

2020 »

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# ILLINOIS COUNTY ACTION PROGRAM (ICAP)



**Counties COUNT!**

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[www.isacoil.org](http://www.isacoil.org)  
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# About ISACo

The Illinois State Association of Counties (ISACo) is a statewide association whose mission is to empower county officials to provide excellent service to their residents. ISACo member counties are comprised of forward-thinking public servants who recognize that the challenges confronting county governments require new and innovative ideas, collaborative solutions and collective advocacy at the state and federal levels of government.

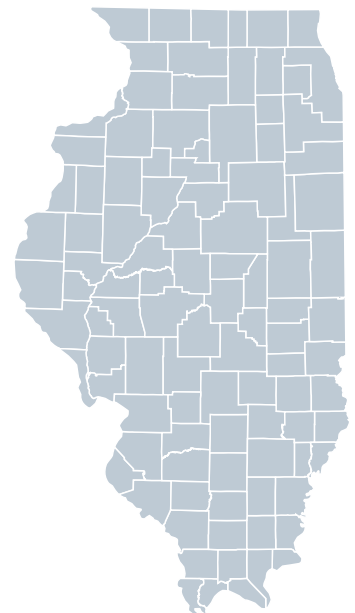
ISACo provides education and training opportunities, peer-to-peer networking, shared resources and robust representation before policymakers at various levels of government. ISACo creates and connects county officials to these opportunities and successfully equips them to make counties ideal places to live, work and play.

ISACo is organized exclusively for nonprofit purposes and will operate at all times in the manner contemplated by section 501(c)(4) of the Internal Revenue Code or by such other provisions of the Code that will assist ISACo to accomplish its non-profit purposes. ISACo is committed to the highest standard of ethical conduct and transparency in the pursuit of our mission.



## Core Tenets

- ▶ Preserve and Expand Local Control
- ▶ Protect County Revenue Sources
- ▶ Oppose Unfunded Mandates
- ▶ Promote Ethical and Responsive Governance



*Counties COUNT!*

The following legislative proposals have been approved for introduction and pursuit in 2020 by the Illinois State Association of Counties (ISACo) Board of Directors. The document will be updated to reflect bill numbers and sponsors when the information becomes available.

## EXPAND LOCAL OPTION MOTOR FUEL TAX (MFT) TO ALL NON-HOME RULE COUNTIES

### PROBLEM

The only non-home rule counties permitted to impose a county MFT are DuPage, Kane, Lake, McHenry and Will. These counties are permitted to impose an MFT not to exceed 8 cents per gallon following passage of an ordinance or resolution by the county board. Cook County imposes an MFT using its home rule authority.

### PROPOSAL

Expand authority to impose a county MFT not to exceed 8 cents per gallon to all non-home rule county boards for the ongoing maintenance and construction of essential infrastructure.

## ESTABLISH AN 80% FUNDING TARGET FOR THE ILLINOIS MUNICIPAL RETIREMENT FUND (IMRF)

### PROBLEM

The IMRF Board of Directors maintains a 100% funding target for the Fund. In 2018, the IMRF Board of Directors voted to reduce the annual investment return assumption from 7.5% to 7.25%. The consequence is higher mandatory employer contribution rates for participating local government employers. This will result in one or a combination of tax increases, service reductions and personnel cuts for counties.

### PROPOSAL

Establish an 80% funding target for IMRF to reduce the mandatory annual employer contribution while maintaining a strong financial position for IMRF.

## STAKEHOLDER OBSERVATION OF IMRF TRUSTEE ELECTIONS

### PROBLEM

IMRF invests billions of dollars in revenue on behalf of local governments and local government employees. In keeping with this significant responsibility, the election of the IMRF Board of Trustees should be subject to a high standard of transparency.

### PROPOSAL

Amend the IMRF statute to require IMRF to allow the counting of ballots during IMRF Board of Trustee elections to be observed by associations representing participating local governments and labor unions that represent participating employees.

## AUTHORIZE ALL NON-HOME RULE COUNTIES TO REGULATE SPECIFIC ADULT USE FACILITIES

### PROBLEM

In 2019, legislation was enacted to provide DuPage County with regulatory authority over adult entertainment facilities in unincorporated areas of the county when the facilities involve exposure of specified anatomical areas or performance of specified sexual services or activities (P.A. 101-0405).

### PROPOSAL

Expand the regulatory authority provided in the law to all non-home counties.

## CLEAN-UP STATUTE CONCERNING DUPLICATE TOWNSHIP NAMES

### PROBLEM

The Illinois Secretary of State is responsible for identifying instances where two or more townships in the state share a name. In such instances, it becomes the responsibility of the county (or counties) with the township(s) that did not adopt the name first to adopt a different name for the township(s). The Secretary of State does not actively enforce this statute and duplicate township names would most likely only be an issue if similarly named townships are located within the same county.

### PROPOSAL

Amend the statute to require that a county change a duplicate township name only if the duplicate names exist within a single county.

## ALLOW COUNTY BOARDS TO BE “CO-EMPLOYERS” IN LABOR NEGOTIATIONS

### PROBLEM

A county board does not have authority to participate in labor negotiations involving the circuit clerk’s office and its bargaining unit or in negotiations involving the chief judge and the bargaining unit representing probation officers. The board or its designee is even restricted from observing the negotiations unless the negotiating parties agree to allow for observation. A county board is ultimately responsible for funding what is negotiated and therefore has a financial interest in the outcome.

