



# 2012 DuPage County State Legislative Program



**Daniel J. Cronin, Chairman  
DuPage County Board**

**Jerry "JR" McBride, Chairman  
Legislative & Governmental Affairs Committee**



**DuPage County  
2012 State Legislative Program**

**County Board Chairman**

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**Legislative & Governmental Affairs Committee**

- Jerry "JR" McBride, Chairman
- Dirk Enger, Vice-Chairman
- James D. Healy
- Michael F. McMahon
- Patrick J. O'Shea
- Donald E. Puchalski

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## **DuPage County 2012 State Legislative Program**

### **Overview**

DuPage County is the second largest county in Illinois with over 900,000 residents and is comprised of 9 townships and portions of 39 municipalities. DuPage is a major employment center for northeastern Illinois, home to over 750,000 jobs as well as 16 colleges, 7 hospitals, 2 national laboratories, Argonne National Laboratory and Fermi National Accelerator, 300 miles of bikeways and 23,000 acres of forest preserve property.

County residents elect the County Board Chairman at-large plus nine other Countywide Elected Officials - the County Auditor, Clerk, Clerk of the Circuit Court, Coroner, Recorder, Regional Superintendent of Schools, Sheriff, State's Attorney, and Treasurer. The County Board includes 18 members who are elected from six County Board Districts (three members from each district).

Core county government services include public safety and the operation of the county jail, court administration and probation, transportation, economic development and planning, public health and mental health care services, stormwater management, workforce and employment training, public works, building and permitting, zoning enforcement, the administration of elections, the operation of the convalescent center, community and senior services, emergency management, and animal control.

County leaders continue to seek opportunities to shrink the size of government in order to reduce the tax burden on county residents. Dozens of county positions have been eliminated and the recently enacted county budget reduced costs for the third consecutive year. In 2011, county government accounted for less than 3% of the average property tax bill.

For 2012, goals for county government include:

- reducing the layers and number of governmental units
- seeking partnerships with other units of government and the private sector to consolidate functions and share services
- develop innovative and more efficient ways to deliver public services.



**DuPage County  
2012 State Legislative Program**

**Legislative Priorities**

**Protect Local Revenues**

Last session, several proposals were considered (and one was adopted, SB 2147) to withhold a portion of the local share of income tax proceeds (LGDF) to fund a state obligation. Other bills to: potentially divert local sales tax revenues; enact new (unfunded) mandates on local governments; and to reduce reimbursement levels and payment cycles for services provided by county governments, were also considered.

Diverting monies owed to local governments to support state mandated functions will only cause more financial stress on county budgets and diminish the level of services counties are able to provide their citizens.

**Government Consolidation**

DuPage County supports legislation that would authorize, remove barriers, or provide additional incentives to local governments to centralize, dissolve, or consolidate departments and services, thereby reducing over time the number of taxing districts in a region while also providing greater efficiencies.

Illinois currently has over 7,000 units of local government. The Chicago Metropolitan Agency for Planning (CMAP) lists government consolidation as a major priority as part of the region's "GO TO 2040 Plan." Illinois' present model of delivering services to the public is clearly not sustainable in the long-term.

**Equitable Application of Statutory Fines**

Currently, 55% of traffic offenders in DuPage County elect not to appear in court and are permitted to pay only their bail amount through the mail. Due to this current loophole in state law, those who prepay for their criminal offenses are not subject to any fees/fines enacted by the General Assembly as a penalty for committing the offense, such as the Children's Center Fee or the Mental Health/Drug Court Fee.

As a result, individuals who elect to appear in court are penalized for exercising their constitutional right to appear while those guilty of a similar offense are only required to pay their bail amount if they opt to pay by mail. One way to provide equity to the administration of justice would be to enact legislation to apply the statutory penalties



## **DuPage County 2012 State Legislative Program**

already prescribed by the General Assembly to all offenders including those who do not appear in court.

### **Self-Managed Pension Program**

The underperformance of state mandated pension plans in recent years will cost local governments millions of dollars in additional contributions over the next ten years. For 2011, DuPage County will contribute 10.41% for each (regular plan) IMRF employee and employees will contribute 4.5%. DuPage County will contribute this year over \$20 million just to fund mandated IMRF costs.

Local government employers struggling to sustain current pension programs at 100% funding levels (as mandated by state statute) should be provided with the authority to offer employees a flexible benefit package similar to what is offered to private sector employees, including the option of a self-managed/401K style (defined contribution) retirement plan.

As the state continues to discuss the reform of state pension systems, reciprocal plans including the Illinois Municipal Retirement Fund (IMRF), should be included as part of a pension reform legislative package.

