

LEGISLATIVE COMMITTEE MINUTES
5:30 p.m. - Room 514
141 S. Main St., Decatur, IL 62523
March 6, 2017

MEMBERS PRESENT

Bryan Smith
Helena Buckner
Pat Dawson
Greg Mattingley
Bill Oliver

COUNTY PERSONNEL PRESENT

Josh Tanner, S of A

MEMBERS ABSENT

Verzell Taylor

Jeannie Durham, County Board Office

Chairman Smith called the meeting to order at 5:30 p.m.

Motion to approve minutes from the 2/7/17 meeting was made by Mr. Oliver, seconded by Mr. Mattingley and motion carried 5-0.

There were no citizens present.

There was no old business to address.

Chair Smith commented that he had reviewed the latest IACBM Legislative Report which had been emailed to members previously and made some notes he wanted to bring up.

Property Tax Freeze – SB13:

As probably everyone has heard through the news, the Senate has been trying to work on a Grand Bargain. It kind of fell through last week, but SB 13 is still out there and is being sponsored by Senate Republican Leader Christine Radogno. It would still have a property tax freeze. Mr. Smith said the last he had heard, it would be up to 2 years. This is a bill that Mr. Smith said he feels would be a big burden on any local government. If there would be a disaster or something happened in a particular unit of government, they would be unable to increase their levy to meet their needs. In Macon County, we've done a pretty good job of holding the line on taxes when we could, but there have been times when we have had to increase the levy. This is a bill we need to state our opposition to. As discussed at the last meeting, the appropriate way to do that would be to ask our Board Chairman to send a letter to our legislators asking them to oppose that bill when it would come to a vote.

Local Government Consolidation Legislation – SB3

There is a part of this bill that impacts county governments. One of the things the Governor has pushed for is local government consolidation. Mr. Smith said he does not always agree with that, but there is a portion to this bill that affects County Boards and County Governments. The County Board appoints various members to various other governing bodies in the county such as drainage districts, mosquito abatement, etc. Part of this bill, which in the last 2 years, there have been other bills that were introduced and passed first in DuPage County and then they extended it to Lake & McHenry Counties. This would allow a county board to dissolve a local government that they appoint the governing body to. They were finding that in some counties, these entities such as the drainage districts or mosquito abatements were not being run properly. So, the county boards decided to eliminate them and take them back under their control. This is a permissible thing. It is not mandatory, but it is something this committee needs to look at and consider. Mr. Smith said he was not aware of any problems with other governing bodies that the county board appoints to, but it is something that everyone should at least take a look at and consider. This bill passed in the Senate last week. Now, it is unclear what will happen because it was a part of the Grand Bargain deal. This is worth keeping an eye though.

Mr. Oliver asked if that wouldn't create another department for the County to oversee. Mr. Smith confirmed that it would. Mr. Oliver wondered about the costs. Mr. Smith said there are already people in place in some of the entities that have employees. Some of them are just paper only. The taxing would go along with the takeover. It would be something that would need further looking into before we would say yay or nay that we would support it. Mr. Oliver said it would have to be an increase in the general fund to take care of it. Mr. Smith confirmed that it absolutely would.

Township and County Office Tenure – SB923

Mr. Smith stated that this is a bill that we would need to oppose. It says that County Board members cannot also be a Township Supervisor, or in certain counties, an Assessor, Clerk, Highway Commissioner or Trustee. We have several members on the Board who are also Township Supervisors. A lot of counties and townships have a hard time finding people to run for the various offices. He said he did not think there should be a prohibition and he never has understood why there are population thresholds for certain offices and none for others. It used to be that the County Board was made up of the Township Supervisors from each township in the county. Them being allowed to be on the County Board is important because it gives representation to the respected areas. This is one we should oppose.

Mr. Mattingley asked what the rationale was for the bill. Mr. Smith said he thought it was just a political thing, but didn't know for sure. It is coming out of Lake County which is just a hot bed of turmoil.

Mr. Oliver said the question has always been whether or not this is a conflict of interest being a county board member and a township supervisor. Mr. Smith said that by law, it is allowed. There may be an issue that would come up, for example, we've had highway commissioners on the board that have had to abstain because of a contract with their particular road district. Mr. Mattingley said

that is the way it should be handled. The fact that there is one does not govern alone, unless you don't abstain.

Mr. Smith said the Chairman of the Board would be asked to send a letter expressing opposition to this bill.