### PROPOSAL

Amend the law to consider the county board as a “co-employer” when the circuit clerk’s office and chief judge are involved in labor negotiations with their respective bargaining units. This will allow the county board, as the appropriating body, to participate in the negotiations.

## ELIMINATE EXCESSIVE TOWNSHIP INFLUENCE OVER COUNTY ZONING DECISIONS

### PROBLEM

Current law allows townships that have a planning commission within a county of less than 600,000 residents to object to a proposed county zoning ordinance affecting the unincorporated area of the township. If the township submits a written objection to the county board within 30 days following submission of the proposed zoning ordinance or resolution by the County Zoning Commission to the county board, then the county board is prohibited from adopting the zoning provisions without a three-fourths vote of the board.

### PROPOSAL

Remove the provision that allows an objection by a township to increase the vote threshold necessary for a county board to approve a zoning ordinance or resolution in a county with fewer than 600,000 residents.

## ELECTION OF COUNTY BOARD CHAIRPERSON AND VICE CHAIRPERSON

### PROBLEM

In counties where the position of chairperson and vice chairperson are elected by county board members and not voters, each position is elected by a majority or plurality of those present at the time of the vote. If there is a vacancy in the office of county board chairperson, the vice-chairperson is permitted to serve as chairperson for the duration of the departed chairperson’s two-year term.

### PROPOSAL

Require the chairperson and vice-chairperson to be elected by a majority of those elected to the board instead of among those present at the meeting during which the election is held. Permit the vice-chairperson to fill a vacancy left by a departed chairperson only until a new chairperson is elected and not automatically for the remainder of a two-year term.

## REVOCATION OF SPECIAL USE ORDINANCES

### PROBLEM

Counties have the authority to approve a special use ordinance to permit property to be used in a manner that deviates from normally accepted activities in that area. Awarding a special use ordinance or permit requires the county zoning board of appeals to conduct a public hearing prior to granting the ordinance or permit. The county board ultimately approves or rejects the special use ordinance or permit, unless this authority has been previously delegated to the zoning board of appeals. A county cannot revoke a special use ordinance or permit unless the ordinance or permit includes a provision allowing for revocation. This includes when illicit activities are found to occur on a property.

### PROPOSAL

Allow county boards to revoke a special use ordinance or permit when a property for which a special use ordinance or permit was granted becomes host to activities endangering the health, safety and welfare of the public.

## PROPERTY TAX ABATEMENT INCENTIVE

### PROBLEM

Local governments under the Property Tax Extension Limitation Law (PTELL) have a disincentive to abate a portion of their property taxes out of concern they will lose the ability to include the amount abated within the following year's aggregate extension base. The law essentially incents taxing districts to levy the maximum amount permissible under PTELL or lose the additional property tax dollars in perpetuity.

### PROPOSAL

Authorize taxing districts to order the county clerk to abate any portion of what is found to be surplus revenue while allowing for the amount of the abated revenues to be included in the following year's aggregate extension base.

## COLLECTING UNPAID TAXES RESULTING FROM ERRONEOUS HOMESTEAD EXEMPTIONS

### PROBLEM

The Illinois Revenue Code creates homestead exemptions and establishes a mechanism for erroneously granted homestead exemptions to be recouped by counties for distribution to the various taxing bodies within the counties. Cook County has a stronger enforcement mechanism than the other 101 counties as a result of being able to look at prior years' property tax payments to determine if an erroneous homestead exemption led to underpayments. These unpaid taxes are collected and interest payments are permissible.

### PROPOSAL

Authorize all counties to review the past 3 years of property taxes paid by a taxpayer when the taxpayer is found to have improperly claimed a homestead exemption. Unpaid taxes would be collected and the county may impose interest on the amount of the unpaid taxes.

## ALLOW COUNTY BOARD TO RETAIN LEGAL COUNSEL

### PROBLEM

Under current law, all legal work for a county government is handled by the state's attorney. County boards are not permitted to hire a staff attorney or contract with an outside law firm without the permission of the state's attorney. There are circumstances when a county board desires legal work to be done on an issue and the state's attorney declines the work or refuses to allow for an outside second opinion.

### PROPOSAL

Authorize county boards to hire a staff attorney or contract with outside legal counsel without the need for permission from the state's attorney.

## ALLOW WEBSITE POSTING OF PROPERTY ASSESSMENTS

### PROBLEM

In general assessment years, counties must post a list of all property assessments in a newspaper of general circulation within the county. In the years between general assessments, counties are mandated to publish in a newspaper a list of only those real property assessments that have been changed. These publication requirements are expensive.

### PROPOSAL

Allow county governments to meet the property assessment publication mandate by either publishing the information on a county website or in a newspaper of general circulation in the county. Allowing counties to fulfill the publication mandate on their websites would save taxpayers thousands of dollars annually and the information would be more accessible to the public.

## MERGE MCHENRY COUNTY AND LAKE COUNTY REGIONAL OFFICES OF EDUCATION (ROE)

### PROBLEM

Illinois law seeks consolidation of ROEs to reduce bureaucracy and cost. Several ROEs were consolidated by local agreements. The Illinois General Assembly and Governor enacted a law mandating that the Illinois State Board of Education (ISBE) further consolidate ROEs until the total number did not exceed 35. This resulted in four mandatory consolidations by the date specified in the law.

### PROPOSAL

Require the ISBE to direct the consolidation of the McHenry County and Lake County ROEs into a combined ROE. This will create efficiencies for local taxpayers.

# ISACo Board Of Directors

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