other person to appear before it, so as to determine the accuracy of the assessed value of that property or the accuracy of the representations previously made by the person regarding the assessment/valuation of that property.

HB 2318 (Slaughter)

Vehicle Code – Air Quality (Trucks)

Local authorities, with respect to highways under their jurisdiction, may limit the operation of trucks or commercial vehicles in areas with poor air quality.

HB 2327 (Bennett)

County Fair Fiscal Accounting

County fairs whose fiscal accounting reports are not filed or postmarked by Dec. 31 of each year shall not qualify to receive premium reimbursements from the Dept. of Agriculture for that year.

HB 2380 (Slaughter)

Police Station Polling Place

An election authority shall not locate a polling place for early voting, grace period registration and voting, or election day voting in a building permanently occupied by a law enforcement agency.

HB 2381 (Slaughter)

Public Officer Prohibited Acts

Provides that it is prohibited for a unit of local government, any agent or representative of a local government, or another employee to retaliate against an employee who (1) reports an improper governmental action, (2) cooperates with an investigation by an auditing official related to a report of improper governmental action, or (3) testifying in a proceeding or prosecution arising out of an improper governmental action if the employee files a report with the auditing official regarding improper governmental action. Provides for penalties for retaliation against a report.

HB 2413 (Hurley)

Senior Homestead Exemption

Provides that the assessor and the county recorder of deeds shall establish a policy and practice for the regular exchange of information for the purpose of alerting the assessor whenever a transfer of ownership of any property receiving a Senior Citizens Homestead Exemption has occurred. Provides that, if such a transfer occurs, the assessor shall mail a notice to the new owner of the property (I) informing the new owner that the exemption will remain in place through the year of the transfer, after which it will be cancelled, and (II) providing information pertaining to the rules for reapplying for the exemption if the homeowner qualifies.

HB 2443 (Gabel)

Counties Code – Coal Tar Products

The county board may prohibit the sale of and the use of coal tar sealant product and high polycyclic aromatic hydrocarbon sealant product on any surface, except for highway structures, including, but not limited to, a driveway, parking area, playground, sidewalk, bike trail, or roadway within the county.

HB 2503 (Stava-Murray)

Reporting Police Discipline

Provides that every sheriff's office shall report on an annual basis to the General Assembly information regarding complaints filed by a member of the public against a law enforcement officer in his or her official capacity. If the office does not report any complaints filed, the office may be subject to inspection of records.

HB 2513 (Mazzoichi)

Election Code – Deceased Voter

Provides that the county clerk shall (rather than may) issue certifications of death records from the electronic reporting system for death registrations and shall (rather than may) use that system to cancel the registration of any person who has died during the preceding month. Requires the county clerk and coroner to report quarterly to its county board and certify its full compliance with the provisions of the voter rolls.

HB 2517 (Slaughter)

Body Cameras – Law Enforcement

Provides that all law enforcement agencies must use officer-worn body cameras and provide an annual report on the use of body cameras to the Illinois Law Enforcement Training Standards Board.

INTERNET WEBSITE

HB 2283 (Morrison)

Open Meetings – Website Mandate

Requires local governments and school districts with an operating budget of \$1 million or more to maintain a website and post to that website, for the current calendar or fiscal year, the following information: (1) information about elected and appointed officials; (2) notice of and materials prepared for meetings; (3) procedures for requesting information from the unit of local government or school district; (4) annual budget; (5) ordinances; (6) procedures to apply for building permits and zoning variances; (7) financial reports and audits; (8) information concerning employee compensation; (9) contracts with lobbying firms; (10) taxes and fees imposed by the unit of local government or school district; (11) rules governing the award of contracts; (12) bids and contracts worth \$25,000 or more; (13) a debt disclosure report; and (14) public notices.



NOTE: Any citizen who is a resident of the unit of local government or school district may bring a mandamus or Injunction action to compel the unit of local government or school district to comply with the Internet posting requirements.

Fair Maps in Illinois

Senate Joint Resolution Constitutional Amendment 4 removes the General Assembly and governor from the redistricting process and requires legislative maps to be drawn by an independent, 16-member Commission. The Commission would be appointed by the Chief Justice of the Illinois Supreme Court and the most senior justice not affiliated with the same political party as the Chief Justice. The bipartisan amendment will give voters a chance to have greater input on the legislative redistricting process and promote transparency through public hearings. **SJRCA 4** would be effective upon being declared adopted and applicable to redistricting beginning in 2021 and to the election of General Assembly members beginning in 2022.

IN THE KNOW

HB 2415 (Welter) **Opioid Overdose Facility**

Provides that a peace officer may take a person into custody and transport the person to a mental health facility if the peace officer has administered an opioid antagonist to the person in response to an opioid overdose.



HB 2424 (Edly-Allen)

Animal Shelter Medical Care

Provides that, while a stray dog or cat is being held for the period specified in local ordinance, an animal shelter may release the stray dog or cat to a facility operated by a rescue group for the purpose of providing medical care if the animal shelter is unable to provide care.

HB 2430 (Howard)

Senior Exemption Increase

Provides that, for taxable years 2019 and thereafter, the maximum reduction for the senior citizens homestead exemption is \$8,000 in all counties (currently, \$8,000 in counties with 3,000,000 or more inhabitants and \$5,000 in all other counties).

HB 2476 (Tarver)

County Jail Inmate Voting

Each election authority shall collaborate with the county jail within the jurisdiction of the election authority to facilitate voting by mail for voters eligible to vote in the county who are confined or detained in the county jail.

HB 2489 (Walsh)

Mobile Home Local Services Tax

Provides that the Secretary of State shall provide the county collector in each county a quarterly report of the transfer of title of mobile homes.

County authority over poker runs

House Bill 2393 sponsored by Rep. Charles Meler (R-Madison County) provides that a county may pass an ordinance prohibiting the conduct of poker runs within the county's boundaries. A county that has prohibited poker runs is not required to establish a system for the licensing of organizations to operate poker runs. A license for a poker run authorizes the licensee to conduct the poker run at locations within the county with jurisdiction over the key location and at locations within any other county that licenses poker runs. A poker run conducted at locations in multiple counties is only required to be licensed by the county with jurisdiction over the key location. Removes provisions providing that the governing bodies of 2 or more adjacent counties may contract to jointly establish a licensing system for organizations to operate poker runs.



HB 2525 (Demmer)

Township Consolidation

Provides that all townships within a coterminous, or substantially coterminous, municipality may be discontinued (currently, municipalities in which the city council exercises the powers and duties of the township board, or in which one or more municipal officials serve as an officer or trustee of the township; that are located within a county with a population of 3 million or more; and which contain a territory of 7 square miles or more). Also, repeals an Article of the Township Code regarding discontinuance of specified townships in St. Clair County.

HB 2562 (Stave-Murray)

Public Defender Quality Defense Task Force

Creates the Public Defender Quality Defense Task Force to examine the current caseload and determine the optimal caseload for public defenders in the State. The Task Force will examine the quality of legal services being offered to defendants by public defenders of the State. The bill requires the Task Force to hold a minimum of two public hearings and prepare a report that summarizes its work and makes recommendations resulting from its study to the General Assembly and the Governor no later than December 31, 2020.

