

Minutes of the Legislative Subcommittee

The Legislative Subcommittee of the Executive Committee of the McLean County Board met on Wednesday, January 13, 2004 at 3:00 p.m. in Room 700, Law and Justice Center, 104 West Front Street, Bloomington, Illinois.

Members Present: Chairman Berglund, Members Gordon, Sorensen, Hoselton and Dean

Members Absent: None

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Ms. Christine Northcutt, County Administrator's Assistant

Department Heads/
Elected Officials

Present: Ms. Peggy Ann Milton, County Clerk;
Ms. Maria Pascua, Chief Deputy Clerk;
Mr. Jack Mitchell, County Engineer

Others Present: None

Chairman Berglund called the meeting to order at 3:03 p.m.

Chairman Berglund stated that the first item on the agenda is submitted by Ms. Peggy Ann Milton, County Clerk. Ms. Milton stated that the implementation of the Help America Vote Act (HAVA) 2002 has resulted in new brought about some issues in the voting process. Ms. Milton stated that after the Illinois General Assembly enacted Senate Bill (SB) 428, came SB 82, which was proposed to clean up many issues that SB 428 brought about. Currently, SB 82 is sitting in the Rules Committee. Many of the mandates in SB 428 will apply to the March 16, 2004 election.

Ms. Milton stated that she has several concerns beginning with the party convention, scheduled for March 29th according to statute. With the new provisional voting rules, the voter has two days after the date of the election to verify that they had the right to vote if their right to vote in an election is challenged or disputed. The election authority has 14 days to determine whether or not the voter was right. Then the election authority has an additional 7 days to canvas the votes and certify the election. So the March 16th election would not have to be certified until April 6th, even though the party convention is scheduled for March 29th. Ms. Milton stated that previously, the final authority for voting disputes was the election judges, now it is delegated to the election authority.

Ms. Milton informed the Committee that there are also many unfunded mandates associated with this particular bill. One such mandate is a "Campaign Free Zone". Ms. Milton explained that the County Clerk's office will have to purchase cones, at their expense, and place them 100 feet from the polling place to establish a campaign free zone. Ms. Milton stated that she feels the placement of the cones will invite people to campaign 100 feet away from the polling places. Furthermore, there are no funds to purchase, store or replace the cones.

Ms. Milton explained that another unfunded mandate is the requirement of an ADA voting machine in every polling place by the year 2006. First of all, there are no handicap accessible machines available that have been approved by the State of Illinois. There are no funds available for the purchase of these machines. Finally, the legislature also wants to have a "paper trail" associated with this type of vote. Ms. Milton stated that defeats the purpose of the machine in the first place.

Mr. Sorensen asked Ms. Milton if she was requesting that the Legislative Committee vote no on SB 82 and yes on slight modifications to SB 428. Mr. Lindberg responded that the Committee is being asked to consider amendments in the areas that Ms. Milton has identified to SB 82, if and when it comes out of the Rules Committee. There were no further questions for Ms. Milton.

Chairman Berglund stated that the next issue is from Sheriff Owens. Mr. Lindberg stated that Sheriff Owens was unable to attend the meeting today. Mr. Lindberg stated that this is the same issue that was discussed at last year's Legislative Committee meeting. Senator Shadid introduced SB 639. It was passed by both Houses and vetoed. in the veto session. Mr. Lindberg explained that Senator Shadid's interest was primarily related to Zeller Mental Health Center in Peoria. There was a broader interest that any police jurisdiction that picks up a mentally disabled person relies on the Sheriff's Department to transport that individual to the nearest facility. This bill provided that an ambulance service would transport and the Illinois Department of Human Services would pay the cost of the transport. This issue still needs attention. The basic premise is that the Sheriff should not have to transport, especially those people who are detained or arrested by other jurisdictions. Mr. Sorensen reiterated that the Legislative Committee is looking to support Senator Shadid's efforts. Mr. Lindberg replied that is correct.

