



# LAKE COUNTY

## FY2021 LEGISLATIVE AGENDA



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 Bird-Friendly Building Design  
 Metra Funding  
 Route 53 Extension

# About Lake County



## POPULATION

- Population: 696,635 (2019)
- Third largest county in Illinois

Source: census.gov



## HOUSING

- Housing units (2018): 265,150
- Median value of owner-occupied housing units (2014-2018): \$86,244
- Homeownership rate (2014-2018): 73.4%
- Households (2013-2018): 244,672



## HEALTH AND RECREATION

- 30,000+ acres of land, offering educational, recreational, and cultural opportunities for all ages
- 26 miles of Lake Michigan shoreline
- 650+ local parks\*
- 30+ golf courses
- 100+ beaches\*
- 200+ miles of trails for outdoor recreation
- 200 inland lakes
- Ranked #3 in Illinois for physical activity and #4 for access to places to be active and healthy
- 96 distinct locations, such as homes, historic districts, and landmarks, in the National Register of Historic Places

\*Source: Lakecountypartners.com,

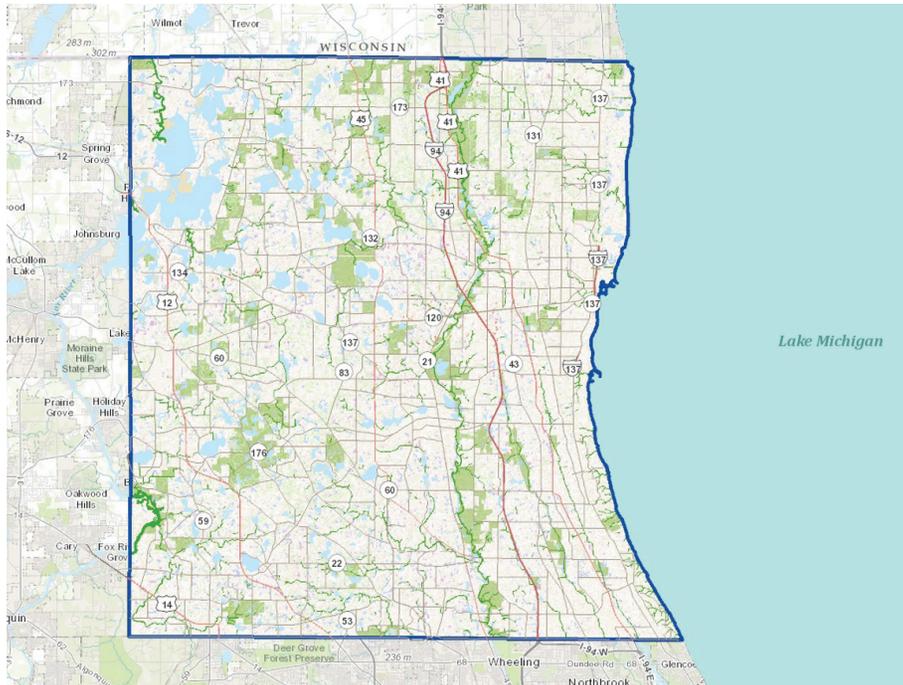
Source for other statistics: Lake Co., IL Convention & Visitors Bureau



## ECONOMICS

- Median household income: \$86,244
- Per capita money income: \$44,287
- Unemployment in Lake County: 4.5%\* Illinois: 4.3% (not seasonally adjusted)\* U.S.: 3.9% (not seasonally adjusted)\*
- 30,000+ businesses (12 Fortune 500 companies)
- 89.8% of residents age 25+ have graduated high school, and 43.7% have a bachelor's degree or higher (2012-2016)

\*Source: Illinois Department of Employment Security, 2018 Annual Average, Source for other statistics: census.gov



- **Land Area: 443 square miles**
- **Halfway between Chicago and Milwaukee**
- **Easy access to Chicago on four Metra commuter rail lines and 32 train stations**
- **Major waterways—Lake Michigan, Fox River, Chain O'Lakes**

## INTRODUCTION

Lake County government strives toward fiscally stable, efficient, and transparent operations amidst uncertain political and economic climates. Maintaining strong partnerships with 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 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 its residents.