HB 2593 (Cabello)

Counties Code – Sheriff Deputies

Removes a provision limiting the number of deputies a sheriff may appoint to a number allowed by the county board.

HB 2725 (Demmer)

Automatic Homestead Exemption

The county assessor shall automatically apply the general homestead exemption to any qualified property that was approved for and received a general homestead exemption in the immediately preceding year.

HB 2729 (Didech)

Lake County Board Salary

Provides that a member of the Lake County Board shall not receive a salary or other compensation from the county if they are receiving IMRF benefits. If a board member is receiving IMRF benefits, the member's salary and compensation shall be reduced to zero at the beginning of the member's next term.



HB 2748 (Morrison)

IMRF Part-time Elective Office

Provides that a person who holds part-time elective office is not a participating employee, unless he or she was elected to that office before the effective date of the amendatory Act and has elected while in that office to become a contributor. An elective office shall be presumed to be part-time in the absence of an official job description or determination by the legal advisor of the local government, filed with the Board of the Fund every 4 years, declaring the elective office to be full-time.

HB 2749 (Morrison)

Illinois Pension Code – Alternative Retirement Plans

Authorizes units of local government to provide alternative retirement plans in lieu of or in addition to the existing plan under the applicable Article.

HB 2780 (Chesney)

Counties Code – Hotel Tax

A county board that imposes a non-home rule hotel tax may, by ordinance, impose up to a 1% additional hotel tax in the county, except not in municipalities that already impose a hotel tax. Prohibits taxes from being imposed on gross rental receipts of permanent residents of a hotel, motel, or resort. The additional hotel tax shall be used by the county for costs associated with providing infrastructure, police protection, and emergency services in support of tourism and conventions.

HB 2781 (Chesney)

Prevailing Wage Act

Provides the Act does not apply to wages paid to all laborers, workers, and mechanics employed by or on behalf of a public body engaged in a public works project with a total cost of \$20,000 or less if the public body notifies the Dept. of Labor of each project for which the waiver is used within 60 days of commencing the project.

HB 2933 (Chapa LaVia) / HB 3630 (Villa)

Animal Welfare Act – Pet Shops

Provides that a pet shop operator may offer for sale only those dogs or cats obtained from an animal control center, animal care facility, kennel, pound, or training facility operated by any subdivision of local, State, or federal government, or a humane society or rescue organization.

**COUNTY URBAN
AGRICULTURAL ZONE**

HB 2545 (Harper)

Allows the county board to establish an urban agricultural area (UAA) after receipt of an application by a qualified farmer or partner organization. An UAA committee shall conduct the activities necessary to advise the county board on the designation, modification, and termination of an UAA. A county may provide for abatement of property taxes levied against real property located within an UAA that is used by a qualifying farmer for processing, growing, or producing agricultural products. A county may authorize an entity providing water, electricity, or other utilities to an UAA to allow qualified farmers or partner organizations in the UAA to pay wholesale or otherwise reduced rates or pay reduced or waived connection charges. Limits restrictions, regulations, assessments, and levies that a county may place on property in an UAA.



Consolidation bill adds taxpayer protection clauses

Sen. Craig Wilcox (R-McHenry County) filed legislation on Feb. 13th to ensure local government consolidation puts taxpayers first. **Senate Bill 1567** contains specific taxpayer protection clauses to protect residents if any local government consolidation decisions are made.

Key provisions of SB 1567 include:

- Only taxpayers within the dissolving township boundaries are responsible for paying any debt transferred to the county. Protects other county taxpayers.
- Assets of the dissolved township or road district, especially if liquidated, must be used solely for the benefit of residents of the geographic area within the former boundaries of the township. Protects the taxpayers who previously paid the taxes allowing a township to acquire those assets.
- Ensures that counties or municipalities will receive Motor Fuel Tax dollars that were dedicated to a dissolving township based on lane miles. Protects local taxpayer dollars, as part of a dissolved township's lane mile Motor Fuel Tax account from being redistributed state-wide.



"The overall goal of government consolidation is to save taxpayers; money. But, it must be fair and equitable."

HB 2954 (Butler)

Election Code – Petitions

Provides that a petition for nomination for a municipal or township office shall be filed in the office of the county clerk of the county in which the seat of the township or municipality is located (rather than in the office of the local election official).

HB 2988 (Williams)

Counties Code – Wind Farms Zoning

In provisions concerning wind farms and electric-generating wind devices, makes the provisions applicable even if a county has or has not formed a zoning commission and adopted formal zoning. Clarifies that only a county may establish standards for wind farms and commercial wind energy facilities in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality.



HB 3117 (Halbrook)

Assessors Deputies Compensation

Provides that deputies and clerks appointed by a county assessor in a county with less than 3,000,000 inhabitants shall be appointed with the advice and consent of the county board. Compensation is to be fixed by the county board and paid by the county.

HB 3123 (Slaughter)

Counties Code – Court Fees

Provides that a \$5 fee on a judgment of guilty or a grant of supervision does not apply to reckless driving or aggravated reckless driving under the Illinois Vehicle Code. Provides that a \$30 fee on a judgment of guilty or a grant of supervision applies to reckless driving or aggravated reckless driving under the Illinois Vehicle Code. Deletes a reference that limits a \$5 fee collection in all civil cases to a county of having a population of 1,000,000 or less.

HB 3135 (Halbrook)

Local Accumulation of Funds

Provides that a unit of local government's funds, excluding the capital fund, shall not exceed an amount equal to or greater than 2.5 times the annual average expenditure of the previous 3 fiscal years.

Should Chicago stay or should it go?

Rep. Brad Halbrook (R-Shelby County) is proposing to separate the city of Chicago, and make it its own state. House Resolution 1 urges the U.S. Congress to declare the City of Chicago the 51st state of the United State of America and separate it from the rest of Illinois. At it turns out, this isn't the first time something like this has been put on the table. The City of Chicago passed a resolution in 1925 to form the State of Chicago. In 1981, State Senator Howard Carroll passed a Cook County state split bill through both chambers of the State Legislature.



HB 3136 (Halbrook)

FOIA Definitions

Provides that "public body" includes road districts.

HB 3139 (Halbrook)

Govt. Ethics – States Attorney

State's Attorneys, and Assistant State's Attorneys working thereunder, shall abide by the ethics laws applicable to, and ethics policies of, the county for which they work and, if applicable, shall be subject to jurisdiction of the county ethics officer or inspector general.

HB 3143 (Halbrook)

Supervisor of Assessment Status

Provides a county may, upon referendum approval, change the manner in which it selects its county assessor or supervisor of assessments from an elected position to an appointed position or from an appointed position to an elected position.

HB 3146 (Halbrook)

Open Meetings Act and FOIA

Modifies the term "public body" under the respective Acts to include all other units of government, including, but not limited to, township road districts, and any combination of public body entities formed under an intergovernmental agreement that includes provisions for a governing body of the agency created by the agreement.

HB 3147 (Halbrook)

Open Meetings Act – Notices

Provides that if a change is made concerning regular meeting dates, times, or locations (currently, only change in dates), at least 10 days' notice of such

change shall be given by publication in a newspaper of general circulation in the area in which such body functions.

