

LEGISLATIVE COMMITTEE MINUTES
February 15, 2012
5:15 P.M.

MEMBERS PRESENT

Chair Linda Little
Tim Dudley (Counted as Present at 5:20PM)
Jon Baxter
Gary Minich
Don Westerman
Mark Wicklund (Counted as Present at 5:25PM)
Susanna Zimmerman

COUNTY PERSONNEL PRESENT

Randy Waks, Asst. State's Attorney
Angela Sarver, Planning & Zoning Dept
Daysa Miller, Supervisory of Assess. Office

MEMBERS ABSENT

None

This meeting was called to order by Chair Little at the Macon County Office Building.

MINUTES

Motion to approve the minutes of 11/22/11 by Jon Baxter, seconded by Susanna Zimmerman. Motion Carried (5-0). Later in the meeting, Tim Dudley asked for the minutes to be corrected, since he was not present when the minutes were first approved. On page 5 paragraphs 9 and 12, the two words that read "bought" should be changed to "fought". Tim Dudley made the motion to amend the minutes with corrections noted, seconded by Mark Wicklund. Motion Carried. (7-0).

CITIZENS REMARKS

None noted.

OLD BUSINESS

None

NEW BUSINESS

A. Discussion of Pending Legislation in Springfield

Chairman Little stated she would like to review the pending legislation that could affect Macon County. Chairman Little distributed to the Committee a packet of these pending legislations.

She stated that the Legislative Committee goals are to work on issues that has a financial impact on Macon County or issues that will absolutely make a difference.

She asked the Committee if there were any issues in the packet they felt should be addressed.

Tim Dudley stated the new legislation to fund teacher's pension through local governments will be huge for the County. If this does happen, he feels there will be major tax increases in the County. He feels the Committee needs to be aware of this issue.

Gary Minich mentioned there is a proposal to make the County Chairman an elective position, and he does not know where this will go.

Chair Little commented HB3953 addresses this, and this is only for Counties with a population of more than 300,000. She does agree with Mr. Minich that it should be a county's decision. She stated at this point, this does not affect Macon County.

Chair Little stated the two she feels very strongly about is House Bill 1293 *Foreclosure Sales*. This was worked on last year and will be coming up for a vote very quickly. She has distributed a copy of the letter she had sent to representatives opposing this bill. She said last year the House voted for it and then it went to the Senate. Senate made some changes and sent it went back to the House, but was too late. Now it has come to the House with the changes the Senate recommended. Committee has approved those changes, so it is now waiting for a vote from the House. Once the House approves this, it does not go back to the Senate. It will become law. She feels it is very important that this Committee stays on the top of this. She encourages everyone to write a letter or make a call to your representative.

Chair Little stated the Sheriff did speak with Adam Brown and feels Representative Brown is on board with it.

Chairman Little said emails are a good way to contact your legislators. She feels individual emails or letters are more effective.

Jon Baxter asked Chair Little if she would like the Committee to copy the letter she drafted and send it to legislators, or draft one on their own.

Chairman Little stated whatever they preferred. If they just wanted to drop them a note stating this is a bad bill and don't vote for it, which is fine too. She stated they will continue to stay on the top of this.

The second bill she feels very strongly about is House Bill 4987. She commented this bill is not in the packet that she distributed. It is one that Bruce Bird brought to her attention. This bill is a provision to discontinue townships located in counties with 50,000 or more inhabitants. The worst part of this is they want to disband these township governments and the county will have to take on the roads and all of the other things the township has been doing with no additional funds provided.

Macon County is now responsible for the 234 miles of roadway. If this bill would pass, they would be responsible for 1,008 miles of roadway with no additional revenue. She stated there would almost be no other option, except abandoning roads throughout the County. She stated this is a very significant one to follow.

There are similar Senate Bills regarding units of local government being disbanded. She hasn't come up with all of these bills yet, but this bill is the one that Mr. Bird brought to her attention. She feels the Committee should stay on top of any legislation dealing with Springfield deciding who needs to be a government agency and who does not. In her opinion, she feels the best way the State of Illinois could save money would be to disband state government and send it all to the local governments, because none of our local governments are in the kind of bind the State is in.

Don Westerman stated he does not think this is quite true about no additional funds, because the State Motor Fuel Tax money from those townships would still come to the County. He said it says additional, but those funds are already in the township. He feels this might need some clarification, but his take on this is that the County would get the township's Motor Fuel Tax money that they are receiving now.

Gary Minich stated his big objection is the "one size fits all." There are townships that he would not be opposed to discontinuing.

Don Westerman says he does not object to any of that, but he thinks that this is just not quite correct.

Chair Little said this is a good point and she will follow up on this.

