

March 3, 2010

**SHELBY COUNTY BOARD MEETING AGENDA**

**March 10, 2010 – 9:00 A. M. in Courtroom B**

1. Call to Order - Pledge of Allegiance
2. Roll Call
3. Approval of Minutes
4. M, Y, B & K CPA's Auditor Robin Yockey – Audited Financial Report 8/31/2009
5. Dave Young, Shelby County Economic Development Council Member – Annual Report
6. Amy Rochkes, Farm Bureau Manager – Illinois Fair Map Amendment Proposed
7. County Highway Engineer Alan Spesard – Highway Engineer's Report
8. Zoning Administrator Denny Harris – Zoning Report
9. ESDA Coordinator Cristy Pullen – ESDA Report
10. Chairman Brooks – Report of Certification and Proclamation of General Primary Election County Schools Facility Sales Tax Proposition
11. Committee Reports
12. Chairman Brooks Updates
13. Chairman Brooks Appointments
14. Correspondence
15. Public Body Comment
16. Adjournment

COFFEE: Jury Room B @ 8:30 A. M.

REMINDERS: Please silence cell phones during the Board meeting.  
Bring your completed Statement of Economic Interest Forms to file in  
County Clerks Office, unless you have already done so for 2010.

**SHELBY COUNTY BOARD MEETING**

**March 10, 2010 – 9:00 A.M.**

The Shelby County Board met on Wednesday, March 10, 2010, at 9:00 A.M. at the Courthouse in Shelbyville, Illinois.

Chairman Brooks called the meeting to order and all present recited the Pledge of Allegiance.

The Clerk called the roll. Bruce Cannon was tardy.

Minutes for the February 10, 2010 Board meeting were presented for approval.

MOTION: Norma Stewart made motion to approve the minutes of the February 10, 2010 Board meeting as presented.  
Fred Doerner seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Robin Yockey, Certified Public Accountant and partner of the firm Mose, Yockey, Brown and Kull, LLC, addressed the Board to present the County's audit report for the fiscal year (FY) ending August 31, 2009. Mrs. Yockey explained there were three components of the audit 1) the financial, 2) internal controls and 3) federal compliance. Each component of the audit requires an opinion that is noted in the audit. Drawing the Board's attention to the management discussion and analysis reports, Mrs. Yockey noted Shelby County's financial highlights. The highlights are the County's management report of items felt significant to include. Fund Financial Statements provide an entity wide look at the county's finances but provide detail of the County's General Fund and major Special Revenue Funds. Mrs. Yockey stated that assets increased from FY 08 to FY 09 from \$18,060,298.00 to \$21,738,641.00. Mrs. Yockey stated that comparing FY 07-08 to FY 08-09 "is not exactly comparing apples to apples". Throughout the audit report, Mrs. Yockey reiterated the reason for this is that the inflated 2009 amounts included all of the 2007 taxes payable in 2008 and only the first distribution of 2008 taxes. The County's share of income taxes revenues decreased 18%. Sales and use taxes decreased 6%. General fund expenditures disbursed totaled \$3,808,634.00 and increased 3%. The net change in fund balance for the general fund was a positive \$637,986.00 but without the advance tax payments this would have totaled \$112,503.00. Mrs. Yockey informed the Board that the County wide long term debt was \$38,000.00, stating that this was half of last year's amount which was commendable and unusual. It was also noted that for the first time in ten years the highway department did not have any debt. There were no noncompliance and internal control over financial report findings nor any findings or questioned costs in the major federal award programs.

Charles Lane and David Young, members of the Shelby County Economic Development Council, presented the organization's 2009 annual report and highlighted the council's plans and goals for 2010.

Farm Bureau Manager Amy Rochkes and President Bob Hemer addressed the Board to explain the Illinois Fair Map Amendment which they want submitted to the State to be put on the November 2, 2010, General Election ballot. Among other items the amendment provides for the drawing of General Assembly districts by a bipartisan commission; maps to be drawn in a manner that prior voting data and incumbency shall not be considered; maps would not be drawn to favor or discriminate against any political party or group; and changes the vote required by the General Assembly in creating legislative districts from the current simple majority to a two-thirds vote. Ms. Rochkes and Mr. Hemer requested the audience's support in circulating the amendment petitions to registered Shelby County voters.

Alan Spesard, County Highway Engineer, addressed the Board to give the highway report. Mr. Spesard presented a Resolution to award a contract to low bidder Howell Paving for the materials required in the maintenance of Shelby County roads (Section 10-00000-00-GM) as follows:

54,000 gallons HFE-150 Asphalt Emulsion @ \$2.345/gallon  
6,000 HFE-300 Asphalt Emulsion @ \$2.345/gallon  
800 gallons MC-30 or MC-70 Liquid Asphalt @ \$3.56/gallon  
350 tons M 19-07 @ \$68.50/ton

MOTION: Jim Warren made motion to approve the Resolution to award the low bid contract to Howell Paving for county road maintenance materials as presented.  
John "Jack" Roessler seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mr. Spesard presented a Resolution awarding the contract for 38,000 gallons of HFE 300 to be used in the production of cold mix to Howell Paving, low bidder, for \$2.53 per gallon.

MOTION: Richard Reynolds made motion to approve the Resolution to award the low bid contract to Howell Paving for HFE 300 as presented.  
Norma Stewart seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Next, Mr. Spesard requested approval for a Resolution awarding a contract for the Findlay Road Resurfacing Project, Section 09-00269-00-RS, to Micro-Surfacing, Inc., low bidder, for \$351,662.13.

**Shelby County Board Meeting**  
**March 10, 2010**

MOTION: Glenn R. "Dick" Clark made motion to approve the Resolution to award the Findlay Road Resurfacing Project to Micro-Surfacing, Inc. for \$351,662.13 as presented. Dale Wetherell seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mr. Spesard requested approval for a Resolution awarding a contract for the Sigel Township Railroad Crossing Approach Project, Section 09-21121-00-FL, to Effingham Asphalt Company, low bidder, for \$44,074.90.

MOTION: Kay Kearney made motion to approve the Resolution to award the Sigel Township Railroad Crossing Approach Project to Effingham Asphalt Company for \$44,074.90 as presented. Robin Robertson seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Presenting his last Resolution, Mr. Spesard requested approval to accept from Brush Creek Quarry a \$50,000.00 donation of road material to be used for needed maintenance of Shelby County Highway 6 for two years beginning March 10, 2010.

MOTION: Jim Warren made motion to approve the Resolution to accept the \$50,000.00 donation of road materials from Brush Creek Quarry for maintenance of Shelby County Highway 6 as presented. Barbara Bennett seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Ending his report, Mr. Spesard gave the Board some updates on the work in the County Highway Department. Letting for the Stewardson Road Project is expected in early April or May. The total grant amount for this project is \$749,000.00. The Tower Hill Road Project, awarded to Walker Construction, prejob meeting was February 16<sup>th</sup>. The project has started. An informational meeting about this project and road patterns during construction is scheduled for March 23<sup>rd</sup> at the Tower Hill Township Building at 6:00 P.M. for the residents along this road. Bridge inspections are being conducted on the east half of Shelby County and should be completed next week.

Zoning Administrator Dennis Harris updated the Board on the activities of the Zoning office and highlighted the Zoning monthly report. Mr. Harris stated that last month six permits were issued and he had already surpassed that total the first week in March. Planning Commission and Zoning Board of Appeals approved a special exception to William Stone, Rural Township, for a dog kennel. Brian Halbrook has a pending wind turbine application for his business on the west edge of Shelbyville. Permit fees for two communication towers in the amount of \$9,000.00 were received from Shelby Electric Cooperative. No action from the County Board is required for granting special exceptions.

Cristy Pullen, ESDA Director, updated the Board on the activities of the ESDA office. Mrs. Pullen stated that LEPC Hazardous Material Plan, Hazardous Analysis and Chemical Hazard Analysis Plans are complete and will be submitted with the County's Emergency Operation Plan. Six signatures are still needed to complete the Emergency Operations Plan. The plan will then be forwarded to the Regional Office for approval. Mrs. Pullen stated that the following trainings are scheduled: NIMS 300 class on June 26<sup>th</sup> and 27<sup>th</sup>; NIMS 400 class on July 24<sup>th</sup> and 25<sup>th</sup>; and Weather Spotter class on April 6<sup>th</sup>.

Chairman Brooks gave the report of certification and proclamation of the February 2, 2010, General Primary Election County Schools Facility Sales Tax Proposition stating that the proposition did not pass. Chairman Brooks congratulated those who were nominated or elected at the General Primary Election.

Chairman Brooks called for Committee Reports.

Public Buildings Committee Chairman Jim Warren updated the Board on their Courthouse storm window research. The Committee met last week with representatives of the Mon Ray Window Company and they suggested a storm window made of 4 sections of which three open from the outside and one from the inside for cleaning, etc. These windows would cost approximately \$100,000.00 plus installation. Another proposal is to use Plexiglas storm windows costing approximately \$15,000.00 plus installation. Mr. Warren asked the Board which proposal they would prefer. Discussion followed.

Solid Waste Committee Chairman Richard Hayden informed the Board that on April 21<sup>st</sup> another Electronics Recycling Day would be held. More details to follow.

Chairman Brooks apologized for not introducing and publicly thanking the Shelby County 4-H members who provided the cinnamon rolls for the coffee this morning. They were very good rolls.

Giving the Board some updates, Chairman Brooks congratulated the Cowden – Herrick/Beecher City varsity girl's basketball team on their fourth place finish in the state finals. It was noted that this is a very high honor and that freshman Micah Jones set a number of state tournament records.

**Shelby County Board Meeting**  
**March 10, 2010**

Chairman Brooks requested the following appointment:

**Sheriff's Deputies Merit Commission reappoints Steve Thompson, member.**

MOTION: Robin Robertson made motion to approve the Chairman's appointment as requested.  
Richard Hayden seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Chairman Brooks called for Public Body Comment.

The Eagle Creek Resort project by Dennis Ballinger will be managed by his son, Mike, according to Chairman Brooks. Mr. Ballinger said they are looking forward to the project. Chairman Brooks hopes to have Mr. Ballinger attend a board meeting and provide an update to the board.

Robin Robertson stated that the Galvin appeal has been filed in the Mt. Vernon Appellate Court.

Attorney Whitney D. Hardy, on behalf of Shelby County Lincoln Heritage, Inc., updated the Board on the activities and future planned events of the committee. The Shelby County Historical Society will host a Mary Todd Lincoln Tea Party on Sunday, March 14, 2010 from 1:00 – 4:00 P.M. To commemorate Robert Root's 147<sup>th</sup> birthday, an Air Mail Poster Dedication will be held, Saturday, March 20, 2010 at 2:00 P.M. in the Shelbyville Post Office.

The Budget Committee's six month budget review will be held on March 17<sup>th</sup>.

There was no further business to come before the Shelby County Board.

MOTION: Glenn R. "Dick" Clark made motion to assess mileage and per diem for the March meetings, to pay the bills and payroll as approved by the Committees and adjourn until the next regular meeting to be held on April 14, 2010.  
Bob Jordan seconded the motion.

VOTE: All voted aye by voice, motion carried and the meeting was adjourned at 10:25 A.M.



Kathy A. Lantz  
Shelby County Clerk and Recorder

STATE OF ILLINOIS

ROLL CALL VOTES IN COUNTY BOARD

SHELBY COUNTY

*March 10, 2010* SESSION

		ROLL CALL			QUESTIONS									
			3 / 10 / 2010	/ / 2010	ON MOTIONS TO		ON MOTIONS TO		ON MOTIONS TO		ON MOTIONS TO		ON MOTIONS TO	
COUNTY BOARD MEMBERS		MILEAGE	A.M.	P.M.	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY
217	AMLING, ROBERT	35	✓											
110	BARR, KENNETH	50	✓											
116	BEHL, ROBERT H.	42	✓											
117	BENNETT, BARBARA	40	✓											
29	BROOKS, PAUL		✓											
45	CANNON, BRUCE <i>Jarby</i>	26	<del>✓</del>											
133	CLARK, GLENN "DICK"	12	✓											
25	DOERNER, FRED		✓											
214	DURBIN, JESSE	12	✓											
177	HAYDEN, RICHARD	44	✓											
193	JORDAN, ROBERT	31	✓											
44	KEARNEY, KAY		✓											
206	LENZ, LARRY	26	✓											
457	PAULEY, ROGER	18	✓											
458	REYNOLDS, RICHARD JR.	32	✓											
181	ROBERTSON, ROBIN		✓											
148	ROESSLER, JOHN JACK	12	✓											
221	SIMS, TERRY JOE	24	✓											
137	STEWART, NORMA J.	52	✓											
46	STROHL, DON	45	✓											
329	WARREN, JAMES	28	✓											
44	WETHERELL, DALE	46	✓											

**SHELBY COUNTY, ILLINOIS  
ANNUAL FINANCIAL REPORT  
YEAR ENDED AUGUST 31, 2009**

*See Original Audit*

Economic Development Council

of Shelby County, II

2009 Annual Report

## Projects and Activities Conducted in 2009

1. Helped Herrick meet with and obtain guidance from DCEO for establishing Residential TIF Districts.
2. We have arranged and helped conduct four meetings with the Village of Findlay, the Army Corps of Engineers, the Findlay Marina and other interested parties concerning the first phase of the Regional Sewer Project, along the Bruce-Findlay road between Findlay and the Marina.
3. We worked with Strasburg when needed for the Moving Strasburg Forward project and were a part of the dedication of the Looking for Lincoln Storyboard in the Strasburg Park.
4. We met with the City of Tower Hill to discuss assistance that could be available to them for future improvements and expansion.
5. Continuing with our plan to be in contact with every town, village, and Community in Shelby County, on March 1<sup>st</sup> this year we met at Cowden to discuss some of their needs and how we might be able to help them.
6. Held discussions with IEPA, DCEO and USDA about Grants and other funding for a Regional Sewer System.
7. Attended original meetings with IDNR concerning Eagle Creek Resort closing.
8. Charles attended the 20th Annual Rural Partners Economic Development Meeting held at Peoria, in March, 2009 where he learned of grant programs and sources of other financing, and personally met the representatives of these Organizations.
8. Executive Board Member Rob Amling attended the Regional meeting of the Mississippi Water Conservancy Conference last fall. Perhaps he has reported to you on that Conference.
9. Worked with DCEO, Shelbyville Schools, International Paper, Lakeland College and Pana Schools for expansion and funding for the Mechatronics Program.
10. Met with and arranged for a grant writer for Phase One of the Regional Sewer Project.
11. We discussed a new County website with three different individuals and



finally, the third one is making some progress.