Chairman Berglund stated that Mr. Jack Mitchell, County Engineer is next on the agenda. Mr. Mitchell stated that he is asking for an exemption from the JULIE standards. Mr. Mitchell informed the Committee that when anyone wants to dig on a public right-of-way or on their own property, they first contact JULIE to locate all buried utilities. Mr. Mitchell stated that last year a law was enacted which mandates Counties to join JULIE with respect to all of our buried utilities. Mr. Mitchell noted that the County does not have any buried utilities. There are electrical lines to traffic signals, storm sewers, culverts and tile which cross the road. In many cases, the County does not know the location of the buried tile as they were laid by farmers years ago. Mr. Mitchell advised the Committee that if the County is required to join JULIE, the County would have to add a person on staff and purchase locating equipment. This would be another unfunded mandate. Mr. Mitchell added that anyone who digs on the County's right-of-way should have a permit and should contact JULIE themselves. Mr. Mitchell stated that the Highway Department would appreciate the Committee's support on getting this bill repealed.

Mr. Mitchell stated that the next item is a Road Improvement Fee Structure for County and Township Roads. This proposal has existed for a long time. Mr. Mitchell stated that he would like to see this include County Roads. Mr. Lindberg stated that he is working with Mr. Brian Hug, State's Attorney, to come up with some type of language so that Counties would have the same authority that Townships now have to assess an inducement fee for improvement of Township roads. Mr. Sorensen asked if this was in the form of an inducement. Mr. Zeunik replied that is correct. It is a negotiated agreement.

Mr. Mitchell stated that the last item that he would like to address is SB 275. Mr. Mitchell stated that this is a bill for "bicycle standards" for County and Township Roads. Mr. Mitchell stated that currently, bicycles can ride County and Township Roads. Mr. Mitchell noted that bicycle enthusiasts have been trying to make County Roads intended users for bicycles for years. Mr. Mitchell explained that this is a scheme by bicyclists and trial lawyers to establish liability so that a bicyclist can sue when they are injured on a County or Township road. Mr. Mitchell stated that in order to bring the roads to "bicycle standards", the County would have to pave 5 foot on each side of the road, extend culverts, widen bridges. These improvements would be done at the County's expense. Mr. Mitchell explained that one alternative is to post the roads "no bicycles", which is an additional expense in and of itself.

Mr. Lindberg stated that the next item is HB 3828. This bill was an attempt to reverse a decision that was part of the Governor's Budget to increase fees for non-point discharge sewer systems. Unlike past fees, where local government

was exempt, the NPDES fee included all local governments. As a result, in McLean County, we had to pay \$1,500.00 fee for the sewage treatment facility at COMLARA Park and the Highway Department has been billed for certain sewers and culverts. HB 3828 proposes to exempt Local Governments from paying this fee and refund any fees paid in 2003. Mr. Lindberg stated that in addition to the hefty fees that are included with this process, the money is not being allocated back to the Illinois EPA Inspection Program. Instead, this fee revenue is being deposited to the General Revenue Fund. Mr. Dean asked if the municipalities are in favor of this Bill. Mr. Lindberg replied that small municipalities have been hit very hard with these fees and are lobbying for this Bill as well. There were no questions for Mr. Lindberg.

Mr. John Zeunik, County Administrator, stated that the last item deals with City Election Commissions. Mr. Zeunik informed the Committee that there are two election authorities in McLean County. There is the City of Bloomington Election Commission and the County Clerk. The City of Bloomington Election Commission administers elections within the corporate boundaries of the City of Bloomington. Mr. Zeunik explained that currently there are nine election authorities left in the State of Illinois. Mr. Zeunik informed the Committee that the City and County of Peoria are considering putting the question on the March 16th ballot to abolish the City of Peoria Election Commission. Currently, State law provides that if enough registered voters within the corporate limits of the City sign a petition and present that to the court, the question can be put on the ballot and the voters in the City can vote to abolish the City Election Commission and fold this responsibility under the County Clerk.

