

LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
McHenry County Government Center – Administration Building
667 Ware Road
Woodstock IL 60098

MINUTES OF THURSDAY OCTOBER 13, 2011

Chairman Heisler called the meeting to order at 8:35 a.m. The following Committee members were present: James Heisler, Chairman; Ersel Schuster; Marc Munaretto; and Kathleen Bergan Schmidt. Nick Provenzano arrived at 8:37a.m. John Jung, Jr. and Pete Merkel were absent. Also in attendance: Peter Austin, County Administrator; Adam Lehmann, Assistant to the County Administrator; John Labaj, Deputy County Administrator; Phyllis Walters, Deb Merrill and Nancy Walkington, Recorder; interested public and the press.

James Heisler, Chairman	
John Jung, Jr.	Pete Merkel
Marc Munaretto	Nick Provenzano
Kathleen Bergan Schmidt	Ersel Schuster

MINUTES

Committee members reviewed the committee minutes from September 8, 2011. Ms. Schuster noted a couple of small typographical errors. Ms. Schuster made a motion, seconded by Ms. Schmidt to recommend approval of the above minutes, as amended. The motion carried with all members present voting aye on voice vote.

PUBLIC COMMENT

None.

OLD BUSINESS

State Legislative Update: Committee members were informed that the veto session in Springfield will take place October 24th through the 28th. A meeting has been scheduled in Springfield to highlight the county's legislative priorities. The biggest issue facing the Counties of Illinois will be is question surrounding the Regional Office of Education. Staff from Lake County has been providing required inspections for McHenry County Schools. Tomorrow morning a meeting has been scheduled with the McHenry County Superintendents and some from Lake County to discuss these life safety inspections. So far any truancy issues are being addressed by staff, though these issues are expected to grow as the year moves forward. The most important issue in the veto session will be questions around the rules on how the Regional Office of Education is funded. The Governor is trying to use the funds that have traditionally been spread out to the local governments.

Federal Legislative Update: Committee members reviewed a proposed letter, to be sent to The Ferguson Group requesting we maintain the status quo with the Ferguson Group contract along with the development of a plan on how they will pursue appropriations for FFY2012-2013. Mr. Austin noted that this letter highlights our desire to keep ourselves in position to move forward to secure any Federal appropriations. He stated that he needs direction on whether he should move forward with the letter. Committee members were informed that he has included a 30 day out clause.

Ms. Schuster reminded committee member of the recap of funding that was previously reviewed and stated that millions of dollars have been brought back to the county in the past six years.

There were no appropriations received in the last year. Committee members questioned what the impact is to the County when they accept these grants. It was noted that there are no match funds required to accept these Federal Grants though concern was voiced regarding the ongoing costs for maintenance or leases. It was stated that the County Board Members need a complete picture of the costs for each grant. It was stated that the Groundwater grants have been very good for the County, even though this grant comes with a match requirement. That match has been the County's commitment to this program.

Mr. Austin noted that there is a kick off meeting scheduled next week with McCog, the EDC, the County, Municipal Governments and the schools in order to pursue public fiber to provide links to all business partners. The group will work together in pursuit of Federal Funding for this project. They will put together a group from the Regional Office of Education, City Managers, the County and businesses in order to look at the complete picture and discuss how to pay for upgrades. The County is already paying \$100,000+ to put together a broad based federal request. The request will be modeled after the District 300 network. All of their schools are linked together and they would like to build off of that network. Currently the District 300 network is for their use only. Committee

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members questioned if “empty” tubing is included on State projects as they noted that they have been informed that the State includes empty conduit to allow for future installation. MCC is getting a big fiber package as well.

Committee members questioned if any services will be provided for the western areas in the County. They noted that there doesn't seem to be any services provided in the west while the other areas receive some services. They questioned if these services will only be provided in the populated areas of the County. They were informed that Marengo and Harvard are included and will provide input to this project.

It was stated that one of the flaws of fiber is that it works well in the populated areas and not so well in the lesser populated areas. It was stated that is why “wireless” seems to be the answer. Cell towers reception can be provided at 1/8 the cost and delivers broadband connections. It was noted that the true economic development tool will be to provide access to the areas in the County that does not have computer access.

Committee members questioned what the County would be getting from the Ferguson Group and asked what their plan was for the coming year. They questioned if this “plan” should be part of their proposal. It was stated that the contract in place allows us to track movement in congress. We are currently in maintenance mode and the contract will allow the County to stay in line as the process moves forward.