HB 3148 (Halbrook)

Removal of Appointed Officials

Provides that the person or entity that appointed a member of the board of a unit of local government may remove that member the person or entity appointed for misconduct, official misconduct, or neglect of office. The provisions are in addition to any other method of removal provided by law.

HB 3180 (Mazzochi) / SB 1580 (Curran)

Adult Entertainment Regulation

A county may adopt an ordinance with reasonable regulations concerning the operation of any business that involves exposure of specified anatomical areas or performance of specified sexual activities by a person within the business' premises or that offers or provides sexually-oriented entertainment services or activities (rather than that offers or provides activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities in view of any patron, client, or customer of the business). If a county has established a licensing program, the findings, decision, and orders of the licensing official or body is subject to review in the circuit court of the county and that the Administrative Review Law apply to and govern the judicial review. Allows a county having a code hearing unit to enforce and prosecute violations of the adult entertainment facilities ordinance through its administrative adjudication program.

HB 3449 (Costello)

Firearm Owners ID – Local Regulation

Provides that a local government may not impose a tax, fee, or other assessment other than the normal sales tax rate for goods on a firearm, attachment, or ammunition.

HB 3543 (Stava-Murray)

Local Officer Recall Act

Establishes a procedure for an election to recall municipal officials or a State's Attorney.

HB 3596 (Yingling)

County Auditing Law

Provides a county board must notify newly elected countywide officials of the option for the county auditor to conduct a transitional audit at the county's expense. The audit shall examine funds expended by the official for whom the new official is taking over and report if the expended funds were consistent with the county board's financial allocations to that official. A county board shall give the option for a transitional audit to all county officials elected in or after November 2016.

HB 3597 (Yingling)

Property Tax Code – Count Assessor

Provides that, in a county with a population of more than 500,000 that does not have an elected county board chairman or executive and has an appointed supervisor of assessments, the office of supervisor of assessments shall be an elected position beginning with the general election held in 2020.

HB 3646 (Didech)

Township and Road District Consolidations

Provides that a referendum for the voters of each township that is coterminous, or substantially coterminous, with a municipality shall be held on the November 5, 2020 general election to dissolve the township and transfer all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities to the coterminous municipality. Provides that this is in addition to any other method provided by law to dissolve a township. Provides for similar provisions for abolishing a road district.

HB 3680 (Bennett)

Counties Code – Auditor Duties

In provisions regarding additional duties of county auditors in counties of 275,000 population or less, provides that the following duties are permissive rather than mandatory: being the general accountant of the county and keep its general accounts; and devising and installing a system of financial records in the offices and divisions of the county.

Hydraulic Fracturing prohibition

HB 3386 sponsored by Rep. Will Guzzardi (D-Cook County) provides that no person shall conduct high volume horizontal hydraulic fracturing operations in Illinois and that any high volume horizontal hydraulic fracturing permit issued before the effective date of the amendatory Act is revoked. **HB 3383** adds provisions concerning a county board or governing body's approval or denial for a request to consent for a local siting of a well site and operations.

McSweeney bill aims to expand McHenry County chairman authority



House Bill 3317 sponsored by Rep. David McSweeney (R-McHenry County) aims to give more authority to the county board chairman. The bill creates the McHenry County Equitable Standards and Governmental Efficiency Law. Among other provisions it allows the county board chairperson to: eliminate advisory committees or commissions; create standing committees and appoint members; set county board or committee meeting agendas; have line-item veto powers; and hire independent legal counsel or a parliamentarian or both; approve all appropriation expenditures before they are paid; reduce or divert moneys from a county fund with assets exceeding 150% of the previous year's expenditures on a ratable basis to taxpayers. It states the elected chairperson of the county board is a county office distinct from the county board. The bill also terminates the offices of county recorder and county auditor. **Under Illinois law, a county chairman elected at large has limited powers. McHenry County Board members have expressed significant concerns regarding the bill's intent and consequences.**

Yingling measures to reduce stipends

HB 3591 Introduced

by Rep. Sam Yingling (D-Cook County) makes changes to stipends paid to supervisors of assessments, county treasurers, coroners, county recorders, county



auditors, sheriffs, and clerks of the circuit court to provide that: (1) In counties with a population under 100,000, those officials shall receive a full stipend amount; (2) In counties with a population of 100,000 or more but less than 400,000, those officials shall receive 50% of the amount; and (3) In counties with a population of 400,000 or more, those officials shall receive no stipend.

HB 3594 provides that assessors, county treasurers, coroners, sheriffs, recorders of deeds, clerks of the circuit court, and other county officers whose terms of office begin on or after the effective date of the amendatory Act shall not receive a stipend.

IN THE KNOW

SB 1216 (T. Cullerton) **FOIA Exempt Records**

Provides that a public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that release of the record would harm an interest protected by the asserted exemption.

SB 1236 (Link)

IMRF County Board Participation

Beginning on the effective date of the amendatory Act, a person who holds elective office as a member of a county board, notwithstanding whether he or she has not elected to participate in the Fund or has revoked his or her election to participate with respect to that office, shall be disqualified from receiving a retirement annuity until he or she no longer holds that elective office.



SB 1245 (Syverson) **Open Meetings Act – Gaming**

A public body may hold closed meetings to consider deliberations for decisions of the Illinois Gaming Board in which specified information is discussed.

SB 1253 (Villivalam)

Election Code – Polling Place

Requires a permanent polling place for early voting to remain open beginning the 22nd day (rather than the 15th day) before an election.

SB 1285 (Tracy)

Joint Emergency Telephone Board

If a Joint Emergency Telephone System Board includes a county which was a part of a 9-1-1 Governing Board established in 1988, no more than 3 members of the county board shall be appointed to serve on the joint board with the remaining members being either elected officials or representatives from the 9-1-1 public safety agencies within the coverage area of the joint board.

SB 1114 (Bush)

Counties Code – Remove Imminent Hazard

Provides that if a county finds that an imminent hazard to the public health or safety exists arising from an unfit condition which requires immediate action to protect the public health or safety, it may bring an action, without bond, for immediate injunctive relief, including causing the removal of unhealthy or unsafe accumulations or concentrations of the following: garbage; organic materials in an active state of decomposition, including, but not limited to, carcasses, food waste, or other spoiled or rotting materials; human or animal waste; debris; or other hazardous, noxious, or unhealthy substances or materials from a structure or property. A county may file a notice of lien for the cost and expense of actions taken.

SB 1152 (Murphy)

Counties Code

Provides that a county or municipal administrative hearing unit or code hearing unit may adjudicate a violation of a county (or a participating unit of local government) ordinance or municipal ordinance of specified offenses relating to distracted driving, red light violations, and violations caught on automated traffic law enforcement systems or similar local offenses.

SB 1179 (McConchie)

Counties Code – Animals

Provides that counties may impose regulations, eliminate uses, buildings, or structures or require permits for parcels of land consisting of less than 20 acres being used for animal husbandry (other than equine activity) within or adjacent to residential zoning districts in counties with a population in excess of 675,000.

SB 1223 (Murphy)

Local Government Inspector General Act

The purpose of the Act is to establish an independent entity to which allegations of incompetence, neglect of duty, malfeasance in office, corruption, or official misconduct involving units of local government, including their officers, employees, and agents, or elected or appointed local officials, may be reported and investigated with the assistance of the Attorney General. Creates the Local Government Ethics Commission and the Office of the Local Government Inspector General.