12. Met with and arranged for a videographer to work with our organization in completing a professional quality DVD to promote Shelby County and all the towns and villages in the county.

## Plans and Goals for 2010

1. Encourage and pursue additional Educational Programs to enhance career choices and employment in this area, not necessarily similar to the Mechatronics program, but of the same nature.
2. Complete the Video which we have arranged to be made in Shelby County to be used for promoting the entire county.
3. Proceed with the current plans to accomplish the first step in the Regional Sewage System, that being the Findlay branch, running from Findlay east to the marina.
4. Stay in contact with State and Federal Legislators and Agencies concerning the Regional Sewage System, and other problems in the area.
5. Meet with the other outlying Town and Village Boards as we have with the communities mentioned previously to see what we can do for them.
6. Get the County Web Site up and running.
7. Initiate other Marketing Programs for our organization, in addition to the video and web site.
8. Get the Outlying Communities to become more involved financially, and further supporting the organization with their time. In that same vein of discussion, the finance committee of our organization is completing their plans for raising funds other than from the County and City of Shelbyville.
9. We are working to create two scholarships for students who wish to go further with their education in mechatronics.
10. We want to get Your Direction, and the direction of the City of Shelbyville and all the outlying communities on projects we can help you with. You tell us what you want help with. That could include advice, technical support and planning, and securing grants and funding.

## ILLINOIS FAIR MAP AMENDMENT

~~The goal of the Illinois Fair Map Amendment coalition is to gain 500,000 signatures by April 1, 2010, so a proposed amendment can be submitted to the Illinois Secretary of State before the May 2, 2010, deadline to place the proposed amendment on the November 2, 2010, ballot. A minimum of 279,040 registered voter signatures are required.<sup>1</sup>~~

It is anticipated that once the petitions are filed each signature will be verified as provided by law. If more than 279,040 are positively ~~constitutional language will be challenged in the Illinois~~ *This goes in County Board minutes* ~~the language meets the requirements for amending the~~ ~~Constitution. If the Illinois Supreme Court rules the q~~ ~~posed~~ ~~e if~~ ~~is~~ ~~de~~ placed on the November 2 ballot.

### TALKING POINTS IN SUPPORT

#### ~~Reasons to support the Illinois Fair Map Amendment:~~

- It provides for the drawing of General Assembly districts by a bipartisan commission;
- The commission meetings will be open to the public and it shall hold several hearings across the state to take testimony before a map is drawn and after it creates a suggested map;
- Maps will be drawn in a manner that prior voting data and incumbency shall not be considered and maps shall not be drawn to favor or discriminate against any political party or group;
- Changes the vote required by the General Assembly in creating legislative districts from the current simple majority to a 2/3 vote;
- The current "tie breaker" system of drawing one of two names out of a "hat" is replaced with a "Special Master" chosen by the Illinois Supreme Court Justice and a justice of the opposite party.

### IFB POLICY ON REDISTRICTING

We will support a restructuring of the Illinois legislative redistricting process that will be conducted by an unbiased third party, will not be based on political affiliation and prior election results, and districts will be compact, contiguous, and impartial to party or incumbency. Districts should follow county, township, and municipal boundaries as much as possible.<sup>2</sup>

<sup>1</sup> The Illinois Constitution Article XIV, Section 3, states that a voter initiative must have signatures equaling 8% of the ballots cast for governor in the most recent gubernatorial election. A total of 3,487,989 votes were cast in the 2006 gubernatorial election. 8% of those ballots cast would equal 279,040.

<sup>2</sup> Illinois Farm Bureau Policy Resolutions 2010, Policy 113 - Legislative Bodies, Page 82, Lines 24 - 27; approved by the Delegate Body at the Illinois Farm Bureau Annual Meeting, December 2009.

## **DETAILED SUMMARY**

The following is a summary, organized in the chronological order of requirements, of the proposed Illinois Fair Map Amendment:

Temporary Redistricting Advisory Commission (TRAC) shall be created by the second Tuesday in February

- 9 Members Appointed
  - Two appointed by each General Assembly Caucus Leader.
  - 9th member elected by a majority of the members appointed to serve as Chairperson. (This is to occur on or before the second Tuesday in March.)
  - No member can be a lobbyist, public or political official, elected official, contractor or employee of the State of Illinois or an immediate family member of anyone listed above. All members are ineligible to run for the Illinois General Assembly within ten years of serving.
- All meetings shall be open to the public and require 24 hour notice.
- TRAC will be able to hire private independent firms for any assistance.

Within three days of TRAC receiving the data from the US Census Bureau, TRAC shall make the data and redistricting software available to the public.

TRAC will hold five public hearings across the state (three will be held after the census date from the US Census Bureau).

TRAC shall approve any redistricting plans by a majority vote of its members.

- The Commission shall establish districts pursuant to a mapping process using the following criteria as set forth in the following order of priority:
- Districts shall comply with all federal laws, and shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.
- The Districts will be drawn using the following criteria:
  - Contiguous,
  - Substantially equal in population,
  - Compact,
  - Follow visible geographic features and municipal boundaries to the extent practical,
  - Not be drawn to purposefully or significantly favor or discriminate against any political party or group, and
  - Party registration, voting history data and incumbency shall not be considered in the mapping process, except to evaluate compliance with federal laws and the anti-discrimination of political affiliation.

- Senate and House Districts May Be Decoupled. Senate Districts and House Districts are not required to match.

The general public or the General Assembly may submit a plan to TRAC for consideration and public review.

TRAC shall approve a preliminary redistricting plan and shall release the plan for public review.

Three public hearings are required on a preliminary redistricting plan.

By the third Monday in May the Commission shall approve by a majority a redistricting plan for each chamber of the General Assembly and deliver for action to the respectful chamber for action.

Each Chamber would be responsible for passing their map, and only their map. A two-thirds (2/3) vote is required for the map to be approved. The plans are to be adopted by resolution and may not be amended.

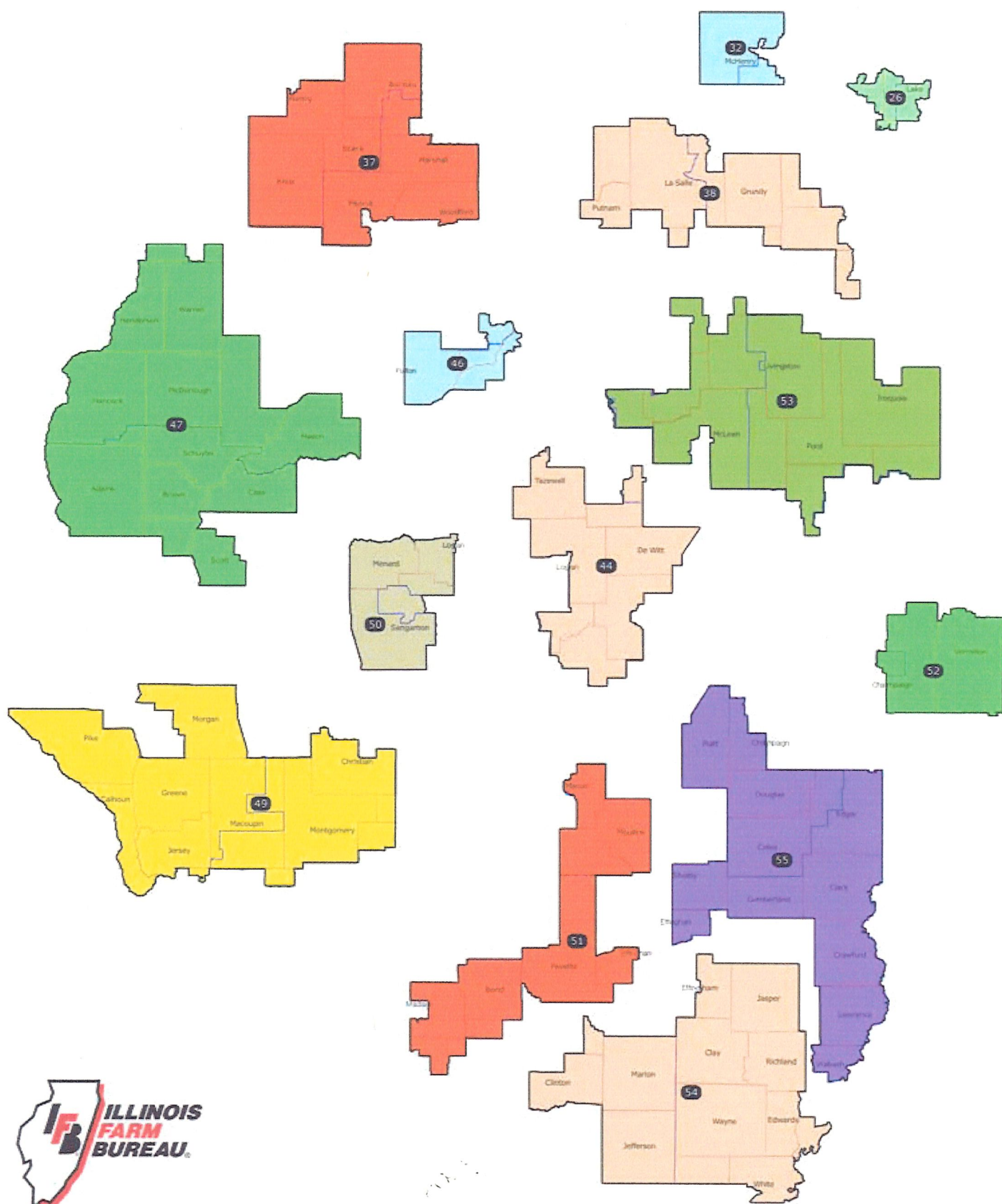
If a plan is not adopted by the respectful chamber by the first Monday in July, TRAC will submit an alternative redistricting plan by the third Monday in June and submit it to the respective chamber.

The chamber has until the first Monday in July to adopt the alternative TRAC plan. If no plan is adopted TRAC will take one of the two previous plans submitted to the chamber and approve it by a majority of the TRAC members. TRAC has until the third Monday in July to adopt one of the two plans which shall become the final redistricting plan.

Fail Safe - If the TRAC fails to meet any one of the many deadlines, a Special Master will be appointed by the Supreme Court Justice and a justice of the opposite party.

- The Special Master shall perform at least five public hearings on separate days after the Special Master receives the US Census data but before a preliminary redistricting plan can be released.
- The Special Master shall hold at least three public hearings on separate days after promulgating any preliminary redistricting plans but before finalizing any plan(s).
- The Special Master shall file a redistricting plan by no later than September 30.
- Other Provisions
  - The Special Master shall be able to hire private independent firms for any assistance.
  - All data of the TRAC will be released to the Special Master.

# Illinois Legislative Districts



- As Drawn in 2002 -

190C

x.....**BIND HERE**.....x

### Shelby County

We, the undersigned registered and duly qualified voters of the State of Illinois petition to amend Article IV of the Illinois Constitution by placing the amendment attached hereto before the voters of Illinois at large by referendum at the General Election to be held in this State of Illinois on the second day of the month of November in the year 2010.

<i>Shall the voters of Illinois adopt the 2010 Illinois Fair Map Amendment which amends Article IV of the Illinois Constitution to change the structure of General Assembly member districts and the procedure by which the General Assembly redistricts the Legislative and Representative Districts?</i>	<input type="checkbox"/> YES
	<input type="checkbox"/> NO

*\*\*\*NOTE\*\*\*Registered voters in Aurora, Bloomington, Chicago, Danville, East St. Louis, Galesburg, Peoria or Rockford may only sign a petition form in which that city is indicated at the top of the form and in the column labeled "City."*

SIGNATURE	ADDRESS	CITY, VILLAGE, TOWN	COUNTY
1.			Shelby
2.			Shelby
3.			Shelby
4.			Shelby
5.			Shelby
6.			Shelby
7.			Shelby
8.			Shelby
9.			Shelby
10.			Shelby

#### Circulator Affidavit

I, \_\_\_\_\_, being first duly sworn, do hereby certify that I am at least 18 years of age and a citizen of the United States, that I reside at \_\_\_\_\_, in the City, Town or Village of \_\_\_\_\_, County of \_\_\_\_\_, State of Illinois, and that the signatures on the sheet were made in my presence and are genuine and were made not more than twenty-four (24) months preceding the General Election on November 2, 2010, that the text of the amendment was available for review and that to the best of my knowledge and belief the persons so signing were at the time of signing the petition duly qualified and registered voters of the State of Illinois and that their respective residences are correctly stated, as set forth above.