Chair Little there are several bills in the packet that addresses issues with PTAP and Property Taxes and assessments and that sort of things.

Chair Little stated she wants to consult with Daysa Miller and get her take on this legislation, because it is outside of Chair Little's realm of understanding when it comes to property assessments. Some of these seems like they were crafted for a particular county and not Macon County.

Chair Little commented regarding the Regional Office of Education issue as far as salary and that sort of things, she has asked Matt to keep her informed of what he hears from his association.

Daysa Miller entered the meeting at this time. Chair Little ask Ms. Miller if she would talk to the Committee on some pending legislation that applies to Macon County.

Daysa Miller distributed a packet she received from the Association, listing the pending legislation. She has placed a red "X" by the ones that she feels makes a difference.

The first bill is HB0506. This bill provides penalties to individuals who are illegally obtaining Homestead Exemptions. An example she gave was people that have rental property, and they come in and apply for the Homestead Exemptions on those rentals. What this bill states is a lien would have to be put on these properties. The last she has heard, it would be up to the Supervisory of Assessment Offices to proceed with these liens, which would create more work for her office. She stated her offices now tries and find these properties that have more than

one exemption. She stated her office does their best to do this, but there are always those that slip through the cracks. She believes this is what is happening in Cook County. She feels this one is an important to follow.

Chair Little asked if the Committee should take a position on this issue.

Ms. Miller stated for the Committee to just watch this for now. She does have concerns regarding the extra work that will be entailed when placing these liens on the properties.

Daysa Miller stated another bill for the Committee to watch is HB4723. This bill sets the EAV on old barns at no value. She feels this one does not make a real big difference to her office, because when you value the barn, it has a thirty year life according to the way assessments are done. So when you get down to the end of the thirty years, the Assessment Office has those barns at a minimal value anyway, so it really would not make a big difference. She feels whether the Committee supports this bill or not, this should not impact the County, because the County has no value on these at all.

Ms. Miller stated the next bill to watch is HB4987.

Chair Little commented this bill was discussed earlier in the meeting.

Ms. Miller feels if this bill is passed, it could have an impact on the County financially.

Daysa Miller stated she placed a question mark by HB5085. This bill would increase the homeowner's exemption to \$7500 and retains 1977 base year. She feels this is not such a good for the County, but it is good for the homeowner and the taxpayer.

Gary Minich asked what does it means that 77 was the base year.

Ms. Miller stated the homeowner's exemption has a base on how this exemption is applied and that base is 1977, which is the year prior to the initiation of the original homestead exemption for anyone. At present time, an individual gets up to \$6000 above that base. So if you have a base of \$3000 and your assess value is \$6000, you would only get \$3000 of the exemption, down to that \$3000 base.

Daysa Miller stated the next bill is SB3391. This bill changes the senior freeze income threshold to \$60,000. This will affect the County and the EAV. She does not know how far legislation will go with these or whether they will change them at the State level or not.

Daysa Miller stated the last bill to watch is SB3429. This would eliminate the 1977 base. If eliminated everyone would get the full \$6000 exemption. She stated their group is actively looking to help get this done.

Chairman Little asked what kind of a financial impact would this have on the County.

Ms Miller stated it would not have a lot of impact on Macon County. She feels the only ones this would affect would be the inner city. They would not get the full amount, and their assessment is really low anyway. She feels it would not be a big taxable value for the County.

Gary Minich asked what the Senior Freeze income threshold is now.

Ms. Miller said it is now \$55,000. Daysa stated this means that anyone above the \$55,000 threshold does not meet the qualification to receive the Senior Citizen Homestead Freeze.

Chairman Little asked where the association stood on this.

Ms. Miller stated the association sometimes stays neutral on this, because it does not impact the Office's workload. It does affect the County, if that would increase or anyone's EAV.

Daysa Miller stated the bills that she has mentioned are the major ones to watch. She said if anyone had any questions on any of the other bills listed she would try and answer them.

Chair Little asked Ms. Miller if there are any issues she would like the Committee to take on at this time. Daysa stated no and she will inform the Committee if and when to do so.

Chair Little thanked Daysa for sharing this information with the Committee.

Chair Little asked if anyone would like to discuss any pending resolutions.

Don Westerman stated the old barn issue is just a nostalgic thing. He feels what has brought this to a head is because some of the historians want to fix up and remodel these old barns to save them. So then they are basically worthless, but they come in and want to know if this will increase the assess valuation of these barns. He stated if you take an old \$5000 barn and spend \$50,000 on it, would this increase the assess valuation on it. They are basically worthless, but they are a lot of "do-gooders" that wants to see them stay around.

Daysa Miller asked Chair Little if she could comment on Mr. Westerman's remark.