Mr. Austin stated that he feels there is a tremendous value to stay in the “game” so that we can continue to follow this process and he feels it is important to continue to see what new strategies will be brought forward. He stated that Mr. Lehman has stated he could be here on the 27th to discuss the desires of the Legislative Committee and whether they think the County should continue the relationship with the Ferguson Group. It was stated that they would provide an outline to a program proposition, which continues to evolve. Mr. Lehman will also meet with those involved in the development of the fiber plan and staff to discuss the Federal 2012 program.

The consensus of the committee was to sign the letter and forward it to the Ferguson Group with a request to have Mr. Lehman attend the next Legislative and Intergovernmental Affairs Committee meeting. The committee requested that they be provided information on where the funds for this contract are factored into the budget. Committee members were informed that the County has a \$90,000 line item for legislation costs. This line item includes travel expenses to Washington DC and Springfield by County representatives.

Electric Aggregation: Committee members were informed that they have been contacted by an additional firm interested in providing Municipal Electric Aggregation to the County. This is a larger firm than the previous vendor. The County Board has the opportunity to do one of three things. Do nothing, create and adopt a resolution to place a referendum on the ballot and put out an RFP/RFQ in order to see what is being offered and to meet and interview the various groups to see what they have to offer the County and how they would deliver their services or the County could wait and see how local governments do on their referendums. There are groups visiting local Counties in order to get into the unincorporated aggregation.

If the County wants to put this issue on the November ballot, a decision will be needed by January 3rd.

Committee members questioned if we have to sign with an aggregate company prior to getting this placed on the ballot. They also asked if we contract with someone to do the “pre-referendum” information.

Committee members were reminded that there would be no costs to the county. There is a cost to the vendor to educate the public. The vendor would not want to “educate” the public until they had a contract with the County.

Legislation has been provided that allows Counties to do this. There are a number of communities that will be placing this issue on their ballots. If the County should decide to move forward on this issue they should move quickly in order to get the full benefit of the vendor. This would allow time to communicate this information to the public.

Mr. Austin noted that he needs direction as this will require investment of some staff time.

Committee members stated that this would provide an opportunity to have some dialogue to work with both the “Mom/Pop” shops as well as the larger corporations. It was noted that they would also need weigh-in by the public on this issue.

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Committee members stated they have seen some advertising being sent out to individual homes so they are already able to contract for this service on their own. Individuals are able to negotiate a rate to save 10% – 12%. By providing a larger pool, they could save an additional 10% – 12%. ComEd would still be in charge of the billing, no matter who provides the power.

A lot of the municipalities will have this issue on their ballot so they believe it would be a good time to include the unincorporated areas on this issue. The more people involved, the more the savings will be. The majority of the committee stated they did not see a downside to this issue. Some felt this issue should be researched further.

Committee members were reminded that the County would also receive a fee for this process. They asked if the residents would save more money if the County did not accept this fee. They also questioned who these funds would come from.

They questioned if we could join, along with the municipalities in order to get an even better rate. It was suggested that the County work with McCog on this issue in order to get better rates. It was stated that there is a lot of unknowns on this issue and it may be better if we tag on with others.

The consensus of the committee is to move forward in order to answer additional questions of the program. There are meetings scheduled for this committee on both October 27th and November 9th which would allow time to review referendum language. There is a timeline that provides the steps needed for this process.

NEW BUSINESS

Review of Draft State Legislative Program for 2012 (not attached): Mr. Lehmann joined committee members to provide an update on the draft for the State Legislative Program for 2012. Committee members were reminded that part of the duties of the committee was to provide a State Legislative Program for the County. This is also one of the Administrator's goals. The committee is charged with laying out how the legislative program will come together along with the general tenets that would need to be followed. There are generally three or four items that the County wants to sponsor. At that point the County tries to find a local legislator that wants to put their name on the bill. The committee needs to review the issues to see which ones they may want to support. The Regional Office of Education may not be included if their issues are taken care of.