\_\_\_\_\_  
(Signature of Circulator)

Signed and sworn to by \_\_\_\_\_ before me, on \_\_\_\_\_  
(Name of Circulator) (DATE)

[SEAL]

\_\_\_\_\_  
(Signature of Notary Public)

Return this Petition to: IL Fair Map Amendment, c/o League of Women Voters of Illinois 332 S. Michigan Ave., Suite 1150, Chicago, IL 60604

Sheet No. \_\_\_\_\_

## 2010 ILLINOIS FAIR MAP AMENDMENT

### ARTICLE IV THE LEGISLATURE

(ILCON Art. IV, Sec. 2)

#### SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) In 2012 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(ILCON Art. IV, Sec. 3)

#### SECTION 3. LEGISLATIVE REDISTRICTING

(a) On the second Tuesday in February in the year following each federal decennial census year, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House may each, considering the diversity of the State, appoint two members to the Temporary Redistricting Advisory Commission. On or before the second Tuesday in March, one additional member shall be elected by a majority of the members appointed, and that member shall serve as Chair. Members of the Temporary Redistricting Advisory Commission shall not be eligible to be elected to the General Assembly or appointed to any office that is subject to confirmation by the Senate for ten years after completion of service on the Temporary Redistricting Advisory Commission. No person may serve as a member of the Temporary Redistricting Advisory Commission who is at the time of appointment, becomes at any time during service, or who was at any time during the preceding four years (i) a registered lobbyist in Illinois; (ii) an employee or contractor of the State of Illinois; (iii) an elected official or a candidate for or appointed member of any elected body of: the federal government, the State, a unit of local government, a school district or a political party or (iv) an immediate family member of any of the foregoing. As used in this Article IV, Section 3, "immediate family member" is a person with whom the person has a bona fide relationship established through close blood or legal kinship. If any member of the Temporary Redistricting Advisory Commission shall be unable to fulfill the duties required under this Section, then the person who appointed said member, or that person's successor, shall appoint a person

to fill said vacancy within five days of the occurrence of the vacancy.

A meeting of a majority of a quorum of the Temporary Redistricting Advisory Commission shall be open to the public with at least twenty-four hour notice. The Temporary Redistricting Advisory Commission shall have authority to hire independent private firms for any assistance. The Commission shall conduct at least five public hearings on separate days around five distinct geographic regions of the State before voting on any redistricting plans, and at least three of the hearings shall be after receipt of the data from the United States Census Bureau.

Within three days after receipt of the data from the United States Census Bureau, the Commission shall make that data, together with redistricting software, available to the public.

(b) The Commission shall approve any redistricting plans by a majority vote of its members.

The Commission shall establish districts pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with all federal laws, and shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.

(2) Districts shall be contiguous.

(3) Districts shall be substantially equal in population.

(4) Districts shall be compact.

(5) District boundaries shall, to the extent practical, follow visible geographic features and municipal boundaries.

(6) The plan shall not be drawn to purposefully or significantly favor or discriminate against any political party or group.

Party registration, voting history data and incumbency shall not be considered in the mapping process, except to evaluate compliance with the criteria listed in subsections (b)(1) and (b)(6). The Commission shall establish definitions where applicable for each of the criteria listed in subsections (b)(1)-(6). A Representative District need not be entirely within a single Legislative District.

After preliminary approval of the redistricting plans, the Commission shall release the proposed plans to the public, conduct at least three public hearings around three distinct geographic regions of the State, and submit a report to the General Assembly. At any time prior to the submission of a plan under subsection (c), any member of the General Assembly or general public may submit a plan to be considered by the Commission and for public viewing. All documents submitted to or plans considered by the Commission shall be made available to the public within a reasonable time period.

(c) After conducting the required public hearings, the Commission shall approve by a majority vote a Representative redistricting plan by third Monday in May, which the Chair of the Commission shall deliver to the House of Representatives on the third business day after approval. The House must take a record vote to accept the plan by a House Resolution. The Resolution is adopted if it receives the affirmative vote of at least two-thirds of the members elected.

After conducting the required public hearings, the Commission shall approve by a majority vote a Senate redistricting plan by the third Monday in May, which the Chair of the Commission shall deliver to the Senate on the third business day after approval. The Senate must take a record vote to accept the plan by a Senate Resolution. The Resolution is adopted if it receives the affirmative vote of at least two-thirds of the members elected.

Redistricting plans may not be amended by either chamber. An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the chamber that initiated the resolution. Each chamber shall have until the first Monday in June to file a resolution with the Secretary of State approving the redistricting plan.

(d) If a plan is not adopted by a chamber of the General Assembly, the Commission shall approve an alternative redistricting plan no later than third Monday in June, and the

Chair of the Commission shall deliver that plan to the appropriate chamber of the General Assembly on the third business day after approval. The appropriate chamber of the General Assembly shall approve or reject that plan in the same manner established by subsection (c). Each chamber shall have until the first Monday in July to file a resolution with the Secretary of State approving the alternative redistricting plan.

(e) If a plan is not approved by a chamber of the General Assembly by the first Monday in July, the Commission shall approve by a majority one of the two previous plans submitted to the appropriate chamber of the General Assembly under subsections (c) and (d). The Chair of the Commission shall file the approved redistricting plan for the appropriate chamber with the Secretary of State not later than the third Monday in July.

(f) If at any time the Temporary Redistricting Advisory Commission fails to meet one of the deadlines set forth herein, the Chief Justice of the Supreme Court and a Supreme Court judge chosen by the judges of the Supreme Court who are not of the political party of the Chief Justice shall within ten days jointly appoint and certify to the Secretary of State one person to act as Special Master to generate any maps not previously approved. No person may serve as Special Master who is not eligible to serve on the Temporary Redistricting Advisory Commission. A person who serves as Special Master is not eligible to be elected to the General Assembly or appointed to any office that is subject to confirmation by the Senate for ten years after completion of service as a Special Master. A Special Master shall consider all redistricting plans delivered by or submitted to the Temporary Redistricting Advisory Commission, the Senate, or the House as applicable. The Special Master shall have authority to hire independent assistance, make available the data received from the United States Census Bureau, together with redistricting software, to the public within three days of receipt unless the Temporary Redistricting Advisory Commission has already done so; shall conduct at least five public hearings on separate days around five distinct geographic regions of the state after receipt of the data from the United States Census Bureau and before promulgating any preliminary redistricting plans, and shall hold at least three public hearings on separate days around three distinct geographic regions of the state after promulgating any preliminary redistricting plans and before finalizing any plan or plans. All documents submitted to or utilized by the Special Master shall be made available to the public within a reasonable amount of time. The Special Master shall file a redistricting plan complying with the criteria set forth in subsection 3(b) for the Legislative Districts and Representative Districts, as applicable, with the Secretary of State not later than September 30.

(g) A redistricting resolution or redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

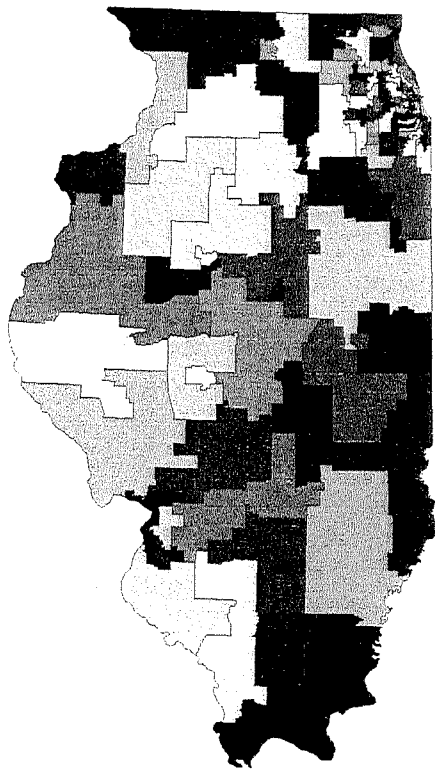
The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

#### SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness. This Constitutional Amendment applies to redistricting beginning in 2011 for the election of members of the General Assembly beginning in 2012.



**Legislative Redistricting  
Working Group  
Illinois Farm Bureau  
Report & Recommendations**



Approved by the  
Illinois Farm Bureau Board of Directors  
January 2010

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## APPROVED ACTION

The Illinois Farm Bureau Board of Directors at its January 2010 meeting accepted and approved the Legislative Redistricting Working Group (LRWG) report and recommendations for action regarding the implementation of Farm Bureau policy to work to amend the Illinois Constitution Legislative Article on Legislative Redistricting.

The recommendations for action approved by the Board of Directors was:

The Illinois Farm Bureau will support the Illinois Fair Map Amendment proposed constitutional amendment which will bring about a change in the way legislative districts are drawn for the Illinois General Assembly through voter initiative. The LRWG also recommends that IFB work to engage County Farm Bureau leaders to circulate petitions to their membership and within their local communities in support of the proposed amendment so that it can be placed on the ballot.

Illinois Farm Bureau will also continue to work on a legislative option to amend the Illinois Constitution's provisions on redistricting. A voter initiative is limited to changing the Illinois General Assembly redistricting process while a legislative proposal could encompass a broader range of issues. Items that should be considered in a General Assembly proposed amendment on redistricting are:

- Both General Assembly and Congressional districts should be specifically covered by the redistricting processes of the Illinois Constitution. This should require that the districts be compact and contiguous and follow current established political boundaries within the legal ability of the Federal Voting Rights Act of 1964;
- Outside groups should be allowed to submit proposed maps for the redistricting process;
- The process should be transparent to the public and permit the public to review and comment on any proposed map plan before it is considered in the redistricting approval process;
- The General Assembly Senate and House maps should be "de-nested" (i.e. Senate Districts would be drawn separately from House Districts); and,
- To approve any map through the legislative process, the proposed map should have at least a 3/5 vote requirement for approval.

## **LEGISLATIVE REDISTRICTING WORKING GROUP**

### **LRWG MEMBERS**

The following are the members of the LRWG:

- Terry Pope (IFB Board Member - District 9) [Chairperson]
- JC Pool (IFB Board Member - District 17)
- Jim Brandau (Cook County Farm Bureau)
- Robert Hemer (Shelby County Farm Bureau)
- Lin Warfel (Champaign County Farm Bureau)
- David Erickson (Knox County Farm Bureau)
- Donald Duvall (White County Farm Bureau)

### **MEETINGS OF THE LRWG**

The LRWG met on December 7th and 17th, 2009 and January 19, 2010. The LRWG on January 19 approved their recommendations for submission to the Illinois Farm Bureau Board of Directors.

### **RATIONALE FOR THE CREATION OF THE LRWG**

The issue of amending the Illinois Constitution to redesign the process of drawing the Illinois US House of Representative districts and Illinois General Assembly districts has seen an increase of activity over the past nine months. There are several groups attempting to gain support for their approaches to meeting the legal and constitutional requirements for changing the redistricting process. During the spring of 2009 negotiations occurred in the Illinois Senate in an attempt to pass a proposal through the Illinois General Assembly and place it on the November 2010 ballot. That effort was put on the "back burner" while the reform groups focused on campaign finance and other ethics reforms.

The Illinois Senate held a series of hearings on legislative redistricting in the summer and fall of 2009, but the political outcome of a legislative approach seems uncertain. The other option available is to use the very difficult process of drafting a well crafted proposed amendment to meet the strict voter initiative procedure for amending the Legislative Article of the Illinois Constitution. There are several approaches that have been launched to use the voter initiative concept. In an initial review, each of these approaches brings an answer to changing legislative redistricting, but meeting the constitutional requirements brings many more potentially hazardous, unintended consequences to the Illinois legislative structure.

In developing the concepts that this organization should strive for in a constitutional issue as weighty as this, a more in-depth review of the issue was needed. The LRWG was created to review the redistricting process, proposed options, and develop a set of recommended positions for the organization on legislative redistricting.

## ILLINOIS REDISTRICTING

### The Process

The Illinois Constitution<sup>1</sup> provides the process by which the General Assembly districts are to be redrawn every 10 years. This process begins the year after the Federal decennial census. The plan is to be approved by the General Assembly and signed by the Governor as a piece of legislation. If no redistricting plan is put in place by June 30 of that year, a Legislative Redistricting Commission shall be created.

The Legislative Redistricting Commission shall be created by July 10 and will have 8 members. No more than 4 members will be from the same political party. Each legislative leader from the four General Assembly caucuses shall each appoint one member from their chamber and one non-legislator.