Legislation to eliminate drainage districts passes committee

Legislation aimed at consolidating government and reducing property taxes by allowing for the dissolution of water drainage districts passed unanimously out of the Senate's Local Government Committee last week.

Sen. Dan McConchie (R-Hawthorn Woods) said **Senate Bill 90** is a small, but important step in reducing the property tax burden in Illinois. "There are a lot of areas, especially in suburban regions, that used to be farmland but are now commercial and residential. Many of these areas are still paying taxes to a drainage district, even though the municipality and county are often already taking on drainage responsibilities."

Senate Bill 90 outlines the process for a drainage district to be dissolved and allows the district to be taken over by other units of government if at least 50 percent of the drainage district is in a municipality. Also, it requires both the municipality and the county to reduce or eliminate the property tax levy when they assume drainage responsibilities.



SB 1341 (Landek) – SUPPORT
Local Govt. Distributive Fund Deposits
Provides that, beginning on July 1, 2019, the amount transferred from the General Revenue Fund to the Local Government Distributive Fund shall be equal to 1/10 of the net revenue realized from the income tax imposed on individuals, trusts, estates, and corporations during the preceding month (currently, 6.06%).

SB 1357 (Stewart) – SUPPORT
Juvenile Court Shelter Care Hearing
Provides that whenever the appearance in person in court, in either a detention or shelter care hearing, is required of a minor held in a place of custody or confinement operated by the State, the court may permit the personal appearance of the minor to be made by means of two-way audio-visual communication, including closed circuit television or computerized video conference.

SB 1358 (Stewart)
Juvenile Court – Franklin County
Establishes a 3 year pilot program allowing court appearance by video conference for minors in the Mary Davis Home Juvenile Center in Galesburg or in the Franklin County Juvenile Detention Center in Benton.

JUVENILE COURT HEARING

SB 1302 (Mulroe)
sponsored by
Sen. John
Mulroe (D-Cook County)
requires a full judicial, detention hearing within 48 hours of a juvenile's confinement (no exception for weekends and holidays). Requires the Administrative Office of the Illinois Courts to develop and validate a new, statewide detention screening instrument to be used for all referrals. Allows for secure video detention hearings by closed circuit television and video conference upon approval by administrative order of the Chief Circuit Judge. – SUPPORT

NOTE: This bill is an initiative of the IACBM in response to pending legislation (HB 2306) requiring the processing of juveniles within 24 hours including weekends and holidays.



SB 1379 (Hutchinson)
Income Producing Property
Provides that, in counties with fewer than 3,000,000 inhabitants, the county board may provide by resolution that taxpayers of income producing property shall submit income and expense data annually to the chief county assessment officer. When determining the value of property for assessment purposes, the assessor may consider all relevant information pertaining to the fair cash value of the property, including, but not limited to, income and expense data, sales data, property characteristics data, construction cost data, appraisals, and other valuation information.

Budget Deficit Increase

The Pritzker administration released a new report detailing a budget gap for the upcoming fiscal year of \$3.2 billion, 16% more than estimated in November. The report states that the budget impasse prompted as many as 30% of Illinois' 97 county-level health departments to trim hours, staff and programs.



www2.illinois.gov/news

Public Pension Consolidation

Legislative packages have been introduced by Sen. Steven Landek (D-Cook County) and Rep. Bryan Spain (R-Peoria County) to consolidate public safety pension funds. The measures propose varying degrees of reform to include consolidations into the Illinois Municipal Retirement Fund (IMRF).

SB 1106: Consolidates all downstate public safety pension funds into the IMRF and requires the regular IMRF pension formula to apply to all newly hired public safety employees after a certain date. Local pension boards would be abolished following consolidation.

SB 1107: Consolidates all downstate public safety pension funds into IMRF. Allows the benefit formulas of these funds to remain the same, but the funds would be under the management of IMRF. Abolishes local pension boards.

SB 1108: Consolidates the investments (only) of all local pension funds by the transfer of assets and investment authority into IMRF. Maintains local pension boards for each fund to administer pension determinations.

SB 1109: Consolidates all downstate police pension funds into a single downstate police pension fund. The fund would have one statewide board that would carry out all aspects of the fund's management, thereby eliminating the local pension boards.

SB 1110: Consolidates all downstate firefighter pension funds into a single downstate firefighter pension fund. The fund would have one statewide board that would carry out all aspects of the fund's management, thereby eliminating the local pension boards.

SB 1111: Allows municipal officials to direct the local pension fund board to transfer and consolidate its investment funds into a single statewide fund. Allows local pension boards to maintain all other authority, such as pension awards and disability determinations. Participating communities would see their property tax levies for pensions be exempted from the Property Tax Extension Limitation Law (PTELL).

Rep. Spain is sponsoring similar proposals in HB 1566 through HB 1572.

IN THE KNOW

SB 1545 (Plummer)

Ethics Act – Local Lobbying

Provides that no legislator or any other person holding elected office in this State may engage in lobbying units of local government in promotion or opposition of a matter of interest during his or her term of office. Also, includes in any representation case.

SB 1581 (Curran)

Counties Code – Retailers' Revenue

Provides the special county retailers' occupation tax for public safety, public facilities, mental health, substance abuse, or transportation may additionally be imposed for senior citizen programs and social services in the county.



SB 1712 (Koehler)

FOIA Public Body Credit Cards

Exemptions from disclosure a public body's credit card numbers, bank account numbers, and other confidential account information that the disclosure of which could produce public loss.

SB 1745 (Belt)

CASA – County Assessment

In counties in which the Court Appointed Special Advocates provide services, a county board may adopt a mandatory assessment between \$10 and \$30 to be paid by defendants found guilty of offenses requiring a court appearance.

SB 1385 (Munoz)

Law Enforcement Officer-Worn Body Camera Act

Provides that any recording disclosed under the Freedom of Information Act shall be redacted to remove identification of any person that appears on the recording and is not a subject of the encounter, directly involved in the encounter, and all law enforcement officer identifiers if the recordings are made available from any law enforcement or government agency to the media or public unless that law enforcement officer has been criminally charged relative to the recorded incident. **If any agency fails to follow the requirements of the Act, the agency is liable for a penalty of \$100 per day to the affected individual.** Provides that the individual and that individual's labor organization has the right to file suit against that law enforcement agency to require the agency to comply with the terms of the Act.

SB 1481 (Koehler)

Livestock Management Facilities – County Board Recommendation

Provides that the county board shall submit at the Informational meeting or within 30 days following the meeting a binding recommendation (currently, an advisory, non-binding recommendation) to the Department of Agriculture about the proposed new facility's construction in accordance with the applicable requirements of the Act.



Requires the binding recommendation to contain a statement of whether the proposed facility achieves or fails to achieve any of the required criteria. After reviewing the binding recommendation submitted to the county, the Department shall deny any permit to construct if the county recommends that the facility not be constructed.

SB 1871 (Holmes)

Property Tax – Board of Review Qualifications

In a county under township organization with less than 3,000,000 inhabitants and an appointed board of review, the county board may, by resolution, require that members of the board of review have certain professional assessment designations. If the county board requires those designations, then provisions of the Code concerning the political makeup of the board of review do not apply to that county.