Committee members suggested that we continue support of a Public Safety Waterway Fee. This would allow Lake and McHenry County's to be reimbursed for services being provided on the local waterways. Services were cut by the Sheriff in May and October of this year because of the cuts to the reimbursements. Senator Althoff previously supported this bill. Law enforcement on the river is important and Lake County has a vision where any boat that purchases a boat fee would be required to pay an additional public safety fee. This fee would be added for all boats that use the river since no funds are coming from the Fox Waterway Agency. Currently Lake and McHenry County residents are paying for the law enforcement costs for the whole river. Maintenance costs for the river fall to the Fox Waterway Agency. Committee members questioned if the municipalities that border the river could be charged a fee for patrols on their portions of the waterway. It was stated that they should contribute to the cost of law enforcement. Committee members were informed that there isn't any mechanism in place to collect the fees for the cost of the law enforcement. These fees would piggyback onto the sticker fee being collected by the Fox Waterway Agency. This sticker already costs about \$100. Previously the Fox Waterway paid for the County to enforce the use of their sticker. When the funding was cut from the State, the Fox Waterway took away the fees being paid to Lake and McHenry Counties. Committee members stated that since the Fox Waterway Agency is unable to enforce the use of their stickers, they should hire someone to enforce this requirement. It was suggested that McHenry County partner with Lake County to try to get legislation passed on this issue.

Ms. Phyllis Walters, McHenry County Recorder, joined committee members to oppose the practice of "robosigning" of filed documents. She stated that this practice started in the early 1990's to make the filing process faster. In July, Recorders from across the announced their support in an ongoing investigation by the Attorney General's office against "robosigning". Ms. Walters stated that robosigning occurs when documents are recorded and then sold. If they are sold they are assigned to "MERS" (mortgage electronic recording system), which provides an 18 digit number to the document. MERS accepts all documents without regard for accuracy, even though with incorrect pin numbers. This causes mass confusion and the recorder's offices cannot clear titles because of these numbers. There are no safeguards in place to protect these documents. This is a USA issue which the legislators

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allowed to happen. The real answer would be to make sure all documents are recorded in the County where the property is located.

Ms. Walters stated that she met with legislators a couple of months ago to talk about this issue. The Recorder's want the support of the State Legislators on this issue in order to make sure these documents are being recorded in the proper County. They are currently working on the legislation wording. The Recorder's Association is taking the lead on this issue and would like the support of the County. The Attorney General is reviewing this issue and is currently working with some of the Recorders from the larger Counties. There is currently no firm legislation to support though she requested the Committee to include this issue on their Legislative program for the coming year. She stated a final form should be available for review at their December meeting.

Ms. Walters stated that another issue is that with these large data bases, there are groups that want to sell this information. There is a lack of control over this public information. If allowed, the County loses control of this information once it is out. Once this information goes out, they won't know if they actually have a clear title to the property. Previously this information was being "sold" to title companies. Once these title companies put the information into their system, they sold this information to others.

Many recorders are finding they are receiving FOIA requests for their whole data base. Ms. Walters stated that the Recorder's main goal is to make sure this information stays within the Recorders Offices in order to make sure information regarding a property is accurate. She stated her office does use the "Laredo" system that redacts personal information from a file. She stated that there is legislation in the Recording Act to require companies to pay Laredo fees in order to access this information. If these companies are required to normally pay a fee for this information, they should not be able to access this same information with a FOIA request. She stated that they are up against a lot of lobbyist on this issue. She stated that legislation will come from the Recorders Association and she stated that she may need a formal support letter on this issue.

Committee members questioned if MCCOG was engaged in this issue. Ms. Walters stated they may not be aware of this issue. She noted that a lot of the County Clerks and Recorders offices in the State are working on this issue.

Committee members requested Ms. Walters keep them updated on this issue.

Committee members were informed that McHenry County has received word that their ballots will not need to be printed bilingually. A formal list of those required to print bilingual ballots have been released and McHenry County was not included. Even though McHenry County has the bilingual numbers, the population is proficient in English so bilingual ballots won't be required.

Mr. Provenzano left committee at 10:00a.m.

Committee members were informed that the County is keeping an eye on the legislation regarding cell towers. Committee members stated that the County should have the same powers as the Municipalities on this issue in order to create a equal playing field for all County residents, not just those that live in a Municipality.

Committee members were reminded that the committee should place three or four issues on their radar to monitor that may have a change to pass. Committee members stated they should continue to monitor issues where there are unequal powers given to one entity over another.

Mr. Munaretto left committee at 10:05a.m.

EXECUTIVE SESSION: None.

REPORTS TO COMMITTEE: None

ADJOURNMENT:

Noting no further business, the committee adjourned at 10:05a.m. because of a lack of a quorum.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION:

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