Lake County government is cognizant of the current financial environment at all government levels and has prepared the FY2021 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:

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

## PURPOSE

The intent of Lake County's Fiscal Year 2021 Legislative Agenda is to formalize the County's positions on legislation both anticipated and sought to be considered. Our 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 policy through other avenues, such as submitting comments on administrative rulemakings and making direct appeals to 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 legislative process. 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 Legislative Committee. The Legislative Committee may be convened on an as-needed 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 Legislative Committee for direction on such legislation so that the County can advocate accordingly. The County Board will be informed whenever such Legislative 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 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, are not intended to prohibit departures in unique circumstances as determined by the County Board and/or Legislative 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, or their designee, 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 Legislative Agenda may be amended at any point through the Legislative Committee and County Board 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 Legislative Committee 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 Legislative Committee 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 Legislative Committee 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 their designee, 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 Legislative Committee 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.

## 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.

### **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 Illinois Counties Code (55 ILCS 5/5-12001) to provide Lake County zoning authority over parcels within or completely surrounded by residential zoning districts being used for animal husbandry (excluding equine) that are not subject to the setback and/or design, location or operational requirements of the Illinois Livestock Management Facilities Act (510 ILCS 77 et seq.).

#### **Guiding Tenet(s) of the Legislative Agenda**

- Permissive Authority
- Mitigate Inefficiency

#### **Value(s) of the County Board Strategic Plan**

- Operational Excellence
- Environmental Stewardship

### **Topic: Public Defender Appointment**

**Issue:** By State statute, the Public Defender, in counties with a population less than one million, is appointed by the judges of the Circuit Court of the Circuit in which the county is located. For counties with a population greater than one million, the appointment is provided by the County President, with the advice and consent of the Board.

Illinois is one of only five states that has judiciary appointment of their public defenders. The National Association for Public Defense's principles state that public defense must be independent of judicial and political control. In addition, the American Bar Association states that removing oversight from the judiciary ensures independence from undue political pressures and is an important means to further the independence of public defense.

**Recommendation: Sponsor** legislation that amends 55 ILCS 5/Div. 3-4, requiring that in counties with a population of less than one million, the County Board Chair or President will be the appointing authority of the Public Defender with a recommendation provided by an independent citizen's advisory council, and with the advice and consent of the County Board. The advisory council shall consist of diverse authorities including officials from executive and legislative branches of government, heads of bar associations and law school deans; and shall not include active public defense practitioners, judicial office holders, and active law enforcement officials of any kind such as prosecutors, police, sheriffs, or their staffs.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Permissive Authority

#### **Value(s) of the County Board Strategic Plan**

- Operational Excellence
- Leadership

### **Topic: Public Act Transportation Series A Bond Grant to LCDOT Amendment**

**Issue:** As part of the State's Fiscal Year 2021 budget development, the Illinois General Assembly passed House Bill 0064 (Public Act 101-0638) which identified a \$13M Transportation Series A Bond grant to Lake County Division of Transportation (LCDOT) for costs associated with capital improvements to the intersection of Gilmer Road and Midlothian Road. Illinois Department of Transportation (IDOT) has recently concluded that the Illinois General Assembly did not identify the needed additional revenue in the state budget that would support the \$13M grant funding for the added project. It is unclear when the Illinois General Assembly will allocate additional transportation funds to allow the Department to program these projects in a future multi-year Program.

Given the uncertainty surrounding the future availability of funding through IDOT, LCDOT is proposing to request a change in the fund source which would allow for sooner availability of funding. The Gilmer Road and Midlothian Road intersection project will be ready for construction in early 2021 if a funding source is made available. If the General Assembly is looking for "shovel ready" projects to invest Department of Commerce & Economic Opportunity (DCEO) funds, this project would be an ideal candidate as it involves both a county and a state highway.