The Legislative Redistricting Commission has until August 10 to have a redistricting plan approved by at least a majority of the commission members. If no plan is approved by that date, the Illinois Supreme Court shall submit the names of two people to the Secretary of State no later than September 1. Each person shall be from a different political party.

The Secretary of State shall, no later than September 5, randomly draw from the two names for the person who shall be the 9th member of the Legislative Redistricting Commission. Once the 9th member is chosen, the Commission shall have until October 5 to approve a plan by a majority of the members.

Once the Commission approves a plan, the new districts are established.

Nothing in the Illinois Constitution establishes the process for the way congressional districts are drawn. There is not a single clear federal statute that lays out the process for congressional redistricting. The process is compilation of federal statutes and court rulings developed over many decades that allows the states to use whatever process they want as long as the Federal requirements are met. In Illinois, since the creation of the 1970 Constitution, the Legislative Redistricting Commission has been used to develop the Illinois Congressional Districts since no congressional redistricting process has been established, except for 2001. In 2001 the General Assembly did approve a map by law<sup>2</sup> to create the congressional districts.

### The Reality

With the rewriting of the Illinois Constitution of 1970 a plan was placed in the document so that there would be a redistricting plan every 10 years following the Federal decennial census. Prior to the Illinois Constitution of 1970 there had been a period of over 50 years where no redistricting took place followed by series of other strange General Assembly elections shortly thereafter.

<sup>1</sup> Article IV, Section 3 of the Illinois Constitution.

<sup>2</sup> Illinois Congressional Reapportionment Act of 2001, 10 ILCS 76 et. al, Illinois Public Act 92-4, effective May 31, 2001.

What has transpired since the Illinois Constitution of 1970 was ratified is that there has never been a General Assembly redistricting plan approved by the General Assembly and only once has there been a Congressional redistricting plan approved by legislative action. In 1971 the Legislative Redistricting Commission was able to craft a plan that drew 28 districts that leaned Democrat, 28 district that leaned Republican, and 3 competitive districts.<sup>3</sup> All other times when the Legislative Redistricting Commission has been initiated it has ended with the "failsafe" drawing of a tie breaker.

For a more detailed description of the General Assembly redistricting processes please refer to APPENDIX I of this document.

## AMENDING THE ILLINOIS CONSTITUTION

There are two options provided in the Illinois Constitution for making amendments. The first is by seeking and securing the passage of a Joint Resolution by the Illinois General Assembly and placing it on the ballot for voter approval. The second option, which only allows the Legislative Article of the Illinois Constitution to be amended in a very strict and narrow way, is by voter petition and then submittal to the voters. With both options it is assumed that the language will be challenged in court, especially the voter petition.

### General Assembly<sup>4</sup>

A portion of the constitution can be proposed to be amended.

Each Chamber must read the Proposed amendment in its entirety on three separate days.

Each Chamber must approve the proposed amendment by a 3/5 vote (71 House members and 36 Senate members).

### Voter Initiative<sup>5</sup>

Voter initiative petitions are limited to amending Article IV - Legislature - of the Illinois Constitution.

The proposal must change the legislative article in two ways - substantively and procedurally.

Signatories must be registered voters.<sup>6</sup> The minimum number of valid signatures needed is equal to 8% of the votes cast for governor in the preceding gubernatorial election.

Based on the 2006 Gubernatorial election, 279,040 registered voter signatures would be needed. (A total of 3,487,989 votes were cast for Governor in 2006.)

<sup>3</sup> The Institute of Politics - Legislative Redistricting in Illinois - Summary Report, Paul M. Green, Roosevelt University, Testimony Delivered to Illinois Redistricting Commission, July 29, 2009.

<sup>4</sup> Illinois Constitution, Article XIV, Section 2.

<sup>5</sup> Illinois Constitution, Article XIV, Section 3.

<sup>6</sup> For the 2008 General Election there were 7,789,500 registered voters.

Approved by the General Assembly no later than 6 months before the election.

Submitted to the Secretary of State no later than 6 months before the election.

To be included on the November 2, 2010, ballot, the last day for passage is May 2, 2009.

To be included on the November 2, 2010, ballot, the last day to file is May 2, 2009.

For the proposed amendment to be accepted, it must be approved by:

For the proposed amendment to be accepted, it must be approved by:

- i. 3/5 of the voters voting on the question, or
- ii. A majority of those voting in the election.

- iii. 3/5 of the voters voting on the question, or
- iv. A majority of those voting in the election.<sup>7</sup>

### Previous Constitutional Amendments on the Ballot

The following are amendments that have been or will be presented to the voters since the adoption of the 1970 Illinois Constitution. There are 18 in total, of which 10 have been approved and 7 that failed the approval of the voters. One of the 18 will be considered in November 2010. All but one amendment was placed on the ballot by action of the Illinois General Assembly. Only one amendment has been successfully placed on the ballot using the voter initiative petition provisions to amend the Legislative Article of the Illinois Constitution.

<u>Year</u>	<u>Proposed Amendments</u>	<u>Method of Ballot Placement</u>	<u>Action of Voters<sup>8</sup></u>
1974	Proposed to eliminate the Governor's amendatory veto except for changes in matters of form and correction of technical errors. <sup>9</sup>	General Assembly Action	Failed
1978	Would have abolished all remaining taxation of personal property in Article 9, subsection 5 (c). <sup>10</sup>	General Assembly Action	Failed
	Proposed to exempt veterans' organizations from property taxes. <sup>11</sup>	General Assembly Action	Failed

<sup>7</sup> Based on the Con Con question during the 2008 election 3/5 of those voting on the question would be equal to 2,733,556 votes and a majority of the total votes cast would be 2,769,587 votes.

<sup>8</sup> "Constitution of the State of Illinois Amendments Proposed," Illinois General Assembly Legislative Reference Bureau, [www.ilga.gov/commission.lrb/conampro.htm](http://www.ilga.gov/commission.lrb/conampro.htm), November 28, 2007.

<sup>9</sup> HJRCA 7, 78<sup>th</sup> General Assembly (1973)

<sup>10</sup> HJRCA 21, 80<sup>th</sup> General Assembly (1977-1978)

<sup>11</sup> HJRCA 29, 80<sup>th</sup> General Assembly (1977-1978)

1980	Eliminated cumulative voting and reduced the size of the House of Representatives from 177 to 118 members. As of 1970, voters in multi-member legislative districts divided three votes between candidates for representative, with each district electing three representatives, no more than two of whom could be from the same party. With the 1982 effective date of the amendment, districts were divided into two single-member representative districts in which voters cast a single vote for state representative, and one legislative district from which they cast one vote for senator. <sup>12</sup>	Voter Initiative Petition	Approved
	In an effort to prevent abuse in scavenger sales by tax delinquent property owners, the minimum redemption from scavenger sales was reduced to 90 days for vacant non-farm real estate, improved residential real estate of seven or more units, and commercial and industrial real estate when at least five years of taxes are delinquent. After adoption of this amendment, the General Assembly established six months from the date of sale as the minimum redemption period for properties falling within these classes. <sup>13</sup>	General Assembly Action	Approved
1982	Allows state criminal court judges to deny bail to persons accused of crimes carrying a possible life sentence. Prior to its passage, only persons accused of an offense punishable by death could be ineligible for bail. <sup>14</sup>	General Assembly Action	Approved
1984	Proposed to exempt veterans' organizations from property taxes. <sup>15</sup>	General Assembly Action	Failed
1986	Allows state criminal court judges to deny bail to persons accused of certain crimes when the court determines that the persons may pose a threat to the community. <sup>16</sup>	General Assembly Action	Approved

<sup>12</sup> David R. Miller, *1970 Illinois Constitution Annotated for Legislators*, 4<sup>th</sup> Edition, Page 105, Illinois Legislative Research Unit, 2005.

<sup>13</sup> SJRCA 56, 81<sup>st</sup> General Assembly (1979-1980)

<sup>14</sup> SJRCA 36, 82<sup>nd</sup> General Assembly (1981-1982)

<sup>15</sup> HJRCA 2, 83<sup>rd</sup> General Assembly (1983-1984)

<sup>16</sup> SJRCA 22, 84<sup>th</sup> General Assembly (1985-1986)



	Proposed to exempt veterans' organizations from property taxes and reimburse units of local government for the loss of property tax revenues due to the proposed veterans' exemption. <sup>17</sup>	General Assembly Action	Failed
1988	Reduced the voting age for every U.S. citizen voting in state elections from 21 years to 18 years and the permanent state residency requirement from six months to 30 days preceding any election. <sup>18</sup>	General Assembly Action	Approved
	Proposed to change the redemption periods for real property sold for nonpayment of taxes. <sup>19</sup>	General Assembly Action	Failed
1990	Amended Article 9, Section 8 to subdivide the kinds of real property having a shorter period for redemption from taxes into two groups. One group would have a redemption period of 6 months and the other group a redemption period of one year. <sup>20</sup>	General Assembly Action	Approved
1992	Added to Article 1 a new Section 8.1 granting rights to crime victims. <sup>21</sup>	General Assembly Action	Approved
	Proposed to change Article X, Section 1 to require the state to become the "preponderant" source of public education. The proposal sought to change the language from a "primary responsibility for financing" to a "preponderant financial responsibility." <sup>22</sup>	General Assembly Action	Failed
1994	Amended Article 1, Section 8 to delete the requirement that in criminal trials a face-to-face confrontation is required between defendants and witnesses. <sup>23</sup>	General Assembly Action	Approved
	Amended Article 4, Section 10 changing the date after which a super majority is required for the passage of legislation by the General Assembly from June 30 to May 31. <sup>24</sup>	General Assembly Action	Approved

<sup>17</sup> SJRCA 11, 84<sup>th</sup> General Assembly (1985-1986)

<sup>18</sup> HJRCA 1, 85<sup>th</sup> General Assembly (1987-1988)

<sup>19</sup> HJRCA 13, 86<sup>th</sup> General Assembly (1987-1988)

<sup>20</sup> HJRCA 4, 86<sup>th</sup> General Assembly (1989-1990)

<sup>21</sup> HJRCA 28, 87<sup>th</sup> General Assembly (1992)

<sup>22</sup> SJRCA 130, 87<sup>th</sup> General Assembly (1992)

<sup>23</sup> SJRCA 123, 88<sup>th</sup> General Assembly (1994)

<sup>24</sup> HJRCA 35, 88<sup>th</sup> General Assembly (1994)

1998	Amended Article 6, Section 15 to strengthen the process for disciplining judges found guilty of misconduct. <sup>25</sup>	General Assembly Action	Approved
2010	Proposed to amend Article 3, creating a new Section 7 to allow the voters, through a very deliberate and substantial petition initiative, to submit the question of whether a sitting governor should be removed from office and a second question of whom should replace the recalled governor if approved by the voters. <sup>26</sup>	General Assembly Action	To Be Submitted to Voters November 2, 2010

## ILLINOIS FAIR MAP AMENDMENT

The goal of the Illinois Fair Map Amendment coalition is to gain 500,000 signatures by April 1, 2010, so the proposed amendment can be submitted to the Illinois Secretary of State before the May 2, 2010, deadline to place the proposed amendment on the November 2, 2010, ballot. A minimum of 279,040 registered voter signatures are required.<sup>27</sup>

It is anticipated that once the petitions are filed each signature will be verified as provided by law. If more than 279,040 are positively verified, we anticipate the proposed constitutional language will be challenged in the Illinois Supreme Court to determine if the language meets the requirements for amending the Legislative Article of the Illinois Constitution. If the Illinois Supreme Court rules the question constitutional, it will be placed on the November 2 ballot.

The following is a summary, organized in the chronological order of requirements, of the proposed Illinois Fair Map Amendment:

Temporary Redistricting Advisory Commission (TRAC) shall be created by second Tuesday in February

- 9 Members Appointed
  - Two appointed by each General Assembly Caucus Leader.
  - 9th member elected by a majority of the members appointed to serve as Chairperson. (This is to occur on or before the second Tuesday in March.)
  - No member can be a lobbyist, public or political official, elected official, contractor or employee of the State of Illinois or an immediate family member of anyone listed above. All members are ineligible to run for the

<sup>25</sup> SJRCA 52, 90<sup>th</sup> General Assembly (1998)

<sup>26</sup> HJRCA 31, 96<sup>th</sup> General Assembly (2009)

<sup>27</sup> The Illinois Constitution Article XIV, Section 3, states that a voter initiative must have signatures equaling 8% of the ballots cast for governor in the most recent gubernatorial election. A total of 3,487,989 votes were cast in the 2006 gubernatorial election. 8% of those ballots cast would equal 279,040.

Illinois General Assembly within ten years of serving.

- All meetings shall be open to the public and require 24 hour notice.
- TRAC will be able to hire private independent firms for any assistance.

Within three days of TRAC receiving the data from the US Census Bureau, TRAC shall make the data and redistricting software available to the public.

TRAC will hold five public hearings across the state (three will be held after the census date from the US Census Bureau).

TRAC shall approve any redistricting plans by a majority vote of its members.

- The Commission shall establish districts pursuant to a mapping process using the following criteria as set forth in the following order of priority:
- Districts shall comply with all federal laws, and shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.
- The Districts will be drawing using the following criteria:
  - Contiguous,
  - Substantially equal in population,
  - Compact,
  - Follow visible geographic features and municipal boundaries to the extent practical,
  - Not be drawn to purposefully or significantly favor or discriminate against any political party or group, and
  - Party registration, voting history data and incumbency shall not be considered in the mapping process, except to evaluate compliance with federal laws and the anti-discrimination of political affiliation.
- Senate and House Districts May Be Decoupled. Senate Districts and House Districts are not required to match.

