

Lake County, Illinois

FY2019 State and Federal Legislative Agenda

INTRODUCTION

Lake County government strives toward fiscally stable, efficient, and transparent operations amidst uncertain political and economic climates. Maintaining strong partnerships with state and federal legislators ensures that Lake County residents continue to receive valuable, efficient, and cost-effective services.

As always, the Lake County Board appreciates the opportunity to meet with our state and federal legislators to discuss challenges we face as a County. To best address such challenges, Lake County must govern free from the restrictions of various statutes and public acts which slow down the process to ensure a high quality of life for Lake County residents.

Lake County government is cognizant of the current financial environment at the state and federal government levels and has prepared the FY2019 Legislative Agenda in that context. As such, this year's Legislative Agenda includes both comprehensive, aspirational items with potential regional or statewide effects as well as specific technical changes that make Lake County government – and in some cases all local governments – more efficient.

The guiding tenets of Lake County's legislative agenda are to:

1. Support legislation that grants additional permissive authorities for counties.
2. Support legislation that allows counties to expand non-property tax revenue sources.
3. Support legislation that promotes transparency at all levels of government.
4. Support legislation that encourages cost-effective government consolidation.
5. Support legislation that mitigates inefficiency.
6. Oppose unfunded mandates imposed by the state or federal government.
7. Oppose legislation that would reduce the existing authority of county government.
8. Oppose legislation that erodes existing state-appropriated County revenues.
9. Oppose legislation that weakens the County's ability to consolidate local governmental units and circumvents an existing appeals process.

Specifically, with respect to legislative policy numbers six and eight, Lake County vehemently opposes any action that will divert, redirect, or reduce any funds owed and/or due to units of local government (e.g., sales tax, income tax, and Personal Property Replacement Tax).

Additionally, Lake County's legislative agenda is guided by the following values adopted within the County Board's Strategic Plan:

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| i. Leadership | iv. Operational Excellence |
| ii. Fiscal Responsibility | v. Environmental Stewardship |
| iii. Exceptional Service | |

Lake County, Illinois

FY2019 State and Federal Legislative Agenda

Positions

1. **Sponsor:** Lake County sponsored initiatives.
2. **Support:** Seek to support partner organizations in their sponsorship of the initiative. These proposals are broad-based with impacts that extend beyond Lake County. It is most appropriate for a coalition or statewide organization to lead these initiatives, and Lake County will support their efforts as well as the proposals.
3. **Multi-Session:** Initiatives that Lake County may sponsor or support, and that may require multiple legislative sessions before a specific proposal is formulated. Each year, the work of the Lake County Board is driven and guided by its mission and values, as well as its strategic plan. These drivers play a significant role in the development of Lake County's annual legislative agenda. Based on the potential for substantive impact of legislative initiatives on the quality of life enjoyed by residents inside and outside of the County, the dynamics of certain legislative initiatives require efforts which span more than one legislative session. The Lake County Board supports legislative measures over one or more legislative sessions which address the substantive issues outlined herein.^[FP1]

STATE Initiative to Sponsor

Topic: Expedited Process to address imminent hazards or safety concerns

Issue: The Illinois Counties Code, which allows for the removal of hazardous, noxious or unhealthy substances in relation to a demolition project upon 30 days' notice, does not provide counties with statutory authority to immediately remediate an imminent hazard to public health or safety. As a result, remediation of such conditions is delayed for at least the 30-day notice period. Neighbors and the community remain subject to transferable health or safety risks from such conditions in adjoining units or properties for the minimum 30 days. Having additional mechanisms to take immediate action would allow Counties to more rapidly address dangerous situations to protect people and property.

Recommendation: Sponsor an amendment that would enable a county to seek immediate injunctive relief to authorize the removal of hazardous materials from an abandoned or otherwise uninhabitable structure or property. The proposal would allow a court to issue an ex-parte order and require a hearing on the matter no later than three working days from the date of the injunction. The proposed amendment would add subsection (f) to 55 ILCS 5/5-1121 to state the following:

(f) Whenever the 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, in addition to any other remedy provided by law it may, without any administrative procedure to bond, bring an action for immediate injunctive relief to require that such action be taken as the court may deem necessary to meet the emergency, including the causing of 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, and/ or other spoiled or rotting materials), human or animal waste, debris, and/ or other hazardous, noxious, or unhealthy substances or materials from structure or property. Notwithstanding any other provision of this Act, such order shall be effective immediately. The court may issue an ex-parte order and shall schedule a hearing on the matter no later than three working days from the date of the injunction. A county may file a notice of lien for the cost and expense of actions taken under this subsection as provided in subsection (a).