Local Government Unfunded Mandates – SB2064

Mr. Smith explained that this is sponsored by Senator Righter out of Mattoon and creates the Local Unfunded Mandate Exemption Act. It provides that all units of local government may, by a majority vote of the governing body, exempt themselves from a specified mandate that is unfunded if it is determined that it is not economically feasible to comply with the unfunded mandate. There are requirements for notices, a public hearing, etc. if that were to happen. Mr. Smith said he thought that they've seen through the years that the state has thrown down unfunded mandates on local governments. He said he did not think this would go anywhere, but it is something we would support. Mr. Oliver agreed saying that the reason for that is how they always opt themselves out of whatever is coming down. They are very clever at that. Mr. Smith said they would ask the Chairman to send a letter asking support on the behalf of the County.

Within the next couple of weeks, the deadline for passage out of the House of Origin will be arriving. Then we will know a little more about where things might be headed.

Mr. Tanner said that anything that increases exemptions is obviously something to take note of. He explained that their association takes a neutral stance on anything that changes exemption amounts because it doesn't increase the burden on the office and they don't really take a position on revenue generation. There are probably 2 dozen bills that change Homestead Exemption amounts, Senior Freeze amounts, - all of which do not affect the state budget, but clearly impact the county budget because it reduces the assessed value.

Body Worn Camera Record Retention – SB1443

Mr. Smith said he did not see a problem with that because it is a "may" and not a "shall". They don't have to do it. Mr. Oliver asked about what has been happening with a lot of unsolved cases and how they've been going back 10 – 12 years because of new DNA findings. With this, the records would not be there would be no way to follow that case up. He said he did not feel they should be destroying recordings. Mr. Mattingley stated that it goes on to say that some of the typical encounters between law enforcement and people being arrested or detained, some of those more typical ones such as when a firearm is discharged or force is used shall not be destroyed. Mr. Oliver said that coming down to those decisions is what is bothering him. Who is going to make the decision of where the cutoff point is. If someone says there was a mistake made, etc. who is held responsible in those cases. Those things could very well happen. The Sheriff of Cook County is now in trouble because paperwork did not go down with a prisoner and he got to go free. Paperwork does get screwed up. Ms. Dawson said that on a simple traffic stop, what one deems as simple could indeed be something more later. Mr. Smith said he would do some investigating into it, see

where the bill stands, and possibly speak with Senator Hastings. Ms. Dawson added to ask about the logic and reasoning especially with the climate we are in now.

Open Meetings – Right to Speak – SB1263

Mr. Smith said that state law does allow a citizen to attend any public meeting and can address that public body. Some governing bodies will answer questions when asked, some will say they will get back to you, some say nothing at all. This is mandating answers to questions within a reasonable amount of time, not to exceed 45 days. This may be going a little too far. It may be something crazy and they are taking the official away from their regular duties to have to deal with some goofballs.

Minimum Wage Increase – SB2

Mr. Mattingley asked if there was any idea what type of impact the gradual increasing of the minimum wage would have on the county budget especially if there is a property tax freeze. Everyone agreed that was a good point. Mr. Smith said that with the Prevailing Wage which will not go away, but the minimum wage is something that is going to keep coming back. It has been on a statewide ballot. It has been brought up at the national level, but that is a good point. It could have some pretty big budgetary effects. County employees are not paid that much. Mr. Mattingley agreed and said it would be nice to know how many are at the minimum wage level and what type of cost projection this would have. Mr. Smith said that was done a few years ago. The Circuit Clerk's office had some people that were working below the poverty level. Mr. Mattingley said that the Chairman had tried to emphasis trying to get people's wages up to at least the minimum wage level by identifying those people. With the property tax freeze, if that goes through, and this goes through, where do we find the money? Mr. Oliver said that this should be questioned. Mr. Mattingley said this is another reason to oppose the tax freeze. Mr. Oliver said it would be that way unless we go to a state that has Right to Work. Ms. Dawson said that when you get into a property tax freeze, you are getting into a lot of things that will affect counties. Mr. Smith said the county has had some major settlements from lawsuits over the years. These are unexpected and you don't know what is going to happen. If we were to have to increase a levy for the Judgement Fund, we couldn't do it. Mr. Oliver said that would do away with / stop having to make sure the levy is not increased over 5% too. Then you wouldn't be able to keep up with the cost of living. Not good! Mr. Smith said they would ask the Chairman to send a letter on that.

Mr. Smith reminded the members that they all get the report as it comes out and asked them to let him know if they see something and feel the committee needs to meet again before their deadline for passage. If not, the next meeting would be shortly after that.

Motion to adjourn was made by Ms. Dawson, seconded by Mr. Mattingley, motion carried 5-0 and the meeting was adjourned at 5:55 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office