**Recommendation: Sponsor** an amendment to Public Act 101-0638 to allow for a change in the funding source to Department of Commerce & Economic Opportunity (DCEO) funds or something similar to allow for the availability of funding.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Expand non-property tax revenue sources

#### **Value(s) of the County Board Strategic Plan**

- Leadership
- Fiscal Responsibility

### **Topic: Public Highway Definition to Include Sidewalks & Bike Paths**

**Issue:** Much of the County Highway Right-of-Way was acquired via dedication, typically identified for the purpose of a "public highway." Currently, sidewalk and bike path construction are not explicitly identified as being a public highway purpose for counties in the language of the state statute. Current language in state statute could be amended to clarify that non-motorized travel facilities such as bike paths and sidewalks are permitted and intended uses within the county right of way.

**Recommendation: Sponsor** a bill that amends State Statutes §605 ILCS 5/2-202, §605 ILCS 5/5-801, §605 ILCS 5/5-701.13, and §55 ILCS 5/5-1035.1 that clarifies that the term "highway" includes any sidewalk, bike path, or shared-use path for non-vehicular public travel.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Mitigates inefficiency

#### **Value(s) of the County Board Strategic Plan**

- Leadership

### **Topic: Federal Disaster Assistance Across State Lines**

**Issue:** When a catastrophe occurs within a State, the Governor of the State, or Acting Governor in their absence, may request a major disaster declaration. The declaration process for federal disaster assistance is based on the amount of damage that occurred within each particular State, however flooding, tornadoes and other such natural disasters do not follow State boundary lines.

In July 2017, record flooding occurred in Lake County causing significant countywide damages and losses. Within the State of Illinois, the event was localized in Lake County and did not exceed the State-wide damage threshold to qualify for federal disaster assistance. Lake County Illinois, however, is immediately downstream of Wisconsin's Fox and Des Plaines river watersheds. Areas within the adjacent State of Wisconsin that reside in these watersheds also experienced record flooding but federal assistance was not provided to Lake County due to the lack of inter-state federal disaster criteria. These watersheds are rapidly developing and experiencing higher rainfall from extreme weather which is predicted to lead to increased Lake County flooding in the future.

**Recommendation: Sponsor** Amend federal regulation §206.48 to include inter-State disaster declaration criteria such that if a disaster is proclaimed or declared in an adjoining state then the adjoining out-of-State County could be eligible based on the County per capita damage threshold.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Mitigates inefficiency

#### **Value(s) of the County Board Strategic Plan**

- Leadership

### **Topic: Publication of Tax Assessments**

**Issue:** The Illinois Tax Code currently requires the publication of all assessments in a generally circulated newspaper once every four years. In between this four-year cycle, changes in assessments are required to be published every year. With decreased newspaper readership, and the wide use of the internet for distributing information, the need for a newspaper publication seems unwarranted and costly to the taxpayers of Illinois.

**Recommendation: Support** legislation that allows for publication of assessments by allowing internet posting.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Permissive authorities
- Mitigates inefficiency

#### **Value(s) of the County Board Strategic Plan**

- Leadership
- Fiscal Responsibility

### **Topic: Residential Property Assessed Clean Energy (PACE) Financing**

**Issue:** The State of Illinois has enabled Property Assessed Clean Energy (PACE) programming for commercial properties, but this financing mechanism has not yet been enabled for residential properties. Accordingly, local units of government are not able to establish programs to facilitate financing of residential energy efficiency, renewable energy, or water conservation projects. This program has many benefits to the community including cost savings from building upgrades, reduced emissions from energy consumption, job-creating opportunities for local contractors, and promoting sustainable building practices. However, these benefits cannot be fully realized without expanding opportunities to county residents in addition to commercial property owners.