SB 2049 (Castro)

Local Retailers' Occupation Tax – Sourcing Collection

Provides that if a purchaser makes payment over the phone, in writing, or via the Internet, and the property is delivered to a location in this State, then the sale shall be sourced to the location where the property is delivered. Provides that a unit of local government may require a retailer to collect and remit certain use and occupation taxes if the retailer qualifies as a "retailer maintaining a place of business in this State" under certain provisions of the Use Tax Act.

Legislation introduced this session regarding local government consolidation, PTELL, property tax exemptions and pensions are too numerous for inclusion in this report. Any measures advanced from committees will be included in future reports.

For a more complete list of bills being tracked by the association visit our website at www.ilcounty.org

Additional bill positions will be reported upon action by the IACBM Legislative Committee.



Important Dates

COMMITTEE DEADLINES

March 22, 2019

Substantive Senate Bills

March 29, 2019

Substantive House Bills

MARCH 8, 2019

Policy Action

Illinois Association of County Board Members • Legislative Committee



THIS REPORT INCLUDES ACTIONS TAKEN BY THE IACBM LEGISLATIVE COMMITTEE IN ADDITION TO RECENT BILL ADVANCEMENTS AND TESTIMONY

Please talk to your lawmakers about these bills and ask that they give consideration to vote in accordance with the positions stated.

**SB 39 (Mulroe) – OPPOSE
PROPERTY TAX – Police and Fire Exemption
Status: Senate 3rd Reading**

Creates a homestead exemption in the amount of a reduction of \$5,000 from the equalized assessed value of property of police officers and firefighters with duty-related disabilities. The exemption would carry over to the surviving spouse if the spouse holds the legal or beneficial title to the home, permanently resides in that home and does not remarry. The exemption would only apply if the home's equalized assessed value is less than \$250,000. **NOTE:** Although recommended, no study was done on the statewide impact of this proposed tax exemption. A higher exemption for one class of property shifts the tax burden to other classes of property and to homes that do not receive exemptions.

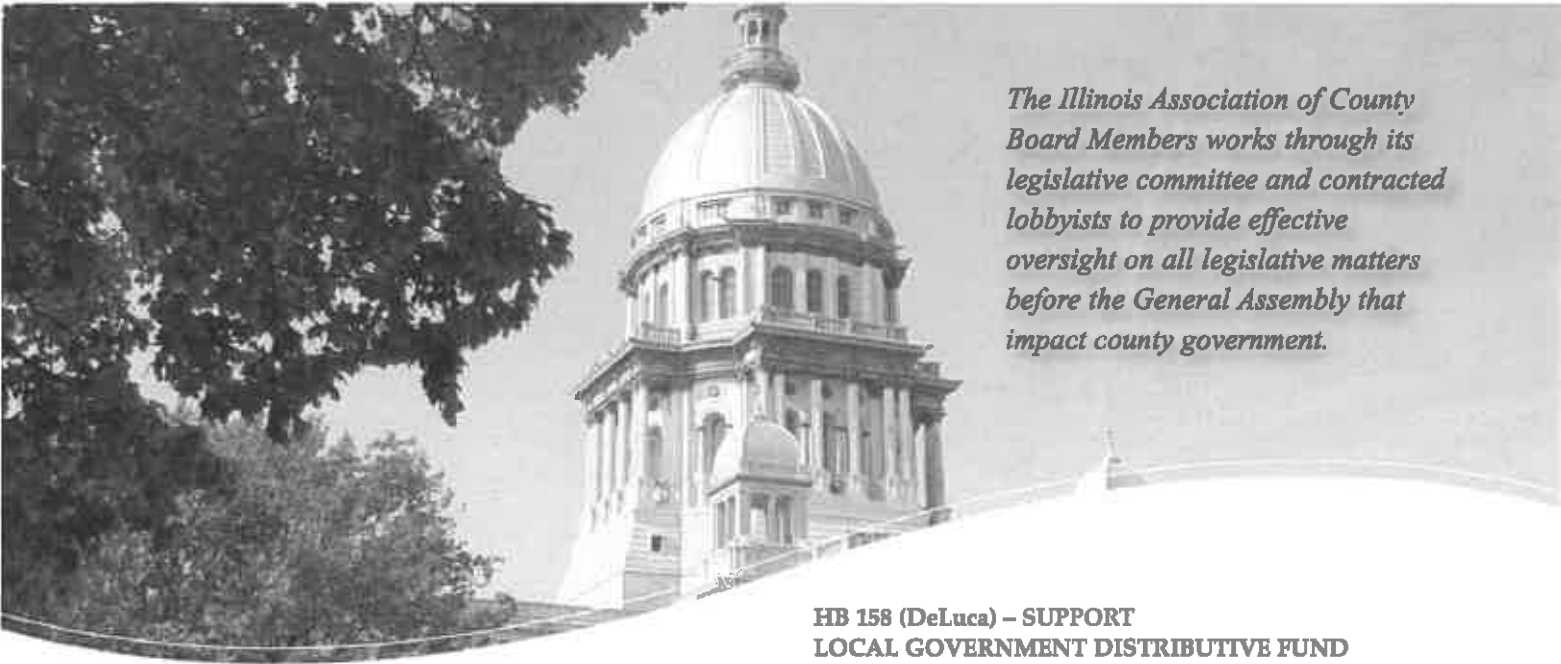
**SB 1302 (Mulroe) Slaughter – SUPPORT
JUVENILE COURT – Detention Hearing
Status: Passed Senate 54-0-0 / Arrived in House**

Requires a full judicial, detention hearing within 48 hours of a juvenile's confinement (no exception for weekends and holidays). Requires the Administrative Office of the Illinois Courts to develop and validate a new, statewide detention screening instrument to be used for all referrals. Allows for secure video detention hearings by closed circuit television and video conference upon approval by administrative order of the Chief Circuit Judge. **NOTE:** This bill is an initiative of the IACBM in response to pending legislation (HB 2306) requiring the processing of juveniles within 40 hours including weekends and holidays.

**SB 189 (Oberweis) – SUPPORT
MUNICIPAL CODE – Electronic Publication
Status: Senate Local Government Committee**

Changes various provisions requiring notice by publication in newspapers to allow an option of publication on websites of municipalities and specified units of local government. The Senate Local Government Committee heard testimony about Senate Bill 189 on March 6. No vote was taken on the bill. Providing more options for publication of required public notices will save local governments and taxpayers a significant amount of money. During Committee testimony it was mentioned that Kane County alone could save \$200,000 a year. **NOTE:** Senate Bill 189 is supported by the Illinois Municipal League and the IACBM. The IACBM is working in conjunction with the Illinois Association of County Officials (IACO) Legislative Committee to compile information on required assessment publication costs with the intent to change similar provisions in state law to allow an option of publication on websites of counties.





The Illinois Association of County Board Members works through its legislative committee and contracted lobbyists to provide effective oversight on all legislative matters before the General Assembly that impact county government.

