

TAZEWELL COUNTY, ILLINOIS



2010 STATE LEGISLATIVE PRIORITIES

David Zimmerman, County Board Chairman

County Board Members:

John Ackerman
Joyce M. Antonini
Joseph M. Berardi
James A. Carius
Russell Crawford*
Janet Donahue
Brett Grimm
Dean Grimm
Paul Hahn
Michael L. Harris
Terry C. Hillegonds

Lincoln C. Hobson*
Carroll Imig
Darrell Meisinger
Timothy Neuhauser
Rosemary Palmer
Greg Sinn
Melvin E. Stanford
Sue Sundell
Jerry Vanderheydt
Terry J. Von Boeckman

* Legislative Liaisons

TAZEWELL COUNTY, ILLINOIS

2010 Legislative Agenda

Executive Summary

Tazewell County, Illinois is the 15th largest county in Illinois with an estimated population of 131,524 residents. It includes a portion of 16 incorporated municipalities with populations ranging from 639 to more than 33,000 citizens. The County is well known for a rare combination: a high level of public services while maintaining one of the lowest property tax rates in the State of Illinois. Successful intergovernmental relationships with federal, state and local governments are critical in order to continue meeting service level expectations in a difficult economic climate. While its intergovernmental relationships have been historically strong, the County has recently undertaken an initiative to strengthen these relationships in an effort to ensure a sustainable County and State. It is the County's belief that, without strong, successful and economically sustainable communities, the State cannot possibly attain its full potential. By working together, counties and the State of Illinois can be partners in progress and work toward legislative solutions that don't substantially undermine local government's revenue streams, cost structures or ability to make decisions on behalf of their local constituents. Since counties are political subdivisions of the State and can only operate within the authority granted to them by the State, it is important that, even during prolonged economic downturns, that the State leave intact County authority and County revenue streams, and consider new legislation carefully, finding revenue sources for newly imposed requirements on counties.

Top Legislative Priority: Funding for Pekin Landfill

For the purposes of brevity and simplicity, Tazewell County has divided its 2010 legislative priorities into four main categories. The first is a direct request for an appropriation for the County's most significant legislative priority: capping Pekin

Landfill. The other three categories are broad categories. Tazewell County will engage its legislative delegation with specific concerns and opportunities and/or proposed bills.

The top legislative priority for Tazewell County is a direct appropriation to provide financial assistance for the capping of Pekin Landfill. The Pekin Landfill Plan project is fully engineered and has been formally supported, via resolution, by the Tazewell County Board. The County, working with engineers, has developed a plan to properly cap the Landfill. The Illinois Environmental Protection Agency has reviewed the plan and is supportive of capping the landfill. Final approval of the Plan along with post-cap operational details are pending. It is as close to “shovel-ready” as any project can be from an engineering perspective, though a few details with the State are yet to be worked out. The landfill was abandoned by its previous, private owners prior to being properly capped. State funding via the IEPA has been formally sought but, to date, no funding has been available, leaving the County struggling to find alternate funding sources. Additionally, a federal appropriation request has been made and efforts to secure federal funding will continue. Tazewell County’s commitment to the project provides a unique opportunity to partner with the State to address a concern that, absent action, will most certainly end up causing the State a future financial burden exceeding the current cost of addressing the problem.

In addition to the specific request of a State appropriation to assist with funding the Pekin Landfill Project, the Tazewell County Board also has identified three broad legislative priorities for 2010. The three broad categories are as follows:

- 1. Opposing Unfunded Mandates, including erosion of Probation reimbursement**
- 2. Maintaining Intergovernmental Revenue Sharing at least at current formulas**
- 3. Additional Local Authority and Accountability**

Unfunded Mandates: While Tazewell County opposes all unfunded mandates from the State, it is important to identify a few that cause the County considerable concern.

Among the top concerns is the recent erosion of reimbursement funds to counties used to cover salaries of Probation Officers. Compliance with statutes, i.e. fully funding these services, will increase the likelihood that counties maintain funding for current or near-current levels of Probation Officers. The erosion of this funding has resulted in many counties, not just Tazewell, taking a look at the level of local subsidization of a State function. Without increased funding, this scrutiny will likely increase and result in fewer Probation Officers handling an increased workload across the State with potential public safety implications.

Examples of recent legislation that have cost implications for counties include the Cindy Bischof Law and the new Freedom of Information Act requirements. The issue with these statutes, as is typically the case, is not the laws themselves. The opposition is not to the intent of the statutes in many cases; in fact, the Tazewell County Board is appreciative of FOIA's intent and is fully supportive of open and transparent local government. Rather, it is the cost borne by counties and the rapid effective dates that send counties scrambling to ensure that they can cover the costs of these mandates. Another example is the Illinois Undervote Notification Law. Though it appears a grant will fund implementation costs of this new statute, the law was passed and the next election loomed before the County Clerk received word that funding would be available. Voting privacy concerns related to the law also could cause cost increases to counties. In the current economy, though also in any economy, it is imperative that the State Legislature consider additional costs to units of local government of particular legislation as they contemplate bills.