**Recommendation: Support** Legislation that amends the Property Assessed Clean Energy Act (50 ILCS 50/1 et seq.) to enable a residential PACE program in the State of Illinois. The intent of this amendment is to allow the benefits of the PACE financing tool to be realized by residential property owners in addition to commercial property owners who currently have access to PACE financing in those areas where it has been enabled at the local level.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Permissive Authority
- Mitigate Inefficiency

#### **Value(s) of the County Board Strategic Plan**

- Fiscal Responsibility
- Environmental Stewardship

### **Topic: Property Tax Exemption to Spouses in Receipt of Dependents Indemnity Compensation**

**Issue:** Currently, the Illinois Property Exemption for Disabled Veterans provides that veterans, who are deemed service-connected, due to injuries or diseases sustained while on active duty, at: the 30 percent or 40 percent level see a reduction in the equalized assessed value of their real property by \$2,500; the 50 percent or 60 percent level see a reduction in the equalized assessed value of their real property by \$5,000; and, the 70 percent or above levels are exempt from paying property taxes in the State of Illinois.

Further, the law provides whatever exemption held by the veteran will be passed onto the spouse at the time of the veteran's death. In many instances, especially for our Vietnam veterans, many will not file for service connection during their lifetime; however, many of them, especially our Vietnam veterans, will and have died because of diseases sustained by their exposure to Agent Orange and other herbicides used in Vietnam. Their spouses, under federal law and regulations, are eligible and in receipt of Dependents Indemnity Compensation. The drafters of 35 ILCS 200/15-169 did not take this into account at the time of signing.

**Recommendation: Support** an amendment to the Property Tax Exemption Code (35 ILCS 200/15-169) that states that spouses in receipt of Dependents Indemnity Compensation are exempt from property taxes in the State of Illinois.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Mitigates Inefficiency

#### **Value(s) of the County Board Strategic Plan**

- Exceptional Service
- Leadership

### **Topic: Amendments to the Illinois Property Exemption for Disabled Veterans**

**Issue:** Currently, the Illinois Property Exemption for Disabled Veterans provides that veterans, who are deemed service-connected, due to injuries or diseases sustained while on active duty, at: the 30 percent or 40 percent level see a reduction in the equalized assessed value of their real property by \$2,500; the 50 percent or 60 percent level see a reduction in the equalized assessed value of their real property by \$5,000; and, the 70 percent or above levels are exempt from paying property taxes in the State of Illinois.

Further, the law provides that a veteran in receipt of one of these exemptions would have to refile each year for recertification. However, certain veterans are rated as Permanent and Total by the Department of Veterans Affairs, meaning that their percentage of service-connection will never change, absent a finding of fraud by the Department of Veterans Affairs. County government resources are inefficiently caught up in recertifying these veterans.

**Recommendation: Support** an amendment to the Property Tax Exemption Code (35 ILCS 200/15-169) that states that veterans who have been deemed Permanent and Total from the Department of Veterans Affairs and are exempt from property taxes in the State of Illinois will not have to refile annually once said designation has been rendered by the Department of Veterans Affairs unless a finding of fraud is made against said veteran.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Mitigates Inefficiency
- Encourages cost-effective government

#### **Value(s) of the County Board Strategic Plan**

- Exceptional Service
- Leadership
- Fiscal Responsibility

### **Topic: Carpet Stewardship Act**

**Issue:** In Illinois, there is currently Extended Producer Responsibility (EPR) legislation for electronics. EPR allows for an eco-fee on the purchase of items that will be used to subsidize the processing and end use of recycled items. This legislation does not exist for carpet currently. Carpet facing and backing are made of plastic, with calcium carbonate added to give the carpet weight so that it lies flat.

California is the only state that has enacted EPR legislation for carpet. California has proven the business model for Illinois and has achieved over a 15 percent recycling rate for carpet vs. around one percent in Illinois.

**Recommendation: Support** legislation that creates EPR for carpet products, or bills with similar intent.

#### **Guiding Tenet(s) of the Legislative Agenda**

- Mitigates Inefficiency

#### **Value(s) of the County Board Strategic Plan**

- Environmental Stewardship

## 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* legislation that amends and simplifies the processes for reinstating your driver's license in cases in which it was lost for reasons unrelated to improper driving.