The general public or the General Assembly may submit a plan to TRAC for consideration and public review.

TRAC shall approve a preliminary redistricting plan and shall release the plan for public review.

Three public hearings are required on a preliminary redistricting plan.

By the third Monday in May the Commission shall approve by a majority a redistricting plan for each chamber of the General Assembly and deliver for action to the respectful

chamber for action.

Each Chamber would be responsible for passing their map, and only their map. A two-thirds (2/3) vote is required for the map to be approved. The plans are to be adopted by resolution and may not be amended.

If a plan is not adopted by the respectful chamber by the first Monday in July, TRAC will submit an alternative redistricting plan by the third Monday in June and submit it to the respective chamber.

The chamber has until the first Monday in July to adopt the alternative TRAC plan. If no plan is adopted TRAC will take one of the two previous plans submitted to the chamber and approve it by a majority of the TRAC members. TRAC has until the third Monday in July to adopt one of the two plans which shall become the final redistricting plan.

Fail Safe - If the TRAC fails to meet any one of the many deadlines, a Special Master will be appointed by the Supreme Court Justice and a justice of the opposite party.

- The Special Master shall perform at least five public hearings on separate days after the Special Master receives the US Census data but before a preliminary redistricting plan can be released.
- The Special Master shall hold at least three public hearings on separate days after promulgating any preliminary redistricting plans but before finalizing any plan(s).
- The Special Master shall file a redistricting plan by no later than September 30.
- Other Provisions
  - The Special Master shall be able to hire private independent firms for any assistance.
  - All data of the TRAC will be released to the Special Master.

## **APPENDIX I - HISTORIC VIEW OF REDISTRICTING UNDER THE 1970 ILLINOIS CONSTITUTION**

The following is an overview description of the outcome of each of the redistricting processes since the 1970 Illinois Constitution was created. The overview is pulled from the *1970 Illinois Constitution, Annotated for Legislators, Fourth Edition*, written the by the Illinois General Assembly Legislative Research Unit.

The General Assembly must be redistricted after each decennial federal Census. Redistricting is to be undertaken initially by the General Assembly. If it fails, the legislative leaders are to appoint an eight-member redistricting commission to draw up a districting plan. The history of redistricting under the 1970 Constitution is summarized below.

### **1971 redistricting**

The General Assembly failed to agree on a redistricting plan, and a redistricting commission was appointed and drafted a redistricting plan. Hearing a suit challenging the plan, the Illinois Supreme Court held that this section does not violate the U.S. Constitution by denying participation in the redistricting process to groups other than the two major parties. But the court also held that some legislative leaders who had appointed themselves and their aides to the redistricting commission had thereby violated the intent behind this section.<sup>10</sup> Nonetheless, the court held the plan drawn up by the commission constitutionally acceptable, and adopted it as a provisional plan for the 1972 elections. In June 1973 the General Assembly adopted that plan of districting for the remainder of the decade.<sup>11</sup> In a 1974 case the Illinois Supreme Court held that senators elected in 1972 for 4-year terms need not run again in 1974; they could finish the 4-year terms for which they had been elected under the 1971 redistricting.<sup>12</sup>

### **1981 redistricting**

The General Assembly again failed to agree on a redistricting plan; a commission created under this section failed to agree on a plan; and the tie-breaker provision of this section was used. The resulting commission plan was modified somewhat by the Illinois Supreme Court<sup>13</sup> and federal district court in Chicago<sup>14</sup> before taking effect.

### **1991 redistricting**

The General Assembly passed a redistricting bill but the Governor vetoed it. Thus another redistricting commission was created. As in earlier decades, the commission was unable to agree on a redistricting plan, so a tie-breaking member was added. The commission then filed a plan, which the Illinois Attorney General challenged. The Illinois Supreme Court in a December 1991 order returned the plan to the Commission for further work. The court complained of getting inadequate information on which to judge the plan's validity, and pointed to several proposed districts as possibly violating the constitutional requirement of compactness, or as diluting the votes of particular racial groups (and thus violating the requirement of Article 3, section 3 that all elections be free and equal). The court threatened to order an at-large election

unless a valid plan was proposed by a date in January 1992.<sup>15</sup> The commission then proposed a revised redistricting plan, which the Illinois Supreme Court in a second opinion reluctantly approved. The court said it did so because the only other choices at that late time were to order an at-large election, or to hold a delayed special election for legislators. The court expressed frustration at Illinois' redistricting process, and invited the General Assembly to "correct this process" because "[t]he rights of the voters should not be part of a game of chance."<sup>16</sup> Three members of the court expressed the opinion that Illinois' provision for random selection of a tie-breaking member for a deadlocked legislative redistricting commission violates the Due Process clause of the Fourteenth Amendment to the U.S. Constitution.<sup>17</sup>

### 2001 redistricting

The General Assembly did not pass a redistricting bill. A legislative redistricting commission was named, but as in earlier decades did not agree on a redistricting plan, so a tie-breaking member was appointed. The enlarged commission filed a redistricting plan, which was challenged in the Illinois Supreme Court. That court upheld the plan over dissents by two members faulting the procedures used by the commission and the shapes of some resulting districts.<sup>18</sup> Challengers attacked the constitutionality of the tie-breaking procedure in a suit in federal district court, but the court held that this plan (reportedly unique among the states) was not unconstitutional—a decision that the U.S. Supreme Court affirmed without issuing an opinion.<sup>19</sup> <sup>28</sup>

### Endnotes <sup>29</sup>

10. *Seifert v. Standard Paving Co.*, 64 Ill. 2d 109, 355 N.E.2d 537 (1976); *Fujimura v. Chicago Transit Auth.*, 67 Ill. 2d 506, 368 N.E.2d 105 (1977).

11. *Rios v. Jones*, 63 Ill. 2d 488, 348 N.E.2d 825 (1976), *app. dis.* 429 U.S. 934.

12. *Anderson v. Wagner*, 79 Ill. 2d 295, 402 N.E.2d 560 (1979).

13. *Broeckl v. Chicago Park Dist.*, 131 Ill. 2d 79, 544 N.E.2d 792 (1989), *cert. den.* 494 U.S. 1005.

14. *People v. Wagner*, 89 Ill. 2d 308, 433 N.E.2d 267 (1982); *People v. Wisslead*, 94 Ill. 2d 190, 446 N.E.2d 512 (1983).

15. *Haughton v. Haughton*, 76 Ill. 2d 439, 394 N.E.2d 385 (1979).

16. *People v. Cook*, 81 Ill. 2d 176, 407 N.E.2d 56 (1980).

17. *See Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307 at 312 n. 3, 96 S. Ct. 2562 at 2566 (1976). *Sex has been declared a suspect classification in Illinois under the 1970 Constitution, art. 1 Section 18 (People v. Ellis*, 57 Ill. 2d 127, 311 N.E.2d 98 (1974)).

18. *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 207 at 312 n. 3, 96 S. Ct. 2562 (1976); *People ex. rel. Tucker v. Kotsos*, 68 Ill. 2d 88, 368 N.E.2d 903 (1977); *Rawlings v. Ill. Dept. of Law Enforcement*, 73 Ill. App. 3d 267, 391 N.E.2d 758 (1979).

19. *Cantwell v. Connecticut*, 310 U.S. 296, 60 S. Ct. 900 (1940); *School Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 83 S. Ct. 1560 (1963).

<sup>28</sup> 1970 Illinois Constitution Annotated for Legislators, 4th Edition, updated 2005, Illinois General Assembly Legislative Reference Bureau, David R. Miller, Senior Staff Attorney and Deputy Director for Research, Publican 314, pages 28-29.

<sup>29</sup> 1970 Illinois Constitution Annotated for Legislators, 4th Edition, updated 2005, Illinois General Assembly Legislative Reference Bureau, David R. Miller, Senior Staff Attorney and Deputy Director for Research, Publican 314, pages 111-112.

Oil Hwy  
10-GM

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

RESOLUTION       X    
PETITION                    
AGREEMENT                

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

A large black rectangular redaction covers the signature area, obscuring the names of the committee members. The redaction is positioned over four horizontal lines.

2010-08

**RESOLUTION**

BE IT RESOLVED BY THE SHELBY COUNTY BOARD that the following items of material for the maintenance of Section 10-00000-00-GM be awarded to Howell Paving, Inc. Mattoon, IL. These were submitted at a letting held on March 5, 2010.

54,000 GALS	BITUMINOUS MATERIAL SEAL COAT: HFE-150 ASPHALT EMULSION	\$2.345/GAL \$126,630.00
6,000 GALS	BITUMINOUS MATERIAL SEAL COAT: HFE-300 ASPHALT EMULSION	\$2.345/GAL \$14,070.00
800 GALS	MC-30 OR MC-70 LIQUID ASPHALT (F&A)	\$3.56/GAL \$2,848.00
350 TONS	M 19-07	\$68.50/TON \$23,975.00

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF SHELBY     )

I, Kathryn A. Lantz County Clerk in and for said County in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of a Resolution adopted by the County Board of Shelby County at its regular meeting held in Shelbyville, Illinois on March 10, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Shelbyville in said County this 10th day of March, 2010 A.D.

  
County Clerk







Cold vic  
Pug mill

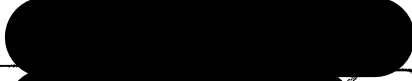
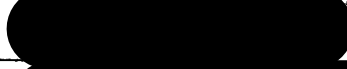
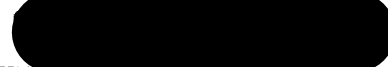

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

RESOLUTION	<u>  X  </u>
PETITION	<u>          </u>
AGREEMENT	<u>          </u>

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

2010-09


**RESOLUTION**

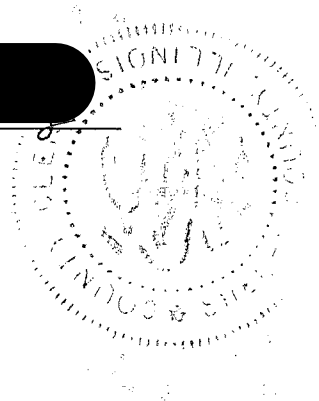
BE IT RESOLVED, by the County Board of Shelby County, State of Illinois, that Shelby County concurs in the awarding of a contract for 38,000 gallons of HFE 300 to be used in the production of Cold Mix, to Howell Paving based on their low bid of \$2.53 submitted at a letting held on March 5, 2010.

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF SHELBY        )

I, Kathryn A. Lutz County Clerk in and for said County in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of a Resolution adopted by the County Board of Shelby County at its regular meeting held in Shelbyville, Illinois on March 10, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Shelbyville in said County this 10th day of March, 2010 A.D.

  
County Clerk





*Furley Road*  
*09-00269-001*

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

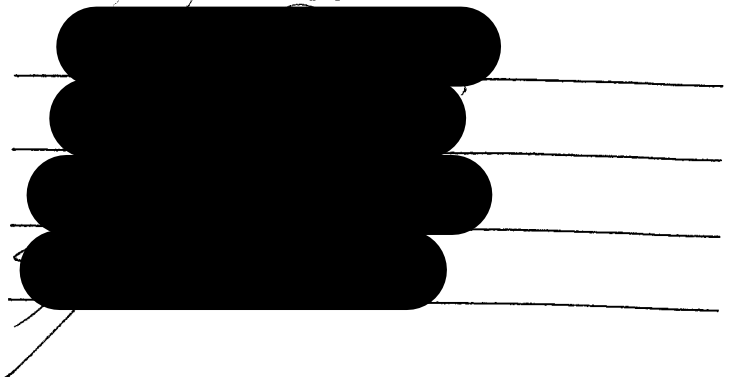
RESOLUTION   X  

PETITION           

AGREEMENT           

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

A large black rectangular redaction covers the signature area. Below the redaction are four horizontal lines, likely for a signature or name.

2010-10

**RESOLUTION**

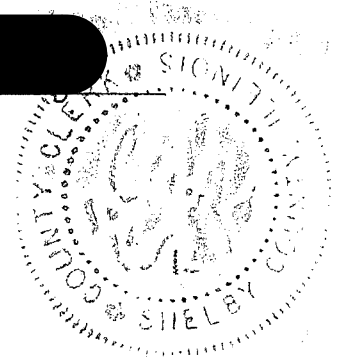
BE IT RESOLVED, by the County Board of Shelby County, State of Illinois, that Shelby County concurs in the awarding of a contract for the Findlay Road Resurfacing Project, Section 09-00269-00-RS, to Micro-Surfacing, Inc. based on their low bid submitted at a letting held March 5, 2010, of \$ 351,662.13.

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF SHELBY     )

I, Kathy A. Lantz County Clerk in and for said County in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of a Resolution adopted by the County Board of Shelby County at its Regular meeting held in Shelbyville, Illinois on March 10, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Shelbyville in said County this 10<sup>th</sup> day of March, 2010 A.D.