**SB 1532 (Stearns) / HB 3445 (Robinson) – OPPOSE
REDUCTION OF LEAD SERVICE LINES ACT**

Status: Senate Environment and Conservation Committee
Requires community water supplies to identify and replace all lead service lines that connect to a water main. Includes several other provisions. **NOTE: Unfunded Mandate.** A meeting was held with on March 6 with various stakeholders to discuss SB 1532. Proponents of the legislation made it clear that they would like to put a bill on the Governor's desk this year, but admitted that there was still work to do. Several points were raised by opponents during the meeting centering mainly around cost, timeline and authority. There was a recognition from proponents that such a large undertaking should have some financial assistance from the State and they would perhaps seek to tie parts of the bill to a capital plan. Though at this point it is far too early to judge how feasible that would even be. Although it is obvious that there is a mountain load of work to do on this issue, the proponents want to move quickly and have asked for suggested language changes by March 15, so stakeholders can review and hold another meeting before committee deadlines. The technical and huge financial challenges this bill would cause communities make the possibility of all the stakeholders coming to an agreement unlikely, however we will continue to work with all parties and keep you informed as talks continue.

**SB 1783 (Hastings) / HB 3316 (Connor) – OPPOSE
PREVAILING WAGE – Trucking Expansion**

Status: Senate Labor Committee / House Labor Committee
Provides that the transportation of ready-mixed concrete and aggregate materials shall be deemed to be employment upon public works. Includes in the calculation of the prevailing wage rate, rental costs for trucks and equipment provided by owner-operators. **NOTE: This bill would significantly reduce the purchasing power of townships, counties, municipalities, IDOT, and any project using public funding. It will essentially force prevailing wage beyond the boundaries of the construction project, which categorically has been excluded by every prevailing wage act in the nation.**

**HB 158 (DeLuca) – SUPPORT
LOCAL GOVERNMENT DISTRIBUTIVE FUND
Status: House 3rd Reading**

Amends the Income Tax Act to bring the level of Local Government Distributive Fund (LGDF) payments to counties and municipalities back up to 10 percent. Payments were reduced in 2011 to 6 percent. Illinois local governments share in the income tax revenue collected by the state. The LGDF is where the local government portion of the income tax collections are deposited and then disbursed. **NOTE: This bill is a priority of the IACBM. It passed out of the House Cities and Villages Committee with unanimous bipartisan support.**

**HB 2077 (Caulkins) – OPPOSE
STATE REVENUE SHARING – School Districts
Status: House Income Tax Subcommittee**

Provides that, in fiscal year 2020, each school district having Personal Property Tax Replacement Fund (PPTRF) receipts totaling 13% or more of its total revenues in fiscal year 2018 shall receive an additional amount equal to 11% of the total amount distributed to the school district from the PPTRF during fiscal year 2018. The total amount of additional distributions shall not exceed \$4,353,136. **NOTE: The money would be taken away from other units of local government, including counties.**

**HB 2124 (Welch) – SUPPORT
OPEN MEETINGS ACT – Exceptions
Status: House 2nd Reading**

Provides that a public body may hold a closed meeting to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific independent contractors, or specific volunteers (currently, only specific employees) of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, independent contractor, or volunteer of the public body or against legal counsel for the public body to determine its validity.

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COUNTY BULLETIN

FEBRUARY 2019

mark your calendar!

IACO SPRING CONFERENCE

April 8-10, 2019

Wyndham Hotel • Springfield, Illinois

County Board Members meeting agenda and event schedule coming soon!

Registration now open at www.iacoonline.org

Peoria County issues statement regarding proposed hog farm

Peoria County administration has received numerous communications from residents, organizations and local officials regarding the siting of a hog finishing confinement facility near the Village of Princeville. Many have called for Peoria County officials to conduct a public meeting on the issue.

By State of Illinois statute (Livestock Management Facilities Act (510 ILC 771)), Peoria County has no rights afforded to it to affect change in this matter, as they will have less than 2,500 hogs on the property.

The State of Illinois Department of Agriculture (IDOA) has already approved the site for use, following rules laid out by Livestock Management Facilities Act. Currently, IDOA is reviewing the facility's "Notice of Intent to Construct." Peoria County has no role, advisory or otherwise, in these decisions by the IDOA.

"Just like our residents, State law does not allow us a voice in this instance. Therefore, we do not intend to have a public meeting, as we would not be able to act upon any comments garnered," states Scott Sorrel, Peoria County Administrator. "What we can do moving forward is work with our legislators to change the statute."

Sorrel outlined three legislative solutions that are important to Peoria County:

"First, the State Water Survey should play a greater role in the review process to assess impacts on the groundwater supply. Second, there needs to be greater transparency and notification provided to local governments for a proposed facility, including the opportunity for local governments, like Peoria County, to gain meaningful input from citizens and county professional staff. Third, the Department of Agriculture should also consider a prohibition of any Livestock Management Facility within 1.5 miles of any municipality to preserve the municipality's groundwater supply and potential adverse impact on property values."

Sen. Dave Koehler (D-Peoria County) has introduced SB 1481 which provides that the county board may issue a binding recommendation (currently, an advisory, non-binding recommendation) to the Department of Agriculture about a proposed new facility's construction.



Alexander County takes flooding precautions



The State Emergency Operations Center (SEOC) in Springfield is monitoring flood conditions in southern Illinois and will quickly deploy state assets and personnel if local officials request assistance as they battle floodwaters.

Gov. Pritzker and Illinois' Emergency Management Agency Acting Director met with local officials and emergency management officials in Massac and Alexander counties on February 26 as the communities continue to prepare for significant river crests this weekend.

A crew from the Illinois Department of Correction's Shawnee Correctional Center began sandbag operations to aid the flood fight in Alexander County. Additional sandbags and pumps have also been deployed to Massac County and Alexander County. IEMA staff have been deployed to southern Illinois to help local emergency management officials assess the need for state assets or personnel. The Red Cross is also working in the counties to assist residents and support volunteers.



"Today, I voted to permanently reauthorize this fund," U.S. Rep. Mike Bost stated. "There are thousands of acres in Jackson County that fall under the jurisdiction of the Land and Water Conservation Fund, which makes it a win for sportsmen, and those wanting to preserve natural habitats."

"Blossfort Creek, in Granite State Park. The Southern File Photo"

Federal conservation grant gets permanent reauthorization

Crucial public lands legislation could help Southern Illinois parks

A U.S. House of Representatives vote that came late in the day on February 26 could pour hundreds of thousands of dollars into some Southern Illinois parks and green spaces.

The Natural Resources Management Act passed the House with an overwhelming 363-62 vote in favor after passing the Senate earlier this month, 92-8. Included within the act was an amendment to 54 U.S. Code § 200302, removing a sundown clause for the Land and Water Conservation Fund.

According to the Department of Interior's website, the LWCF was established in 1964 and "supports the protection of federal public lands and waters," which includes national parks, forests and wildlife refuges as well as recreation areas. It uses funds collected from federal offshore energy leases.

"These grants enable state and local governments to establish baseball fields and community green spaces; to provide public access to rivers, lakes and other water resources; to protect historic and cultural sites; and to conserve natural landscapes for public use and enjoyment," the website says.

A story published by *The Missoulian* says that the program was

allowed to expire in 2015 with some short-term reauthorizations here and there. The most recent vote gave it permanent status.

A list compiled by the Illinois Department of Natural Resources indicates more than \$200,000 has been given through the fund to Jackson County destinations. Recipients include Giant City State park, Devil's Backbone and Cedar Lake.