### Guiding Tenet(s) of the Legislative Agenda

- Permissive Authority
- Mitigate Inefficiency

### Value(s) of the County Board Strategic Plan

- Leadership
- Exceptional Service

## 1. Local Government Distribution Fund (LGDF) Reform

### Values:

1. Leadership
2. Fiscal Responsibility

### Tenets:

8. Oppose legislation that erodes existing state-appropriated County revenues

**Support** legislation to restore the percentage of income tax deposited into LGDF and oppose legislation that reduces the percentage. The LGDF is a state fund into which a portion of the state income tax is deposited annually and distributed to cities and counties to fund core services provided at the local government level. In place since 1969, it has been intended as a partnership to keep the local tax burden low. Until 2011, 10 percent of income tax revenue received was deposited in LGDF for distribution. Since then, the percentage has continued to decrease.

## 2. Reduction or Elimination of Sales Tax Surcharge

### Values:

1. Leadership
2. Fiscal Responsibility

### Tenets:

8. Oppose legislation that erodes existing state-appropriated County revenues

**Support** legislation that either eliminates or reduces the 1.5 percent sales tax surcharge and returns needed revenues back to local governments. As part of the state's effort to balance its FY 2018 budget, the Illinois Department of Revenue imposed last year a new 1.5 percent administrative fee on the collection of 14 locally imposed sales taxes prior to the distribution to local governments. The imposition of this fee costs counties and municipalities millions of dollars in lost revenues, jeopardizing the delivery of local services. It has been widely reported that revenues collected from the 1.5 percent fee have generated the state over \$10 million more than projected.

## 3. Prescription Drug Take Back Program

### Values:

1. Leadership

### Tenets:

5. Support legislation that mitigates inefficiency.

**Support** legislation that requires pharmacies or manufacturers of covered drugs to implement and fund a take back program for collection and disposal of unwanted covered medications and sharps. Similar to legislation recently adopted by the State of Washington, the covered manufacturers and pharmacies would pay all administrative and operational costs.

## Initiatives of Interest

### 4. Toxic Pavement Sealants

#### Values:

1. Leadership
5. Environmental Stewardship

**Support** legislation that bans the use and sale of toxic pavement sealants statewide, or legislation that enables counties and municipalities to regulate at the local level. Legislation should include coal-tar based sealants and any other pavement sealants that have a polycyclic aromatic hydrocarbon content of >0.01% by weight.

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### 5. Lead Pipe Abatement

#### Values:

1. Leadership
2. Fiscal Responsibility
5. Environmental Stewardship

**Support** legislation that provides funding and resources for the removal of lead from drinking water supply infrastructure in communities across the state.

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### 6. Voter Initiated Referendum by Petition to Reduce a Local Taxing Bodies' Property Tax Levy

#### Values:

1. Leadership
2. Fiscal Responsibility

**Monitor** legislation that would enable voters to reduce local taxing bodies' property tax levies through voter referendum. An initiative such as this would specifically apply to voters residing in counties bound by the Property Tax Extension Limitation Law (PTELL) a statute under which growth in property tax extensions, or taxes billed, is limited in dozens of counties.

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### 7. Federal Health Benefits in Jails

#### Values:

3. Exceptional Service
4. Operational Excellence

**Support** legislation that allows pre-trial jail inmates to keep their federal health benefits (i.e. Medicaid, Children's Health Insurance Plan) while awaiting trial.

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## Initiatives of Interest

### 8. State and Local Tax (SALT) Deduction

#### Values:

1. Leadership

**Support** legislation that either:

1. Repeals the State and Local Tax (SALT) deduction cap of \$10,000; or
  2. Amends to increase the allowable cap value.
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### 9. Ethylene Oxide (EtO) Regulation

#### Values:

1. Leadership
5. Environmental Stewardship

**Support** legislation related to Ethylene Oxide (EtO) regulations that further limits emissions, strengthens enforcement, or sets requirements for further monitoring.

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### 10. Bird-Friendly Building Design

#### Values:

1. Leadership
5. Environmental Stewardship

**Monitor** any legislation related to the creation of regulations and/or guidelines for bird-friendly building design within the State of Illinois.

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### 11. Metra Funding

#### Values:

2. Fiscal Responsibility

**Monitor** legislation or State actions related to the funding of Metra and how it can impact Lake County riders.

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## Lake County, Illinois

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