[Redacted Signature]  
County Clerk



Illinois Department  
of Transportation

County SHELBY Date 03-05-2010  
Municipality SHELBY COUNTY Time 9:00 A.M.  
Section 09-00269-00-RS Appropriation SHELBY COUNTY  
Attended by \_\_\_\_\_

Highway Rd

Proposal \_\_\_\_\_  
Guarantee \_\_\_\_\_  
Terms \_\_\_\_\_

1-1  
Micro Surfacing Inc  
Box 116  
Peoria IL 61650  
bid bond

1-2  
AC Pavement Striping Co  
695 Church Road  
Elgin IL 60123  
bid bond

Item No. or Group	Items	Delivery	Unit	Quantity	Unit Price		Total		Unit Price	Total	
					Price	Total	Price	Total		Price	Total
1	MOBILIZATION		L SUM	1.00	15,000.00	15,000.00	8000.00	8,000.00	4500.00	4,500.00	
2	SHORT TERM PAVT MAKING		FT	6,176.00	0.70	4,323.20	0.70	4,323.20	0.95	5,867.20	
3	RAISED REFL PAVT MKR		EACH	630.00	22.00	13,860.00	23.00	14,490.00	23.97	15,101.10	
4	WORK ZONE PAVT MK REM		EA	1,502.00	2.50	3,755.00	1.50	2,253.00	3.52	5,287.04	
5	PT PVT MK LTRS & SYMB		SQ FT	159.00	3.00	477.00	1.80	286.20	3.15	500.85	
6	PAINT PVT MK LINE 4"		FT	129,057.00	0.10	12,905.70	0.08	10,324.56	0.09	11,615.13	
7	PAINT PVT MK LINE 6"		FT	96.00	1.00	96.00	0.11	10.56	0.12	11.52	
8	PAINT PVT MK LINE 8"		FT	103.00	1.25	128.75	0.15	15.45	0.16	16.48	
9	PAINT PVT MK LINE 12"		FT	342.00	1.50	513.00	0.25	85.50	0.26	88.92	
10	PAINT PVT MK LINE 24"		FT	160.00	2.00	320.00	2.75	440.00	2.89	462.40	
11	PAVT MARKING REMOVAL		SQ FT	3,070.00	3.00	9,210.00	3.50	10,745.00	3.68	11,297.60	
12	RAISED REF PVT MK REM		EACH	498.00	12.00	5,976.00	7.50	3,735.00	5.50	2,739.00	
13	BIT MIX F PATCH (CM)		TON	3.00	200.00	600.00	350.00	1,050.00	1210.00	3,630.00	
14	RR PROT LIABILITY INS		L SUM	1.00	4,000.00	4,000.00	5000.00	5,000.00	5000.00	5,000.00	
15	RUMBLE STRIP		EACH	4.00	500.00	2,000.00	750.00	3,000.00	750.00	3,000.00	
16	REM RUMBLE STRIP		EACH	4.00	250.00	1,000.00	600.00	2,400.00	1050.00	4,200.00	
17	SURVEY MONUMENTS		EACH	20.00	400.00	8,000.00	75.00	1,500.00	685.00	13,700.00	
18	CAPE SEAL		SQ YD	45,191.00	3.70	167,206.70	3.46	156,360.86	3.49	157,716.59	
19	MICRO-SURF SINGL TYP 2		SQ YD	75,084.00	2.70	202,726.80	1.70	127,642.80	2.25	168,939.00	
TOTAL BIDS						452,098.15		351,662.13		413,672.83	

Sign making  
approach

09-21121-08FL

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED


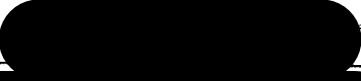
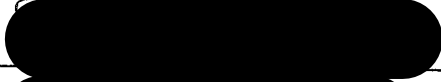

RESOLUTION   X  

PETITION           

AGREEMENT           

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_



2010-11

**RESOLUTION**

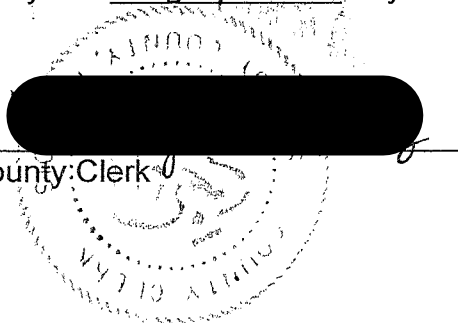
BE IT RESOLVED, by the County Board of Shelby County, State of Illinois, that Shelby County concurs in the awarding of a contract for the Sigel Township Railroad Crossing Approach, Section 09-21121-00-FL, to Effingham Asphalt, Co. based on their low bid submitted at a letting held March 5, 2010, of \$ 44,074.90.

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF SHELBY     )

I, Kathy A. Rantz County Clerk in and for said County in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of a Resolution adopted by the County Board of Shelby County at its regular meeting held in Shelbyville, Illinois on March 10, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Shelbyville in said County this 10<sup>th</sup> day of March, 2010 A.D.

\_\_\_\_\_  
County Clerk



Illinois Department  
of Transportation

County: SHELBY  
Municipality: SIGEL  
Section: 09-2121-00-FL  
Date: 03-05-2010  
Time: 9:00 A.M.  
Appropriation: SHELBY COUNTY  
Attended by:

Name and Address  
of  
Bidders

1-1  
Effingham Asphalt Co Inc  
1601 W Wabash Ave  
Effingham IL 62401  
check 1000

1-2  
Brad Agney Backhoe  
RR 4 Box 97  
Shelbyville IL 62505  
bid bond

Proposal  
Guarantee  
Terms

Approved  
Engineer's  
Estimate

Item No. or Group	Items	Delivery	Unit	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	EARTH EXCAVATION		CU YD	30.00	25.00	750.00	85.00	2,550.00	25.00	750.00
2	FURNISHED EXCAVATION		CU YD	614.00	30.00	18,420.00	17.00	10,438.00	25.00	15,350.00
3	TRENCH BACKFILL		CU YD	39.00	31.00	1,209.00	28.00	1,092.00	25.00	975.00
4	SEEDING CL 2		ACRE	0.30	4,000.00	1,200.00	3350.00	1,005.00	4000.00	1,200.00
5	NITROGEN FERT NUTR		POUND	27.00	3.00	81.00	3.20	86.40	3.00	81.00
6	PHOSPHORUS FERT NUTR		POUND	27.00	3.00	81.00	3.20	86.40	3.00	81.00
7	POTASSIUM FERT NUTR		POUND	27.00	3.00	81.00	3.20	86.40	3.00	81.00
8	MULCH METHOD 2		ACRE	0.30	4,000.00	1,200.00	3350.00	1,005.00	4000.00	1,200.00
9	TEMP EROS CONTR SEED		POUND	100.00	3.00	300.00	3.00	300.00	3.00	300.00
10	TEMP DITCH CHECKS		FT	16.00	31.25	500.00	15.00	240.00	30.00	480.00
11	INLET & PIPE PROTECT		EACH	2.00	300.00	600.00	200.00	400.00	150.00	300.00
12	AGG BASE CSE A		TON	295.00	30.00	8,850.00	23.00	6,785.00	30.00	8,850.00
13	BIT MATLS PR CT		GAL	204.00	6.00	1,224.00	7.00	1,428.00	7.50	1,530.00
14	BIT MATLS C & S CT		GAL	494.00	5.00	2,470.00	6.50	3,211.00	5.00	2,470.00
15	COVER COAT AGG		TON	15.00	65.00	975.00	55.00	825.00	80.00	1,200.00
16	SEAL COAT AGG		TON	8.00	65.00	520.00	55.00	440.00	80.00	640.00
17	P CUL CL D 1 15		FT	38.00	19.00	722.00	36.15	1,373.70	35.00	1,330.00
18	P CUL CL D 2 24		FT	58.00	35.00	2,030.00	82.00	4,756.00	70.00	4,060.00
19	CONC HDWL FOR P DRAIN		EACH	1.00	500.00	500.00	275.00	275.00	500.00	500.00
TOTAL BIDS										
				% Over(+)/ Under(-) Est.	AS READ					



Brush Creek  
Donation


TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

RESOLUTION   X    
PETITION             
AGREEMENT           

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RESOLUTION NO. 2010-12**


Whereas, Brush Creek Quarry, has agreed to donate \$50,000 of road material for needed maintenance of Shelby County Highway 6, for 2 (two) years beginning March 10, 2010;

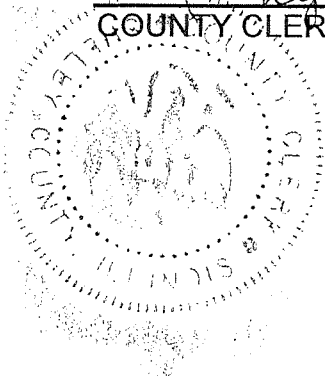
Whereas, pursuant to 605 ILCS 5/5-401, Shelby County, by and through its duly elected Board, has jurisdiction over Shelby County Highway 6 and has the authority to accept money and donations for highways pursuant to 605 ILCS 5/5-101.7;

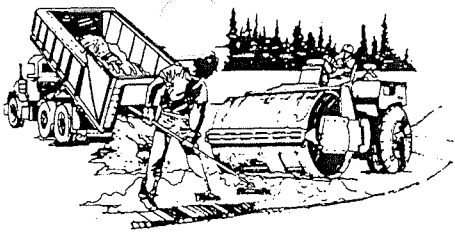
Now therefore, Be it resolved, that Shelby County accept payment of \$50,000 of road material for two years beginning March 10, 2010, from Brush Creek Quarry, for the purpose of maintaining Shelby County Highway 6.

**STATE OF ILLINOIS)  
COUNTY OF SHELBY)      SS**

I Kathy Lantz County Clerk in and for said County in the state aforesaid and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true perfect and complete copy of a RESOLUTION adopted by the County Board of Shelby County at its regular meeting held in Shelbyville Illinois on January 14, 2009. IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said County at my office in Shelbyville in said County this 10<sup>th</sup> day of March A.D. ~~2009~~. 2010

  
\_\_\_\_\_  
COUNTY CLERK





## Shelby County Highway Department

R #3 - Box 38A  
SHELBYVILLE, ILLINOIS 62565

Telephone (217) 774-2721

Fax (217) 774-2690

March 09, 2010

Brush Creek Quarry  
RR#1 Box 202  
Mode, Illinois 62444

Attention: Mr. Mark Maxey

This letter is written to request that you increase your donation to \$50,000 of road material to go toward the maintenance of the County Highway #6 (i.e. the Mode Road). This donation agreement will begin as of the date of this letter and shall expire after two years.

This request is due to the costs related to the planned improvements east and west of your quarry.

Should you concur with this agreement please sign one copy of this letter and return to my office.

Should you have any questions on the above please contact this office.

Sincerely,

S. Alan Spesard, PE  
County Engineer  
Shelby County

Concurrence:

Designated Representative  
Brush Creek Quarry

February, 2010 Zoning Administration report to the Shelby  
County Board for their consideration

Monthly permits

Special exception

Pending wind turbine application

Denny Harris  
Zoning Administrator

2010 Monthly report

Building Permits, (Res)	1	3
Additions to residence	0	0
Accessory Buildings	2	3
Grain Bins	0	0
Commercial additions	0	0
Billboards/signs	0	0
<b>ZONING APPLICATIONS</b>		
Rezoning	0	0
Variances	0	0
Special exceptions	0	1
Subdivisions	0	0
Final plats	0	0
Preliminary plat	0	0
<b>FEES RECEIVED</b>	<b>\$300.00</b>	<b>\$650.00</b>



March, 2010, Shelby County Emergency Management Agency report to the Shelby County Board for their consideration.

- LEPC Hazardous Material Plan, Hazardous Analysis and Chemical Hazard Analysis complete. All three plans will be submitted to the Regional Office for approval.
- Need 6 signatures for the Emergency Operations Plan to be able to be forwarded to the Regional Office for approval.
- NIMS fact sheet for elected officials.
- NIMS 300 and 400 will be completed in Shelby County.

Cristy Pullen

Shelby County Emergency Management Agency Coordinator



FEMA

# Fact Sheet

Revised: March 2007  
NIMS Integration Center  
202-646-3850

## ELECTED OFFICIALS: WHAT YOU NEED TO KNOW ABOUT NIMS

The National Incident Management System (NIMS) was published by the Department of Homeland Security on March 1, 2004. It provides a comprehensive and consistent national approach to all-hazard incident management at all jurisdictional levels and across all functional emergency management disciplines.

Since most incidents occur and are handled by local government, the support of elected and appointed officials in the NIMS implementation process is crucial to the nation's success in preventing, preparing for, responding to and recovering from disasters – regardless of their cause.

The benefit of NIMS is especially evident at the local level, when the entire community prepares for and provides an integrated response to an incident. Elected and appointed officials need to be involved in all aspects of NIMS implementation to include the following:

- \* Adopt NIMS at the community level for all government departments and agencies and encourage NIMS adoption and use by associations, utilities, non-government organizations and the private sector.
- \* NIMS should be adopted through executive order, proclamation, resolution, or legislation as the jurisdiction's official all-hazards, incident response system.

The NIMS necessitates the use of the Incident Command System, the multi-agency coordination systems and a public information system. All these command and management systems rely on the direct involvement of elected and appointed officials in a community during an incident.