Another list, compiled in 2012 by Investigate West, a nonprofit journalism watchdog group, shows \$2 million was given to the Department of Conservation, now called the Illinois Department of Natural Resources, for a wildlife fish hatchery system in Franklin County.

U.S. Rep. Mike Bost, R-Murphysboro, was one of the "yeas" and cited the grant fund's impact on his district.

"Southern Illinois has received millions of dollars from the Land and Water Conservation Fund to preserve our outdoor spaces all at zero cost to the taxpayers," Bost said in an email.

The bill was also supported by U.S. Sens. Dick Durbin and Tammy Duckworth.

Source: The Southern Illinoisian, thesouthern.com

Madison County set to launch Ready to Work initiative



Chairman Kurt Prenzler said it will allow individuals to become more successful in the workforce. "It's helping someone overcome a barrier to a better life."

Individuals who face legal obstacles to employment can now access help to eliminate those barriers. Madison County Employment and Training and Land of Lincoln Legal Aid announced they are collaborating on an initiative to assist individuals who are "ready to work."

The Lawyers Trust Fund of Illinois funded a two-year program at Land of Lincoln's Western Regional Office in Alton. The program, called the Ready to Work Initiative, assists individuals seeking to overcome barriers to employment by providing them with access to an attorney who may be able to help them in a variety of ways such as sealing and expunging criminal records, addressing drivers' license issues and occupational licenses along with improving credit.

Daniel Kuehnert, a staff attorney with Land of Lincoln who will lead the project, said that many legal barriers prevent people from landing a job or getting a higher paying job. "The mistake you make at 18 years old shouldn't prevent you from getting a job when you're 40."

Kuehnert and a paralegal will be working with individuals referred by MCE&T to identify their barriers to employment and help them resolve them, including taking action to seal and expunge their criminal records, if they are eligible for sealing and expungement. Other areas where Land of Lincoln may be able to assist individuals is when they have lost a driver's license due to child support or need to have their credit repaired through a bankruptcy so they can obtain a security clearance or a student loan for college.

Lake County begins filming standing committee meetings

"We want residents to hear the concerns and deliberations of programs and services that takes place at these meetings," said Lake County Board Chair Sandy Hart. "Often times, people that want to attend meetings can't because of their busy schedules. Filming all standing committee meetings will make this information accessible to all Lake County residents."



Lake County Board standing committee meetings are now available to watch on www.lakecounty.tv and Lake County's public access television channel (LCTV). At the committee level, board members spend a significant amount of time discussing and evaluating significant financial and policy matters before these items are sent to the full board for final approval. Filming committee meetings will allow the public to see all the work that goes on at the committee level and have a deeper understanding of the issues.

The Financial and Administrative Committee approved filming standing committees at its February 7 meeting to enhance transparency and increase access to local government.

"We are excited to be able to enhance transparency by showing the work being done in committee meetings at no additional cost to taxpayers," said Financial and Administrative Committee Chair Paul Frank. "Lake County Board meetings are already being broadcast, so the equipment and staff resources are currently in place. That means we can film committee meetings within our current structure."

The meetings will not be broadcast live but recordings will be available within 48 hours after the committee meeting, and can then be viewed any time after that at www.lakecounty.tv. Each meeting will be indexed, which provides the ability for online viewers to jump to a specific place in meetings/agendas.

Kane County offers 'active shooter' presentations

In the wake of the tragic mass shooting in Aurora, the Kane County Sheriff's Office is offering free presentations throughout March for anyone who wants to know what to do in an active-shooter situation. The program will be open only to adults.

"Now is the time for Kane County to memorialize a horrific event by better preparing ourselves so we may never suffer a similar tragedy," Sheriff Ron Haine said. The Sheriff's Office will also present options for active shooter first aid kits to be stored in churches, schools, or places of business.



Lee County wind farm repowering

The Big Sky Wind farm in Lee County is looking to be re-energized. As reported by *bcmews*, the 240-megawatt wind farm in southern Lee County and northern Bureau County went online in 2011 with 114 turbines stretching across about 14,000 acres. BSW DevCo LLC is petitioning Lee County for a special-use permit to decommission its 58 turbines in Lee County and replace them with new ones that would stand as tall as 480 feet from the tip of the blade to the base of the turbine. The proposal will go before the Zoning Board on March 7.

Over the past several months, both county's ordinances were studied to see which turbines can be repowered.

This would be the second wind repowering project to come to Lee County. Last year, Dallas-based Leeward Renewable Energy began replacing the turbines at the Mendota Hills Wind Farm, the state's first wind farm built 15 years ago. Mendota Hills' 63 turbines are being replaced with 29 upgraded ones, with the goal of increasing capacity from 50 megawatts to 76 megawatts.

In Memory



David Parish
Cass County Chairman

David Parish, Chairman of the Cass County Board, passed away on Feb. 8 at Concordia Village in Springfield. David was a long-time member of the Illinois Association of County Board Members and actively involved in issues impacting county government.

David was a 1961 graduate of Springfield High School and obtained his bachelor's degree in Secondary Education and master's degree in Social Science Education from Truman State University. He taught U.S. History and Psychology at Beardstown High School from 1968 until his retirement in 2002.

David was elected to continuous terms on the Cass County Board beginning in 1987 and served in various capacities including board chairman for nearly 13 years. He was active in the Illinois Education Association, serving as vice-chair for six years and chair for an additional six years. David was also a member of the Elks Lodge #1007, Cass Lodge #23 A.F. & A.M., and Beardstown Lions Club.

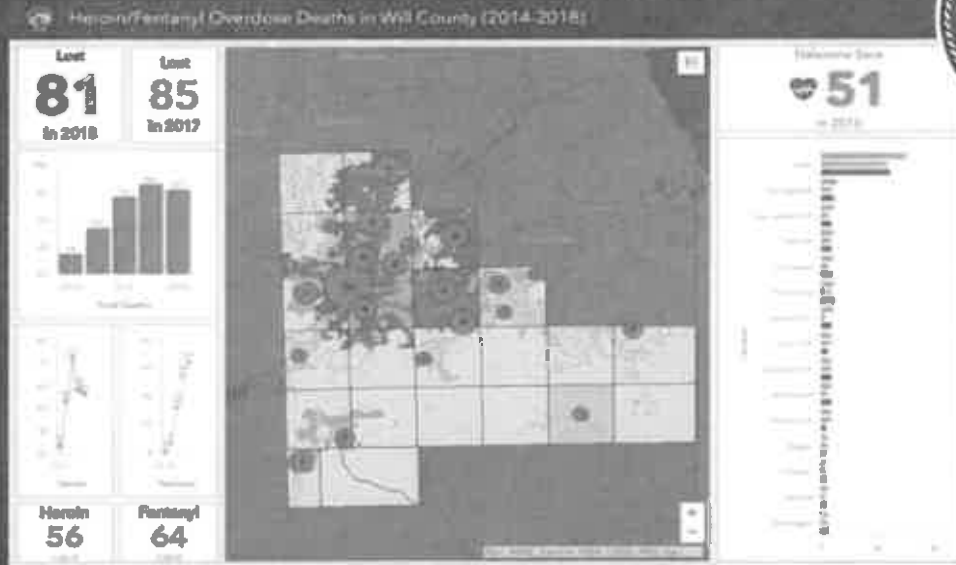
In his spare time, he enjoyed spending time with his grandchildren, fishing, traveling, genealogy and carpentry work. David dedicated his life to education and public service, always supporting issues regarding social justice.