Guiding Tenet(s) of the Legislative Agenda

- Additional permissive authorities

Value(s) of the County Board Strategic Plan

- Exceptional Service
- Environmental Stewardship

STATE Initiative to Sponsor

Topic: Regulation of Intensive Agriculture Inside or Adjacent to Residential Areas

Issue: The Illinois Counties Code does not currently enable county regulation of agricultural uses on properties of five acres or larger even if the property is in a residential zoning district, including intensive activities such as poultry farms or hog operations. While the State regulates agricultural activities, it does so for larger-scale operations (examples: 5,000 chickens or more, 125 swine or more, etc.). As a result, agricultural activities just falling short of the state's regulatory threshold are not regulated by either the state or the county despite its potential to expose adjacent residential areas to significant impacts (noise, dust, odors, and heavy equipment traffic).

Recommendation: Sponsor an amendment to the Counties Code (55 ILCS 5/5-12001) to increase the agricultural zoning exemption acreage from five acres to 20 acres for unincorporated parcels within or adjacent to residential zoning districts (would apply in counties with population of 675,000 or greater, including Lake County). The intent of the change is to bridge the regulatory gap adjacent to existing residential development between the State's agricultural regulations for larger-scale operations and the County's authority over much smaller agricultural activities.

Guiding Tenet(s) of the Legislative Agenda

- Permissive Authority
- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Operational Excellence
- Environmental Stewardship

STATE Initiative to Support

Topic: Mandated Non-Attendance Day for Schools that Serve as Election Polling Sites

Issue: Currently, the Illinois Election Code provides that at the request of the county board or board of election commissioners, the government or local school district shall make a public building under its control available for use as a polling place on election day and for a reasonably necessary time before and after election day, without charge. In instances where a school is chosen as a polling place, the statutory provision states further that a school district is encouraged to either close the school or hold some teachers institute that day with students not in attendance.

Over the past several years, public schools have declined to serve as polling places due to concerns about safety, congestion or disruption of school during election activity. As a result, the Counties are forced to find less viable and easily recognizable polling sites such as schools which causes confusion and frustration among voters.

Recommendation: Support an amendment to the Election Code (10 ILCS 5/11-4.1(b)) that states that if a school has been designated as a polling place, then “...for the day of the election, a school district is required to (i) close the school or (ii) hold a teachers institute day...”.

Guiding Tenet(s) of the Legislative Agenda

- Mitigate Inefficiency

Value(s) of the County Board Strategic Plan

- Operational Excellence

STATE Initiative to Support

Topic: Suspected Substance Abuse as an Acceptable Condition of Emergency Admission

Issue: Provisions within the Illinois Mental Health and Developmental Disabilities Code (405 ILCS 5/4-404) currently enable a peace officer to take a person into custody and transport him or her to a facility when, as a result of the officer's personal observation, the officer has reasonable grounds to believe that the person meets the standard for emergency admission (the person has an intellectual disability, is reasonably expected to inflict serious physical harm upon himself or another in the near future, and immediate admission is necessary to prevent harm). Upon arrival at a facility, the peace officer must complete an emergency admission petition for consideration and action by the facility director. This allows the peace officer to avoid taking the individual into custody and enables the appropriate mental health professionals to perform an evaluation.

While state statutes currently enable a peace officer to take a person into custody, transport and effectuate an emergency admission of a person who could harm themselves or others due to a mental health issue or developmental disability, it does not enable a peace officer to do the same due to substance abuse.

Recommendation: Support legislation enabling a peace officer to involuntarily take a person into custody and transport to a facility for examination and potential admission when, as a result, of the officer's personal observation, the officer has reasonable grounds to believe that, due to suspected substance abuse, (a) the person is reasonably expected to inflict serious physical harm upon him/herself or another in the near future, and (b) immediate admission is necessary to prevent harm. The officer would be required to complete an emergency admission petition for consideration and action by the facility director.