Ms. Miller stated the farmland assess law is a contribution to the farm, and if they fix up a barn and no longer using it for the purpose of farming, then it could very well have a higher assessment value. This assessment value would be more on the lines of a residential or commercial assessment.

Don Westerman stated he thinks this is a concern, but he does not really believe it is valid, because he does not know of anyone that would fix up an old barn to use it. They just fix it up for nostalgic purposes.

Randy Waks asked to address the Committee. Mr. Waks stated he has no comments on the pending legislation that has been discussed. He presented a new issue he would like to discuss with the Committee.

He stated the Illinois FOIA (Freedom of Information Act) gives the citizens a lot of authority to request public records from the County and any governmental agency. About 90 percent of the FOIA requests received by Macon County are to the Sheriff's Office for police reports. He stated a great percentage of these requests are from inmates. These inmates do not necessarily want this information for themselves; they are requesting it for someone possibly in their cell block or even a friend of theirs. He feels there is no good that ever comes out of this. He stated the County must provide all these inmates the information that are requesting, for whatever reasons they may have.

He stated inmates lose a lot of their rights when they go to the penitentiary. They lose the right to vote and the rights to firearms, but they still maintain the right to request documents from the law enforcement agencies. He feels FOIA is very important to good government, and he fully supports it, but he would like to see an exception be made to the law about inmates obtaining police reports while incarcerated. He feels once they get out of the penitentiary, all of these rights will come back. He just wants the Committee to think about this at this time. He stated it will be an uphill battle to get this change, because the Attorney General is very much opposed to restricting inmates their rights to police reports.

Chair Little said there are several resolutions that have been presented in the House that addresses this. She feels it is wise for this Committee and the States Attorney to look into these resolutions to see what they are attempting to do, regarding the Freedom of Information Act. She does not mind slowing down the issue that Mr. Waks has presented, however she wants to make sure the Committee is not supporting legislation that hinders the legitimate uses of the FOIA.

Mr. Waks agreed with Chair Little's comment.

Chair Little stated she would like to get with Mr. Waks for further discussion. She remembers an incident involving the Auditor's Office receiving a FOIA request and that office spent 47 man hours putting together the report, but only wanted 3 pages out of it. She stated that is money lost to the County.

Chair Little asked if there were any other issues the Committee would like to see addressed.

Gary Minich said he is interested in the story that was printed in this morning's newspaper regarding capping pay day lending at 30 percent. People came to talk with the full board or EEHW Committee last month. At that time they indicated they were running into some road blocks with the Decatur City Council. Apparently, that has now been resolved according to today's paper. Bloomington and Normal have both taken steps by passing ordinances encouraging efforts to cap lender's rate at 30 percent. He told the Committee he has talked to Jay Dunn, and Mr. Dunn indicated the County has no payday lenders that are under the direct jurisdiction to the County. What Mr. Minich feels would be appropriate is for the County Board to take up a resolution endorsing these efforts of the local government body in favor of the cap.

Chair Little asked if Mr. Minich would like to draft a resolution to take to the board, or did he want her to present it to the Board informing them it was discussed at this Committee, and that the Committee is supporting it.

Gary Minich stated the Committee could ask the legal department to draft a resolution. He would be happy to talk with Randy Waks about this. He thinks the Committee is not doing any more than expressing the moral support of this body for other people efforts to do this. Or on the other hand, it is good to make this expression and certainly would be some kind of response for the people that came to see us, who may not have detected that there was any sympathy out of this body at all for what they want.

Chair Little stated she thinks it is a good idea to support the bodies that have this as an issue.

Chairman Little asked if anyone on the Committee disagrees with this.

Mark Wicklund wanted to make a comment toward this. His main concerns are the possibility of legal issues. He knows there are some pending lawsuits against counties and communities that have instituted these types of resolutions. He feels the County should really watch what they do and maybe look at some of the resolutions that have a foothold to go by as to oppose.

Chair Little said she understands this to be just a resolution of the board supporting the municipalities to address the issue, and not making a County policy, as far as loan sharks go.

Randy Waks stated the County is not “home rule,” therefore the County can only do those things that the legislators say they can do. The City of Decatur is “home rule” so the City can do whatever they want as long as the State Statute says they cannot do it. It is something that the City of Decatur can do because they are “home rule”, but the County cannot regulate that because they are not “home rule.” Mr. Waks stated the County can cite a preference for somebody else to act.

Chair Little asked if Mr. Wicklund was ok with this. He stated “yes’, he was fine with this.

Chair Little asked if there were anymore issues or concerns.

Mr. Dudley made corrections in the minutes at this time. These corrections are noted above under Minutes section.

Chair Little stated the next meeting will be called as needed. Meeting adjourned at approximately 5:45PM.

Angela Sarver, Secretary of Planning and Zoning Dept.