When implementing NIMS, all emergency plans and SOPs must incorporate NIMS components, principles and policies, including emergency planning, training, response, exercises, equipment, evaluation, and corrective action plans. Elected and appointed officials of a community need to be directly involved in these NIMS preparedness elements, especially when the community exercises its emergency management policies, plans, procedures and resources.

Jurisdictions will be required to meet the FY 2006 NIMS implementation requirements as a condition of receiving federal preparedness funding assistance in FY 2007. However, it is important to recognize that the NIMS is a dynamic system, and the doctrine as well as the implementation requirements will continue to evolve as our emergency management capabilities nationwide change based on the hazards and threats of the nation.

The NIC strongly recommends that elected and appointed officials complete IS-700 NIMS: An Introduction and ICS-100: An Introduction to ICS training courses. They are available online at:  
<http://training.fema.gov/emiweb/IS/crslist.asp>

Supersedes Fact Sheet, Elected Officials, What You Need to Know About NIMS, dated Dec. 2005

###

## **ICS 300 and ICS 400**

- ICS 300 June 26<sup>th</sup> and June 27<sup>th</sup> (8am-4pm Moulton Middle School Activity Room)
- ICS 400 July 24<sup>th</sup> and July 25<sup>th</sup> (8am-4pm Moulton Middle School Activity Room)

\* **Must complete and bring completion certificates for “IS-100 Introduction to Incident Command” and “IS-200 ICS for Single Resources and Initial Action Incidents” (both courses can be taken online on the FEMA website:**

<http://www.training.fema.gov/EMIWeb/IS/crslist.asp>

- Must register a **minimum of 30 days** before the classes begin. Twenty people required and 40 maximum.
- Class is free of charge! If you cannot attend training after you have registered you must cancel 10 days before class starts or there will be a fee.

Kathy A. Lantz  
Shelby County Clerk & Recorder  
301 East Main Street – PO Box 230  
Shelbyville, IL 62565  
Phone: (217) 774-4421 – Fax: (217) 774-5291

February 17, 2010

Honorable Paul Brooks  
Shelby County Board Chairman  
PO Box 230  
Shelbyville, IL 62565

Fax: 217-774-5257


Re: County of Shelby  
County Schools Facility Sales Tax Proposition

Dear Chairman Brooks:

Please find the Certification and Statement of Votes Cast report for the February 2, 2010 General Primary Election for the above stated Countywide referendum.

I am faxing this report to you today. The hard copy will be in your County Board Chairman mail folder.

Sincerely,

  
Kathy A. Lantz, Election Authority  
Shelby County Clerk & Recorder

Enclosure

Cc: Shelby County State's Attorney Allan Lolie

STATE OF ILLINOIS        )  
                                  ) ss  
COUNTY OF SHELBY        )

I, Kathy A. Lantz, County Clerk for the County of Shelby, State of Illinois, do hereby certify that the February 2, 2010 General Primary Election canvass of results was held on Tuesday, February 16, 2010 at 9:00 A. M. in the County Clerk's office, Shelby County Courthouse, 301 East Main Street, Shelbyville, Illinois.

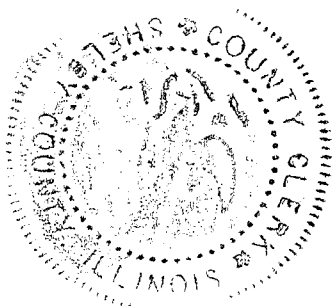
Attached hereto is a Abstract of Votes/Statement of Votes Cast report indicating the results of said General Primary Election canvass pertaining to the County Schools Facility Sales Tax Proposition submitted by the Shelby County Board. Said report is an exact copy of the original reports indicating the computer printout recording of the total number of voters which requested and received ballot; and the total number of votes the Proposition received in said General Primary Election.

I further certify that the results of said General Primary Election are true and correct.

Dated this 17<sup>th</sup> day of February, 2010.



Kathy A. Lantz  
Shelby County Election Authority  
Shelbyville, Shelby County, Illinois



**ABSTRACT OF VOTES**

STATE OF ILLINOIS )  
COUNTY OF SHELBY ) ss.

I, Kathy A. Lantz, County Clerk of Shelby County, do hereby certify that on February 16<sup>th</sup>, 2010 I canvassed the returns of the General Primary Election held on February 2<sup>nd</sup>, 2010, and do proclaim that a total of 3639 voters requested and received ballots and I do further certify that the following list of candidates each received the number of votes recorded to him or her for the office listed below.

**SHELBY COUNTY  
SCHL FAC TAX PROP  
VOTE FOR 1**

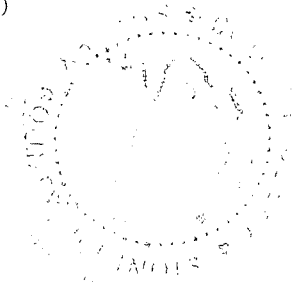
CANDIDATE	VOTES
YES	1502
NO	2007

I further certify that the above is a true and complete Abstract of Votes and was confirmed in my presence this 16<sup>th</sup> day of February, 2010.

  
KATHY A. LANTZ, SHELBY COUNTY CLERK

\*To see a report of the returns (votes received) by precinct, please refer to the Statement of Votes Cast-Final Canvass.

NOTE: "Each local canvassing board shall immediately transmit a signed copy or original duplicate of its complete Abstract of Votes to each election authority having jurisdiction over any of the respective political subdivision, and to the State Board of Elections..." (10 ILCS 5/22-18)



Statement of Votes Cast  
**GENERAL PRIMARY ELECTION**  
**SHELBY COUNTY, ILLINOIS**  
**FEBRUARY 2, 2010**

Date:02/16/10  
Time:09:59:42  
Page:61 of 62

SOVC For Jurisdiction Wide, All Counters, All Races  
**FINAL**

	G REP IN CONG 17TH DIST				SCHL PAC TAX PROP						
	Reg. Voters	Times Counted	Total Votes	ROGER DAVIS (GRN)	Reg. Voters	Times Counted	Total Votes	YES		NO	
Jurisdiction Wide											
ASH GROVE	-	-	-	-	360	92	88	29	32.95%	59	67.05%
BIG SPRING	-	-	-	-	499	155	152	54	35.53%	98	64.47%
CLARKSBURG	-	-	-	-	283	75	71	35	49.30%	36	50.70%
COLD SPRING	284	0	0	0	284	68	63	18	28.57%	45	71.43%
DRY POINT	-	-	-	-	688	140	135	41	30.37%	94	69.63%
FLAT BRANCH	-	-	-	-	305	76	74	27	36.49%	47	63.51%
HERRICK	419	0	0	0	419	84	79	29	36.71%	50	63.29%
HOLLAND	-	-	-	-	273	80	75	23	30.67%	52	69.33%
LAKEWOOD	-	-	-	-	291	84	80	28	35.00%	52	65.00%
MOWEAQUA 1	-	-	-	-	599	115	108	62	57.41%	46	42.59%
MOWEAQUA 2	-	-	-	-	802	170	162	74	45.68%	88	54.32%
OCONEE	562	0	0	0	562	113	109	42	38.53%	67	61.47%
OKAW	-	-	-	-	700	177	172	67	38.95%	105	61.05%
PENN	-	-	-	-	76	27	26	15	57.69%	11	42.31%
PICKAWAY	-	-	-	-	135	36	35	11	31.43%	24	68.57%
PRAIRIE 1	-	-	-	-	861	235	227	96	42.29%	131	57.71%
RICHLAND	-	-	-	-	556	171	168	90	53.57%	78	46.43%
RIDGE	-	-	-	-	313	72	68	25	36.76%	43	63.24%
ROSE 1	-	-	-	-	671	137	128	57	44.53%	71	55.47%
ROSE 2	-	-	-	-	567	131	129	63	48.84%	66	51.16%
RURAL	-	-	-	-	233	69	65	28	43.08%	37	56.92%
SHELBYVILLE 1	-	-	-	-	384	113	112	62	55.36%	50	44.64%
SHELBYVILLE 2	-	-	-	-	332	76	76	34	44.74%	42	55.26%
SHELBYVILLE 3	-	-	-	-	467	85	82	33	40.24%	49	59.76%
SHELBYVILLE 4	-	-	-	-	503	93	89	42	47.19%	47	52.81%
SHELBYVILLE 5	-	-	-	-	598	147	144	74	51.39%	70	48.61%
SHELBYVILLE 6	-	-	-	-	634	157	152	73	48.03%	79	51.97%
SHELBYVILLE 7	-	-	-	-	503	139	136	73	53.68%	63	46.32%
SIGEL	-	-	-	-	546	130	127	49	38.58%	78	61.42%
TODDS POINT	-	-	-	-	325	86	83	28	33.73%	55	66.27%
TOWER HILL 1	-	-	-	-	748	135	125	39	31.20%	86	68.80%
WINDSOR 1	-	-	-	-	615	103	101	50	49.50%	51	50.50%
WINDSOR 2	-	-	-	-	333	68	68	31	45.59%	37	54.41%
Total	1265	0	0	0	15465	3639	3509	1502	42.80%	2007	57.20%

ROBERT M. ROOT

147<sup>th</sup> Birthday Party

and

AIR MAIL POSTER  
DEDICATION

Sat, March 20, 2010

2:00 P.M.

Shelbyville Post Office



Featured Speaker: Dr. Edwin Walker  
Millikin University Art Dept. Chairman  
Introduction by Jeff Lilly

Hosted by Shelbyville Post Office Staff  
Dawn Hagan, Postmistress

Public and Root Admirers are Invited to Attend  
and Honor Shelbyville's Native Artist

Refreshments will be served





#### Robert M. Root Air Mail Poster Dedication

In honor of the 147<sup>th</sup> Anniversary of the birth of Shelbyville artist Robert Marshall Root, *Shelby County Lincoln Heritage, Inc.*, and the Shelbyville Post office are joining in a tribute to Mr. Root, by placing a colored 30" by 36" reproduction of his 1936 United States Air Mail Poster.

A Dedication Ceremony will take place in the Post Office Lobby on Saturday, March 20, at 2:00 p.m. Dr. Edwin Walker, Chairman of the Art Department, Millikin University, make the presentation to the Post Office. Limited Edition wall-sized posters will be available for sale that day. Refreshments will be served.

The public is invited to attend and honor Shelbyville's native artist. We invite local artists, teachers, students, historians, and Root collectors to come out and show their support for Mr. Root and his contributions to Shelbyville, to our nation, and the world.

While serving as the First Deputy Assistant to the Postmaster General of the United States, Jesse Monroe Donaldson, of Shelbyville, commissioned Root to create an Air Mail Poster, which was displayed at all of the State Postmasters' Conventions and at the National Postmasters' Convention in San Francisco. Mr. Donaldson began his postal career in Shelbyville about 1908 and was one of the first mail carriers in Shelbyville. He later became Postmaster General of the United States under the Truman Administration.

Robert Root was born on March 20, 1863 to John and Eunice Root. At an early age he showed a talent for drawing. His paintings of the 1858 Lincoln-Douglas Debate in Charleston now hangs in the Illinois State Capitol. Root's painting of the 1856 Lincoln-Thornton Debate in Shelbyville helped to save that event from being erased from history. His magnificent 6' x 8' painting can be seen in Courtroom A of the Shelby County Courthouse.

The Air Mail Poster was one of Root's last work, but became one of his most famous pieces. Root died August 21, 1937.

**March 14 and 20, 2010, events will make Shelbyville and Shelby County a destination.**

Shelby County Historical Society hosts and invites you to attend and participate in the *Mary Todd Lincoln Tea Party on Sunday, March 14, 2010, from 1:00 - 4:00 p.m.* Victorian refreshments will be served. Come see the Lincoln Room and learn about historic events of Shelby County from its founding in 1827 to the present.

*On Saturday, March 20, 2010, at 2:00 p.m.,* come celebrate the 147<sup>th</sup> birthday of Robert Marshall Root with a birthday party and dedication of Mr. Root's Air Mail Poster created in 1936, hosted by Postmistress Dawn Hagan and her staff. Dr. Edwin Walker, Chair of the Department of Fine Arts, Millikin University, will conduct the dedication, assisted by Shelbyville native, Jeff Lilly. This colored poster will be placed in the wooden cabinet in Shelbyville Post Office and can now be seen 24/7. Before that date, the only place you could see a picture of the poster would have been at the Shelby County Historical Society or on page 30 of the Lake Shelbyville - Shelby County Office of Tourism Annual Guide booklet.

Limited editions of the poster will be available to be purchased by the public for \$15.00 each. If any limited editions are not sold on the afternoon of March 20, 2010, the price for the remaining individual posters will be \$20.00.

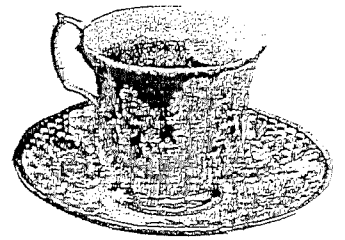
A local collector of Robert Root paintings may have the original 1936 Air Mail poster on display at the Dedication.

**COME CELEBRATE OUR HISTORY, PAST, PRESENT AND FUTURE!**

Shelby County Lincoln Heritage, Inc.