### **Court Operations Fee Increase**

In 1982, the General Assembly authorized a schedule of different fees (depending on the violation) to assist counties with the cost of operating court facilities (55 ILCS 5/5-1101). These fees have not been reviewed or increased since the original enactment (thirty years ago).

DuPage County supports legislation that sets a minimum and maximum range for existing county court fees and to authorize county boards to set (by county ordinance) the appropriate level of fees for their own jurisdictions.

### **Removal of publication requirement**

For the past two years, legislation has been adopted by the House to remove the requirement that "special meetings" held by county boards be subject to a



## **DuPage County 2012 State Legislative Program**

newspaper publication requirement and to require instead that special meetings be subject to the Open Meetings Act. Although not controversial, the legislation has been amended in the Senate to remove this provision to reflect other purposes.

DuPage County continues to support legislation that would eliminate the publication expense and more appropriately require that notices for special meetings conform to the same provisions as all other public meetings held under the Open Meetings Act.

### **Alternative Forms of Debt**

DuPage County is seeking legislation that would make it clear that governmental units may issue alternative forms of debt to a bond issue if that option would be more cost effective (30 ILCS 350/4). For example, the County's Public Works' Department has found that simple bank loans would be a more cost effective method than the issuance of new bonds to fund smaller special service areas (SSA's) to deliver water or sewage services. Due to the overall issuance costs associated with bond projects, especially for projects in the \$500,000 to \$3.5 million price range, the county could save hundreds of thousands of dollars (that would be passed along to homeowners) by obtaining alternative financing.

If approved, this change would be of tremendous benefit to the county and more importantly to the residents of special service areas by reducing their costs.

### ***Items - Support***

#### **Extension of the 9-1-1 Wireless Surcharge**

The DuPage Emergency Telephone System Board (ETSB) currently receives a portion of the .73 cents per wireless line surcharge that is assessed to support dispatch and other services required to ensure a timely and appropriate response by local public safety agencies to all 9-1-1 calls placed in the county. The Wireless Emergency Telephone System Surcharge is set to expire-sunset however, on April 1, 2013.

DuPage County supports efforts to extend the wireless surcharge date and to broaden the definition of how funds may be utilized in order to support the ancillary costs associated with a modern day emergency response system.



## **DuPage County 2012 State Legislative Program**

### **Hospital Tax-Exempt Status**

In 2009, hospitals located in DuPage County contributed over \$400 million in charity care-community benefits, including millions of dollars of support to the county's program for the uninsured, Access DuPage. Hospitals collectively represent one of the largest employers in DuPage County, providing directly and indirectly nearly 49,000 jobs. Hospitals also financially support numerous civic and community organizations countywide.

As discussions continue in the General Assembly as to the level of charity care required in order for hospitals to retain tax-exempt status, DuPage County will monitor proposals as introduced.

### **Stormwater Utility Fee**

Permissive legislation was adopted by the House during the 2011 spring session (HB 3372) that authorized specific county boards (that had enacted a stormwater management ordinance) to impose a schedule of fees (by ordinance) on all properties that benefit from a county's stormwater facilities and activities. The bill required county's to provide at least 2 years' notice of an impending fee and to offer property owners green infrastructure credits or reduced fees for taking steps to manage runoff costs. The bill was not adopted by the Senate however it is expected that legislation will be re-introduced this session.

DuPage County continues to support legislation that provides local governments with the authority to resolve local issues.

### **Regional Offices of Education**

During the 2011 fall veto session, legislation was adopted (Public Act 97-0619) to divert a portion of local income tax proceeds to fund the state's previous obligation to support the state's 44 Regional Offices of Education. As part of the legislation, the "Streamlining Illinois' Regional Offices of Education Commission" was established to develop recommendations as to how ROE duties and responsibilities could be provided more efficiently and to identify specific future funding sources to support the operation of ROEs.



**DuPage County  
2012 State Legislative Program**

DuPage County's Regional Superintendent of Schools has been appointed to serve as a member of the Commission and it is expected that the timetable for the commission to issue recommendations will be moved up from the original date of August 1<sup>st</sup> to the spring to ensure action by the General Assembly this session.

**Items – Oppose**

**Elimination of Sheriffs' Foreclosure Units**

For the past three years, counties have fought legislation that would basically eliminate County Sheriffs' Foreclosure Units by authorizing plaintiffs to direct who may conduct foreclosure sales instead of the courts.