Mr. Zeunik stated that it is unlikely that the State Legislature will abolish these Election Authorities. Mr. Zeunik explained that the County's concern is that there is absolutely no oversight over these Commissions whatsoever. There are three Commissioners who are responsible for conducting elections. State law provides that the County must provide funds to conduct Elections within the City of Bloomington. The funding must increase, every year, by the projected increase in the equalized assessed value. It has no relationship at all to the cost or expense of the election. Last year was a quadrennial assessment year, the projected Equalized Assessment Value (EAV) in McLean County is going to go up 6½%. The 2004 Bloomington Election Commission Budget is up 6½%. There is no detail to support that increase. There is an Intergovernmental Agreement that states at the end of the year, the Bloomington Election

Commission is supposed to return any monies which are unspent. Mr. Zeunik stated that for the last 4 years, the Commission has returned a "de minimis" amount to the County. Mr. Zeunik asked that, at a minimum, the State

Legislature should put some accountability into the way these commissions operate.

Mr. Sorensen asked if Mr. Zeunik is asking for Counties to have true fiduciary oversight responsibility. Mr. Zeunik replied that he would like to see the law changed so that the Election Commissions would have to provide a detailed line-item budget that justifies expenses, rather than receiving an automatic increase according to the increase in the EAV.

Mr. Sorensen stated that he would prefer to craft legislation which states if the City Council and the County Board both agree to dissolve these Commissions, it can do done. This would eliminate the need for a referendum.

Chairman Berglund asked the Committee which of these avenues that they would prefer to push for. Mr. Sorensen stated that he would prefer to see the statute changed so that the affected City and County legislative bodies can agree these Commissions can be abolished and folded into the County Election Authority. The Committee agreed. Mr. Lindberg stated that he understands the second plan would be that because there is no longer a County Election Levy, funding responsibility should be transferred to the City covered by the Election Authority. If neither one of those options prevail, then give the County budgetary authority so they can have some oversight, over these Commissions. The Committee agreed.

Mr. Gordon stated that he wanted to bring an item to the Committee's attention. Mr. Gordon stated that there is County enforcement regarding junked cars. Historical vehicles over 25 years of age are exempt from enforcement actions. Mr. Gordon stated that Mr. Phil Dick, Director, Building and Zoning, proposed that the County Board advocate eliminating historic vehicles over the age of 25 years be removed from the statue completely. It strengthens the County's enforcement policy. The Committee agreed.

Motion by Sorensen/Gordon to accept and
Recommend to the Executive Committee the
2004 McLean County Legislative Program as
presented. Motion carried.

Chairman Berglund stated that the last item on the agenda is the plans for the Legislative Breakfast. Chairman Berglund stated that she would like to have the breakfast just as it was done last year. Chairman Berglund said it went very smoothly last year and she would like to stay with that general theme. The Committee agreed.

Mr. Lindberg stated that Ms. Northcutt has received confirmations from all of the Legislators invited, with the exception of Senator Bill Brady and Representative Bill Mitchell. Mr. Lindberg noted that Ms. Northcutt will make follow up calls to Senator Brady and Representative Mitchell.

Chairman Berglund stated that the next item on the agenda is the format for the Legislative Program Booklet. Mr. Lindberg stated that last year, the requests to the Legislators were kept fairly simple. The Committee asked for the Legislators to recognize that we are a partner with them in serving the people and to give us more flexibility and control over our own fiscal destiny. Last year, the County's legislative agenda was very successful in the General Assembly. One of the biggest single items in the 2004 budget was the increase in the Circuit Clerk fees. Also, the Highway Department was exempted from construction debris. The County did not receive any more money for the care of dependent children. The NPDES fees were a surprise and, statewide, local government lost \$80 million in income tax revenue sharing. The Governor's staff is talking about taking away even more tax revenue from local government.

Mr. Lindberg noted that our approach, this year, is to thank the Legislators because we did receive a lot from them and to present the requests that the Committee has discussed today. There were no questions for Mr. Lindberg.

Chairman Berglund stated that the last item on the agenda is approval of the 2004 contract with Anderson Legislative Consulting Service. Mr. Sorensen asked if the contract amount was the same as in years past. Mr. Lindberg stated that it is the same. He noted that the contract runs from January 1, 2004 to December 31, 2004 for \$7,500.00. The duties remain the same as previous years.

Motion Hoselton/Sorensen to recommend approval
of the 2004 Contract with Anderson Legislative
Consulting Services. Motion carried.

There being nothing further to come before the Committee at this time, Chairman Berglund adjourned the meeting at 4:06 p.m.

Respectfully submitted,

Ms. Christine Northcutt
Recording Secretary