An important issue to Tazewell County is that the State undertake pension **reform**. The Special Law Enforcement Pension (SLEP) is a major concern as it has significantly increased local personnel costs, and recent legislative attempts to add new classes of eligible employees to SLEP cause Tazewell County great concern. There are many in local government, including Tazewell County, who fear SLEP is fiscally unsustainable in its present form. Piling on additional eligible employees carries a risk of dire

consequences for the financial condition of counties across the State and for the wallets of local citizens who are paying the bills, largely through their property taxes. Tazewell County views any expansion of pension law, including adding new employees to SLEP, as an unfunded mandate with unbearable ramifications. In addition to opposing new unfunded mandates in this area, Tazewell County supports efforts to reform the pension statutes in Illinois, including closely evaluating *permissive* legislation that would allow local governments to opt out of SLEP and IMRF and implement defined contribution plans for new employees or, for example, limit their new employees to just IMRF, effectively ending the differential program for law enforcement on a permissive basis. Many businesses found it very challenging, even prior to the latest recession, to fund defined benefit pension plans for employees. While the additional costs of SLEP are a burden today, the future promises to be more difficult: Having a full generation of SLEP pensioners retiring at 50, living longer in retirement than they worked, with guaranteed increases, is a recipe for financial disaster even if future attempts to expand it are unsuccessful.

Intergovernmental Revenue Sharing: Of utmost concern to Tazewell County is maintaining the existing or improving Redistributive Fund revenue formulas. Tazewell County uses these key revenues to fund core services and any reduction in funding would exacerbate challenges for counties, who, like cities and the State, are already dealing with compromised revenues caused by sluggish consumption. Also of great concern are recent efforts to reduce reimbursements for the State's Attorney, Public Defender and Chief County Assessment Officer. Many counties, for example, strongly considered the provision of two-thirds State funding in their decisions to allow Public Defenders to work full-time. Tazewell County opposes any effort to reduce the Redistributive Fund formula or any other form of intergovernmental revenue sharing, including salary reimbursements for the State's Attorney, Public Defender and Chief County Assessment Officer.

Additional Local Authority and Accountability: Legislation, particularly that which raises costs for counties, to the extent possible should be permissive. Similarly, additional permissive legislation that would allow counties to raise revenues for core

services would allow counties to cover some of the costs of previously passed legislation that has impacted a county's cost structure beyond the control of the local government. Examples of this include a local cigarette tax and a local motor fuel tax. Permissive legislation places in the hands of local decision-makers the ability to raise revenues from sources tolerated best by their local constituents. A motor fuel tax to cover a portion of the local share of funding infrastructure improvements is one example of a way permissive legislation could be used to permit counties, contingent on their local elected leaders' decisions, to fund their services with a revenue source already available to many cities in the State. A permissive cigarette tax to fund local health programs is another example of ways to allow local control, within reasonable boundaries, of how services are paid for by counties. The voters of Tazewell County have adopted the Property Tax Extension Limitation Law (PTELL), so revenue availability to cover local service costs is already limited. The combination of unfunded mandates and restricted revenues is not favorable to the long-term service delivery capabilities of Tazewell County.

Additional Legislative Priorities:

1. 35 ILCS 200/6-15: This statute refers to the political makeup of the Board of Review. Tazewell County strongly believes the Board of Review composition should have nothing to do with one's political party. Interestingly, the statute completely ignores the possibility a citizen with strong appraisal and related skills might be either an independent, choose not to vote in a particular election, or alternates between voting in the Republican and Democratic primaries. This law is antiquated and does not pass muster for several reasons. The County should not be required to not reappoint a competent Board of Review member (paying him or her unemployment compensation) just because of how they vote. These appointments should be non-partisan.
2. 35 ILCS 200/12-10: This statute requires the County to publish information on each parcel of property during its general assessment year. While years ago the

local newspaper was the best way to provide this information, counties can now provide that information via websites much more cost-effectively. Taxpayers are mailed a copy of their assessment each time it changes (and once every four years). It is wasteful to duplicate this effort through large and costly newspaper advertisements. Smaller and less technologically advanced counties could use the cost savings to invest in more accessible government (i.e., improving their websites and meeting some of the requirements of existing statutes).

3. Tort Reform: Tazewell County believes tort reform and at least engaging in discussion about reasonable limits on liability is needed. Workers' compensation laws, frivolous lawsuits, the cost of defense, and the cost of doing business in Illinois are also major concerns.
4. Raising court bond limit. It has been indicated to counties that the court bond limit is not a legislative decision because it was at some point delegated to the Judiciary. The bond limit has not been increased in some time and is not subject to inflation. Legislation that reestablished the bond limit as a legislative decision would allow a bill that would raise the bond limit.
5. Enterprise Zone clarification. Tazewell County and its county seat, Pekin, share an Enterprise Zone. In 2008, a wind farm developer requested a 39-turbine project be included in the Zone. The end result was inclusion, but it created internal issues with regard to the legal appropriateness of extending strips to the wind turbine sites in order to meet the contiguous requirement of the statute. While Public Act 96-028, which extends sales tax exemptions to wind farm developers without inclusion in an enterprise zone, will reduce the likelihood of reoccurrence, there are also at least two viable legislative solutions that would provide clearer guidance with regard to the issue. The first would be to include in the statute clearer language that authorized the extension of small strips to capture new property within an Enterprise Zone and keep property within the zone contiguous. A second option would be to amend the statute to allow City-County

Enterprise Zones a total of 12 square miles of property, and eliminate the contiguous requirement. Given the size of counties, this action would level the playing field for more rural-type developments, such as wind farms. In a City-County Enterprise Zone, it is very likely that several different geographic areas are worthy of the incentives provided by Enterprise Zones. Limiting a City-County EZ to 12 square miles, as is currently allowed, with contiguous property, if the small strips weren't allowed to establish contiguousness, unfairly penalizes rural areas in large counties, which struggle with unemployment, high residential to non-residential assessed value ratios, and for which wind farm developments represent an economic development initiative equivalent to a city's industrial expansion or commercial development.