Presently, judges ensure the integrity of all foreclosure sales by selecting the most appropriate entity to conduct the sale. Legislation requiring the court to hand over this decision making authority to private title companies would negatively impact counties financially and more importantly, create problems for defendants who rely on experienced county staff to offer guidance, housing referrals, and a connection to needed community support services for their families during the emotionally difficult foreclosure process.

DuPage County continues to join the County Sheriff in opposition to legislation that seeks to remove judicial authority from the (sale) foreclosure process.

**Cumulative Voting**

Legislation has been introduced to require that voters in multi-member county board districts (would include DuPage, McHenry, Will and other counties) have cumulative voting rights in the first general election after reapportionment (HB 3926). Although not defined in the legislation, cumulative voting typically allows voters to concentrate votes on a single candidate versus one vote per candidate.

According to the DuPage Election Commission, it would take at least one year and millions of dollars to convert existing hardware to this new type of voting system, in addition to costs associated with educating the public and training election judges. DuPage County opposes the imposition by the General Assembly of a cumulative voting system as it represents one more unfunded mandate on county government.



**DuPage County  
2012 State Legislative Program**

**Appropriations**

**Probation Funding**

The state requires counties to provide probation services as part of a mandated court services program yet over the past two fiscal years, the state has slashed probation funding in half, to an appropriation level of \$55 million (per state statute this amount should be \$95 million). The state not only has reduced the amount and payment cycle for the reimbursement of probation costs, the General Assembly continues to enact new unfunded mandates on county probation departments including GPS monitoring and a new Violent Offenders Registration System.

Several downstate counties have taken the drastic step of laying-off probation officers, refusing to shift the financial burden of the cost of probation services onto county taxpayers. As one downstate county chairman stated, probation services are an integral part of public safety and are an extension of state government as defined under the Illinois Probation and Probation Officers Act.

DuPage County supports the restoration of probation funding in order to increase the level of reimbursement to county probation departments.

**State Highway Projects**

Traffic congestion remains a top concern among county residents.

**Attached** is a list of proposed State Highway Safety and Congestion Relief Projects as well as a list of County Highway and Trail Projects for consideration. If completed, these projects would enhance safety on our roadways, offer significant congestion relief for the region, and provide additional recreational opportunities.

# Highway and Trail Improvements in DuPage County

<b>State Highway Safety and Congestion Relief Projects</b>			
<b>DuPage County Priority</b>	<b>Scope of Work</b>	<b>Comments</b>	<b>C/B District</b>
Elgin-O'Hare/West By-Pass	New Regional Facility	Project of National Significance	1
IL 38 at County Farm Road	Intersection Improvement	County requests project addition to IDOT multi-year program, estimated project cost of \$10M.	6
IL 83, I-55 to Ogden Avenue	Reconstruction and widening to complete 6 lanes	County requests project addition to IDOT multi-year program, estimated project cost of \$52M.	2, 3
Finley Road at Ogden Avenue	Intersection Improvement	County requests project addition to IDOT multi-year program, estimated project cost TBD.	2
IL 59 at Stearns Road	Intersection Improvement	County requests project addition to IDOT multi-year program, estimated project cost TBD.	6

<b>County Highway and Trail Safety and Congestion Relief Projects</b>			
<b>DuPage County Priority</b>	<b>Scope of Work</b>	<b>Comments</b>	<b>C/B District</b>
IL Prairie Path (Aurora Branch) at CNRR/EJ&E	Trail Underpass	\$3.7M for Construction	5
Grand Avenue - Lake to Church	Sidewalk	\$400K for Construction	1
Fabyan Parkway - IL 38 to County Line	Capacity/Additional Lanes	\$15.5M for Engineering, Land Acquisition, and Construction	6
75th Street - Ogden to Washington	Capacity/Additional Lanes	\$72M for Engineering, Land Acquisition, and Construction	5
75th Street - Washington to Janes	Capacity/Additional Lanes	\$68.5M for Engineering, Land Acquisition, and Construction	3, 5
Eola Road - New York to IL 56	Capacity/Additional Lanes	\$65M for Engineering, Land Acquisition, and Construction	5, 6
IL Prairie Path Bridge at Eola Road	Extend Crossing	\$500K for Construction	5
Boughton Road at Woodward Avenue	Intersection Improvement	\$4.25M for Engineering, Land Acquisition, and Construction	3
Plainfield Road at Bailey Road	Intersection Improvement	\$1.0M for Engineering, Land Acquisition, and Construction	3
Glen Ellyn Road, Army Trail Road to Fullerton Avenue	Center Turn Lane, Resurfacing	\$2.1M for Engineering and Construction	4