Guiding Tenet(s) of the Legislative Agenda

- Permissive Authority

Value(s) of the County Board Strategic Plan

- Leadership
- Exceptional Service

STATE Initiative to Support

Topic: **Electronic Reporting of Fetal and Stillbirth Records**

Issue: The Illinois Vital Records Act currently provides that each fetal death which occurs in the State after a gestation period of 20 completed weeks and the mother elects to arrange for a burial or cremation of the fetus shall be registered within seven days after the delivery and before removal of the fetus from the state. Such fetal and still-born records - which are currently submitted in written format and then digitized – are the only vital records that are submitted electronically. The records are not considered public and are exempt from disclosure.

Recommendation: Support an amendment to the Illinois Vital Records Act to require that fetal and stillbirth death records be reported through the electronic Illinois Vital Records System by adding the following provision to the first paragraph of 410 ILCS 535/20 (1):

“(e)ach fetal death and stillbirth reported pursuant to the requirements of this Section shall be submitted to the State Registrar of Vital Records via the electronic Vital Records System.”

This proposal, which does not change any other provisions pertaining to fetal and stillbirth records, would ensure accurate records and consistency with the electronic submission of all other vital records.

Guiding Tenet(s) of the Legislative Agenda

- Mitigates Inefficiency

Value(s) of the County Board Strategic Plan

- Operational Excellence

MULTI-SESSION STATE Initiative to Support

Topic: **Driver’s License Reinstatement**

Issue: Nationwide, 40 percent of individuals who lose their driver’s license do so for reasons unrelated to improper driving. The process for reinstating a suspended or revoked driver’s license in the State of Illinois is perceived as cumbersome particularly for various non-moving violations. As a result, an individual’s inability to drive for non-moving violations impedes their ability to get or maintain employment and earn a living to support themselves, their families and pay their court fees and other obligations.

Recommendation: Support convening a statewide working group – that consists of representatives from agencies including but not limited to the Secretary of State’s Office, the Judiciary, State’s Attorney’s Offices, Public Defenders Offices, and Bar Associations – to identify viable legislative solutions and/ or operational changes that simplify the process for driver’s license reinstatement. As an important issue, it is a complex one that will require the leadership and participation of these varied local and statewide stakeholders.

Guiding Tenet(s) of the Legislative Agenda

- Permissive Authority

Value(s) of the County Board Strategic Plan

- Leadership
- Exceptional Service

MULTI-SESSION STATE Initiative to Support

Topic: Storm Sewers as Underground Utility Facility

Issue: State law requires counties to treat underground storm sewers within the right-of-way as “underground facilities” as defined in 220 ILCS 50/ 2.2 of the Underground Utility Facilities Damage Prevention Act. This classification requires most counties to incur considerable expenses to process and field-locate these facilities after receiving notice from the “State-Wide One-Call Notice System” administered by Joint Utility Locating Information for Excavators (JULIE). For example, Lake County received nearly 9,400 such notices in one 12-mothn period.

All authorized work within the right-of-way is either by a county-issued permit or by a county contractor. As such, counties can use existing practices – rather than JULIE – to locate these and other types of facilities. In fact, the Illinois Department of Transportation uses this process to manage storm sewer locates. Therefore, counties with the appropriate utility locate capabilities and process should be enabled to follow the same process. The costs required to process and screen these requests is significant and continues to increase each year.

Recommendation: Support the following:

- (i) convening a statewide working group – that consists of representatives from the Illinois Department of Transportation, JULIE, County Engineers and Utility Industry – to identify viable legislative solutions and/ or operational changes that may facilitate a compromise; and
- (ii) any legislative remedies that limit the financial and operational impact of unfunded mandates such as these on local governments while minimizing risk associated with work completed in right-of-ways.

Guiding Tenet(s) of the Legislative Agenda

- Mitigate Inefficiency
- Oppose Unfunded Mandates

Value(s) of the County Board Strategic Plan

- Fiscal Responsibility
- Operational Excellence

Lake County, Illinois

Purpose of the FY2019 State and Federal Legislative Agenda

The intent of Lake County's fiscal year 2019 Legislative Agenda is to formalize the County's positions on legislation both anticipated and sought to be considered by the Illinois General Assembly and the United States Congress. Our State and Federal elected officials may use the Agenda as a guide when considering legislation that would impact Lake County.