Read more on this story at www.bcmews.com.

Will County overdose map recognized by international firm

Esri is a global market leader in GIS software



Will County Executive Larry Walsh said he is proud of the cooperative effort in creating these maps. "I am proud of the expertise and knowledge of all the individuals involved with this project," Walsh said. "The opioid crisis has impacted our county and we are fortunate we have these resources to help us be more effective in our work."

In addition to mapmaking, the Will County GIS Division has also worked to create web maps and online analysis tools that show important locations of resources, such as food pantries and warming or cooling shelters throughout the county.

"News Update"

A Texas-based company is proposing to develop a \$320 million wind energy project in **Marshall County**. Specifics of the plan referenced as the Grange Hall Wind Farm by Calpine Wind Holdings were outlined at a recent Zoning Board of Appeals hearing. The project website puts the range at 75 to 90 turbines.

The Tri-County Regional Planning Commission has secured an agreement with **Tazewell County** to be project manager for a regional aerial photography acquisition project. Various municipalities throughout the county will be able to participate in a flyover that will result in three-inch resolution imagery of properties throughout the county.

Last year, the Illinois Comptroller's debt-recovery program garnished \$40 million from debtors' state tax refunds and sent it back to 400 units of government statewide. Amounts received by counties include **Fulton County Circuit Clerk** (\$97,766) and **Woodford County Circuit Clerk** (\$33,337).

Will County's Heroin/Fentanyl Overdose Deaths Dashboard has been recognized by Esri, a global company dedicated to building the world's most powerful mapping and spatial analytics software.

"Esri is a leader in the GIS (Geographic Information Systems) world," said Becky Colwell-Ongenaë, GIS Manager. "Being acknowledged on their website, is a big honor."

The county's GIS Division is part of the ICT Department. With a staff of four people from diverse backgrounds, including geography, city planning, and crime analysis, the team is dedicated to using GIS technology to solve real world problems.

"This is an evolutionary operation that must constantly be updated," Colwell-Ongenaë said. "We work consistently to maintain the most up to date information. This ensures preparedness for events or needs that may arise at any time."

In addition to map making, the GIS Division has also worked to create web maps and online analysis tools that show important locations of resources such as food pantries and warming/cooling shelters throughout the county. The Heroin/Fentanyl Overdose Deaths Dashboard for Will County is a newer web tool – created by Howard Kim, a GIS Specialist within the division – as a result of the opioid crisis that is impacting Will County and other communities across the United States.

"Howard's work makes it easy to understand the data and identify hot spots where more overdoses are occurring and ensuring proper resources are allocated to areas of need," said Dr. Kathleen Burke, Director of Substance Use Initiatives for Will County.

"Our coroner, Pat O'Neil, has done a great job in listing the opioid overdose deaths on his website," she said. "But we wanted to take it a step further and these maps help us visualize what is happening in our county in order to better focus our efforts. The maps give us a snap shot of the big picture of the county as a whole."

To access the Overdose Map on the county website, visit www.willcountyillinois.com/County-Offices/Administration/GIS-Division/Applications.

For more information about the Substance Use Initiatives Office, visit the website: www.willcountyillinois.com/County-Offices/Special-Services/Substance-Use-Initiatives/Initiatives.

Human Resources Corner



"A new overtime rule is closer to enactment so get ready. It will be significant enough to cause pay compression issues among those who are exempt from receiving overtime pay based on job duties."

Donna Rogers, MEd., SPHR, SHRM-SCP

NOW: Already required in your workplaces

The Illinois Nursing Mothers in the Workplace Act requires employers to allow breaks, as needed, to express breast milk and you cannot reduce an employee's pay for taking such breaks for up to one year after the child is born. Also, keep in mind the prior rule already in place that requires employers to provide a private location and lockable refrigerator to store the milk.

The Illinois Department of Human Rights (IHRA) increased the time frame for employees to act against employers making a claim through their department from 180 to 300 days which now mirrors the time frame to file a claim with the EEOC. Employees can also opt out of an IDHR investigation and go directly to the state court with their complaint against the employer. Employers must post a new notice and include the same content in their employee handbooks.

The only employees now exempt from the Illinois One Day Rest in Seven Act is Emergency Medical Services Employees. Every other employee must get one day off per week.

The Illinois Wage Payment and Collection Act changed to require employers to reimburse employees for all necessary expenditures or losses incurred within the scope of their employment. Employees must be allowed at least 30 days to submit reimbursement requests. Basically, you cannot expect employees to pay for expenses they incur to get the job done. You can have a policy covering unauthorized expenses and don't have to pay for the employees' own negligence such as loss or theft.

There are added protections for military members, as well as, equal pay requirements for African-American employees similar to gender pay expectations. The Illinois Service Employment Member & Employment and Reemployment Rights Act (ISERRA) requires an updated notice be posted. It can be found at: <http://www.illinoisattorneygeneral.gov/rights/veterans.html>.

FUTURE: Watch and be prepared

The Illinois Minimum Wage is increasing which will have an impact on employers. The governor signed the Lifting Up Illinois Working Families Act on February 20, 2019, raising minimum wage to \$15.00 dollars an hour by 2025. This will not only be an issue for employers at the bottom end of their pay scale, it will cause pay compression problems for higher paying employees. Some of my clients have already shared that employees are asking if they will get an increase too. Employers should look at all employees pay in order to minimize risk of losing quality employees to higher paying jobs, who as employers, are paying attention to the bigger picture impact of this change.

A new overtime rule is closer to enactment so get ready. The new rule is not expected to be as drastic as the original rule issued in 2016. However, it will still be significant enough to cause pay compression issues among those who are exempt from receiving overtime pay based on job duties and the new minimum salary level expected to be in the 30k range.

If you did not conduct a wage study in 2016, I recommend you consider one now in anticipation for a potential January 2020 implementation date. When I visited several counties conducting HR Assessments, I found some employees were misclassified as exempt when they should have been non-exempt employees being paid for overtime. While the duties tests are not changing this is a good time to review how positions are classified in addition to pay to avoid potential back wage payouts.



Macon County drug court graduates new class



Judge Thomas Little dismisses the case of a participant during the Macon County Hybrid Court graduation at the Courthouse. Photo: Jim Bowling, Herald & Review

With the strike of a gavel, five individuals graduated from the Macon County Hybrid Court earlier this month. The program combines drug and DUI court services, and allows people with substance abuse issues a chance to avoid jail time by assisting them in finding sobriety and introducing them to a support system.

As reported by the *Herald & Review*, Macon County had its first Drug Court program in 1997, but it was phased out in 2004 due to a lack of funding. In 2010, Illinois law changed to require that each chief circuit judge establish a drug court program. Macon County's program was restarted in 2011 with help from a federal grant.

A 2016 report submitted to the federal government states that Macon County Hybrid Court demonstrated a one-year savings of \$545,302 over the cost of incarcerating offenders who get drug and/or driving under the influence charges. *Read the full story at herald-review.com.*