This Agenda describes the County's proposed initiatives and/or underlying interest in specific issues. With coordination between the Lake County Board, the County Administrator's Office, the County's legislative consultants, and the Lake County legislative delegation, the agenda explains County initiatives and informs County positions taken on specific bills once the legislative session begins. During session, the County Board may also consider amendments to the Legislative Agenda and adjust its position on bills.

In addition to the Legislative Agenda, Lake County attempts to influence State and Federal policy through other avenues, such as submitting comments on administrative rulemakings and making direct appeals to State and Federal administrative officials. While the Legislative Agenda is not intended to direct such action, it serves as a resource to inform important County efforts.

THE LEGISLATIVE AGENDA AS A "NIMBLE TOOL"

Members of the Lake County Board agree that the issues described within this Legislative Agenda represent their collective endorsements. The Lake County Board recognizes that many other unforeseen issues will become known throughout the legislative year. While it is important to have approval from the Lake County Board for additional endorsements before any position becomes official, it is also important for the Legislative Agenda to be a "nimble tool" that appropriately supports an ever-changing landscape during the State and Federal legislative processes. As such, the manner in which the Legislative Agenda may be used to adjust and/or react to the fast-paced legislative process is outlined below.

PROCESS TO AMEND LAKE COUNTY LEGISLATIVE AGENDA

The County Board may revisit the Legislative Agenda at any point as a body, or through its Financial & Administrative Committee and Ad Hoc Legislative Committee. The Ad Hoc Committee, with representation by the Finance and Administration Committee Chair, may be convened on an ad hoc basis with the County's legislative consultants and County staff when the following circumstances present themselves:

Legislative action is expected that would significantly impact a County policy and/or operation, which the County Board has previously provided general direction, but which the County Board had not provided specific direction. (This might occur via the Legislative Agenda or other approved policies.) As such, time-

constraints may preclude the County Board from having an opportunity to provide the needed direction. In these situations, the County Board Chair, the County's legislative consultant, and County staff may turn to the Ad Hoc Committee for direction on such legislation so that the County can advocate accordingly. The County Board will be informed whenever such Ad Hoc Committee direction has been provided and may choose to revisit such direction at a future meeting.

Amendments to the Legislative Agenda should be adopted with the goal, such that modifications require consistency, when applicable, with the criteria outlined below:

- A. Uniformity with the County Board's strategic plan;
- B. Expected relevance in the upcoming or present State and/or Federal legislative sessions;
- C. Uniqueness of issue or impact to Lake County;
- D. Viability or likelihood of achieving a goal;
- E. Opportunity for providing or preserving funding for Lake County; and
- F. High probability of metrics of success to allow the position to be removed from future legislative agendas, if achieved.

These criteria, which provide important guidance and direction, is not intended to prohibit departures in unique circumstances as determined by the County Board and/or Ad Hoc Committee, such as when adoption of a County position is important to support its regional partners, even when the legislation is otherwise of limited consequence to the County.

In addition, to accommodate any requests that may arise after approval of the Legislative Agenda, the County Board Chair and County Administrator may periodically provide legislative testimony and/or letters of support or opposition based upon any perceived benefit or detriment to Lake County. In doing so, such testimony and/or letters will be guided by the principles and values stated herein.

To summarize, the process for requesting an amendment to the County's adopted Legislative Agenda is provided below:

Amend the formal Legislative Agenda: The approved County's Legislative Agenda may be amended at any point through County Board or Finance & Administrative Committee and Ad Hoc Legislative Committee (AHLC) based on consistency with articulated criteria.

County Position on Specific Legislative Bill(s): The County may take a position on a specific bill through action by AHLC based on significant impact to County policy or operation; County Board is to be informed on such direction and County Board may revisit thereafter.

How does a member of the Board or standing committee seek a County position on specific legislative bills?

1. attend the AHLC and request that it take a position on a bill; or
2. ask the Standing Committee for which the bill's subject is pertinent to request, on behalf of the Committee, that the AHLC take a position on a bill.

Submission of a witness slip on the County's behalf regarding a specific legislative bill

The County Board Chair, County Administrator, or County Legislative Consultant may submit a witness slip on the County's behalf on specific legislation when the County's Legislative Agenda is clear about what the County's position is or following specific action by the County Board or AHLC on a specific bill. Nothing herein prohibits an individual member of the Lake County Board to submit a witness slip on a specific bill in their individual personal capacity. [FP2]

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