By \_\_\_\_\_

Whitney D. Hardy



# Mary Todd Lincoln Tea Party

Sunday, March 14<sup>th</sup>, 2010

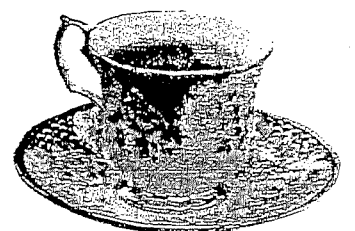
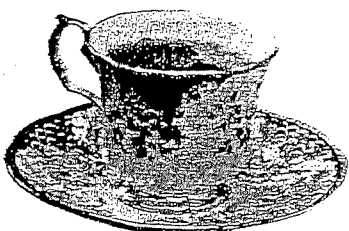
Time: 1 p.m. to 4 p.m.

This Event will be  
Hosted by and Held at the  
Shelby County Historical Society  
151 South Washington Street  
Shelbyville, Illinois 62565

For Information: 774-2260 or 774-4082

Victorian Refreshments being served.

Tea's, Coffee, Finger Sandwiches,  
Deserts (Mary Todd Lincoln's Almond  
White Cake), Candies from the 1800's.



## 2ND YEAR OF GENERAL ASSEMBLY: NEW HOUSE BILLS

### FOIA fee bill introduced

**HB 5069 (Verschoore)**

#### **FREEDOM OF INFORMATION – FEES**

Makes changes with respect to a public body's authority to charge fees when meeting requests for records: removes the requirement that electronically-maintained records be provided in the format requested; removes the prohibition against charging for the first 50 pages of black and white legal sized or letter sized copies; removes the maximum fee permitted for color or other sized copies and for certification; and permits a fee to exceed the actual cost of reproduction and certification if otherwise provided by State statute.



repair, maintenance, and improvement of highways upon which vehicles and vehicle combinations of 80,000 pounds or more may travel or (ii) invested for future use on those highways.

**HB 4852 (Franks)**

#### **LOCAL GOVT CONSOLIDATION**

Creates the Local Government Consolidation Commission Act of 2010. Establishes a commission of legislative members and local government representatives appointed by the Governor to report to the Governor and General Assembly on consolidating local governments.

**HB 4758 (Tryon)**

#### **ENERGY IMPROVEMENTS**

Authorizes a county to enter into voluntary agreements with the owners of property within the unincorporated areas of the county to provide for contractual assessments to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to real property.

**HB 4760 (Brady)**

#### **IMRF – CORONERS SLEP**

Provides that an elected or appointed coroner may elect to participate in the IMRF as a sheriff's law enforcement employee (SLEP). Allows conversion of prior service.

**HB 4761 (Brady)**

#### **ELECTION OFFICER ENDORSEMENT**

Prohibits county clerks and members of boards of election commissioners from making public endorsements of candidates and public questions when the candidates' names and questions appear on ballots solely of political subdivisions within their election jurisdiction.

**HB 4766 (Sacia)**

#### **ELEVATOR SAFETY ACT**

The Act, with the exception of this new provision, shall not apply to any county in the State other than Cook, DuPage, Kane, Lake, McHenry, and Will. Any county other than those counties may set up its own inspection system for elevators and lifts by local ordinance.

**HB 4767 (Mulligan)**

#### **LOBBYIST REGISTRATION**

Makes the annual registration fee for an entity qualified under Section 501(c) (3) of the Internal Revenue Code \$150 (now, \$1,000).

**HB 4804 (Reitz)**

#### **ESTATE TAX – WAIVE PENALTIES**

Amends the Illinois Estate and Generation-Skipping Transfer Tax Act. Provides that the State Treasurer may waive penalties imposed against a county treasurer for late payment under the Act on a case-by-case basis if the State Treasurer finds that imposing penalties would be unreasonable or unnecessarily burdensome because the delay in payment was due to an incident caused by the operation of an extraordinary force.

**HB 4805 (Graham)**

#### **LEAD POISONING PREVENTION ACT**

Provides that if no delegated county lead poisoning screening, prevention, and abatement fund exists, civil penalties collected for violation of the Act may be deposited into the fund of the delegated local State-certified public health department that has jurisdiction where the penalty occurred.

**HB 4811 (Sacia)**

#### **MOTOR FUEL – 80,000 LB ACCESS**

Provides that a minimum of 10% of the portion of motor fuel tax proceeds distributed to municipalities, counties, and road districts shall be (i) used for the

**HB 4863 (Watson)**

#### **INSURANCE RESERVE FUND**

Provides that the Local Government Health Insurance Reserve Fund is not subject to sweeps, administrative charges, or charge-backs, including but not limited to those authorized under Section 8h of the State Finance Act.

**HB 4867 (Mendoza)**

#### **GUNSHOT LOCATION SYSTEM**

Provides that, by no later than April 1, 2011, a county with a population over 500,000 or a municipality with a population over 100,000 must acquire and maintain a gunshot location system to assist law enforcement agencies.

**HB 4877 (Osmond)**

#### **TELECOMMUNICATIONS TOWERS**

Amends the Counties Code. In provisions concerning the regulation of telecommunication and AM broadcast facilities, provides that the county board or board of county commissioners of any county may regulate the placement, construction, and modification of the facilities of a telecommunication carrier. Sets forth minimum design requirements. Authorizes a county board to require a telecommunications carrier to include specified information and documents with a building permit application.

**HB 4893 (Poe)**

#### **IMRF – DEATH BENEFIT**

Increases the death benefit from \$3,000 to \$5,000.

**HB 4945 (Mathias)**  
**JOINT INVESTMENTS**

Permits governmental units to authorize the treasurer of the governmental unit to join with the treasurers of other governmental units for the purpose of jointly investing the funds of which the treasurer has custody.

**HB 4960 (Poe)**  
**IMRF – ADMINISTRATIVE**

Changes the provisions defining and specifying the manner of designating a beneficiary. Makes changes in provisions concerning elections to exclude certain employees from participation and eligibility for benefits and provisions concerning amortization of a participating municipality's or participating instrumentality's unfunded obligation. Removes language requiring the Board of Trustees to prepare and send ballot envelopes to the employees and annuitants eligible to vote for employee and annuitant trustees. Provides that the venue for actions brought under the Administrative Review Law shall be any county in which the Board maintains an office or the county in which the member's plaintiff's employing participating municipality or participating instrumentality has its main office.

**HB 4973 (Reitz)**  
**FEE FOR FALSE ALARMS**

Provides that a county or a municipality may, by ordinance, impose a fee against persons making false alarms.

**HB 5011 (Pihos)**  
**STATE REVENUE SHARING ACT**

In provisions concerning the allocation among municipalities and counties, provides that when territory has been annexed to or disconnected from a municipality, the clerk of the municipality must notify the Dept. of Revenue of the number of residents in the territory based on census data and also provide other information. Applies to annexations and disconnections after January 1, 2007.

**HB 5070 (Verschoore)**  
**SHERIFF'S – PUBLIC OFFICE**

Amends the Local Governmental Employees Political Rights Act. Adds that a member of a police or sheriff's department may be elected or appointed to public office. Provides that if the mem-

ber is not in uniform and not on duty, the member may solicit votes and campaign funds and challenge voters for public office. A police officer or sheriff's deputy who is elected to the General Assembly shall be granted a leave of absence without compensation during his or her term of office.

**HB 5082 (Mitchell)**  
**IDOT – WHITESIDE COUNTY**  
Appropriates \$450,000 from the Downstate Public Transportation Fund to IDOT for a grant to Whiteside County Public Transportation.

**HB 5103 (Sacia)**  
**EMERGENCY EQUIPMENT**  
Provides that the corporate authorities of a county may, upon referendum approval, issue bonds for the purpose of purchasing peace officer communication equipment and emergency services that are compatible with a state-wide interoperable voice radio system.

**HB 5122 (Rose)**  
**EMERGENCY TELEPHONE SYST.**  
Provides that a fire protection district may, by intergovernmental agreement, enter into a contract with any county in which the fire protection district is partially located for the county to receive and manage all 9-1-1 emergency calls made within the fire protection district upon terms agreeable to the fire protection district and the county. The county board must approve the intergovernmental agreement by a majority vote of the members then holding office.

**HB 5145 (Connelly)**  
**COUNTY ESCROW FUND**

Provides that a county treasurer may, after receiving approval from the county board, establish an escrow fund for the safekeeping of moneys paid to the treasurer on behalf of property taxpayers.

**HB 5169 (Chapa Lavia)**  
**PROPERTY TAX – PTELL**  
Provides that, beginning in levy year 2011, the definition of "aggregate extension" does not include special purpose extensions made for the purposes of a county or community mental health board, or a county or township board for care and treatment of persons with a developmental disability, when the board has filed a written direction for a separate limiting rate with the county clerk.

**HB 5182 (Winters)**  
**IMRF – SUSPENDED ANNUITY**  
Provides that if an annuitant becomes an employee and receives earnings from employment in a position normally requiring performance of duty during 1,000 hours or more per year as a Sheriff's law enforcement employee (currently 600 hours or more per year as a non-Sheriff's law enforcement employee) for any participating municipality and instrumentalities thereof or participating instrumentality, then the annuity payable to such employee shall be suspended as of the 1st day of the month coincidental with or next following the date upon which such person becomes such an employee.

**Local government  
consolidation resurfaces**



**HB 4852 (Franks)**  
**LOCAL GOVERNMENT CONSOLIDATION**

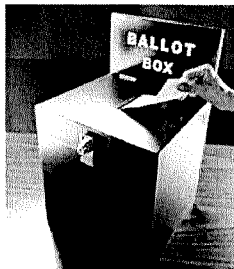
Creates the Local Government Consolidation Commission Act of 2010. Establishes a commission of legislative members and local government representatives appointed by the Governor to report to the Governor and General Assembly on consolidating local governments. Repeals the Local Government Consolidation Commission Act signed by former Governor Blagojevich. The Commission will study the inter-relationships of local governments to each other and to federal and State governments and formulate recommendations for legislation or constitutional amendments.

## Repeals of undervote law

### **SB 2503 (Haine) / HB 4687 (Watson)** **ELECTION CODE - UNDERVOTES**

Removes the requirements that a voter be informed that his or her ballot was undervoted for statewide constitutional officers; that a non-early voter be informed that his or her ballot was accepted or rejected; and that the voter be permitted to vote another ballot if his or her ballot was rejected or undervoted.

**NOTE:** As a result of the 2007 Illinois Undervote Notification Law, a number of concerns have been made with regards to protecting voter privacy, election equipment malfunctions, and the cost to update polling machines with the technology to recognize undervotes.



month) following receipt by the Board of written notice of election to make such contributions.

### **SB 2575 (Clayborne)** **PTELL – PENSION LEVIES**

Exempts, from the definition of "aggregate extension", all contributions to a pension fund created under Article 3, Article 4, or Article 7 of the Illinois Pension Code.

### **SB 2612 (Althoff)** **UTILITIES – LOCAL TAX AUDIT**

Provides that a county may audit a community antenna television system operator franchised by the county to provide video services.

## SENATE BILLS

### **SB 44 (Schoenberg)** **CIGARETTE TAX INCREASE**

Provides that an additional tax shall be imposed at the rate of 25 mills per cigarette on Sept. 1, 2009. A further additional tax shall be imposed at the rate of 25 mills per cigarette on Sept. 1, 2010. Any distributor who has stamped cigarettes in his or her possession for sale when the additional taxes take effect is required to pay the additional tax.

### **SB 49 (Althoff)** **ROAD SALT GRANTS**

Creates the Local Government Road Salt Purchase Reimbursement Fund. Provides that counties, municipalities, townships, and road districts in the northeastern Illinois region are eligible for grants if they (i) participated in the original bid process with the Department of Central Management Services for the purchase of road salt for the 2008-2009 winter season, (ii) did not receive a bid during that original bid process, and (iii) purchased road salt for the 2008-2009 winter season at a rate that exceeds \$68.59 per ton.

**SB 108 (Harmon)**  
**PUBLIC – PRIVATE PARTNERSHIPS**  
Authorizes the Department of Transportation and the Illinois State Toll Highway Authority to enter into public-private agreements for development, operation, and financing of transportation facilities.

### **SB 2505 (Frerichs)** **GREEN ENERGY SSA**

Provides that municipalities and counties may establish green energy special service areas.

### **SB 2524 (Cronin)** **COUNTY ESCROW FUND**

Provides that a county treasurer may, after receiving approval from the county board, establish an escrow fund for the safekeeping of moneys paid to the treasurer on behalf of taxpayers.

### **SB 2529 (Forby)** **CORONER'S FEES**

Increases the fee for autopsy reports, cremation permits, transcripts, toxicology reports, and miscellaneous reports. A coroner may waive the permit fee to cremate a dead human body if the coroner determines that the person is indigent and unable to pay or under other special circumstances. The fee for an electronic file containing a picture obtained by the coroner shall be the actual cost or \$3.00, whichever is greater.

### **SB 2554 (Martinez)** **IMRF – RETURN TO WORK**

Makes changes concerning conditions under which a person may return to employment and continue to receive his or her annuity. Provides that the selected rate of payment of earnings as additional contributions for retirement annuity purposes shall be applicable to all earnings paid (rather than earnings beginning on the first day of the second

### **SB 2628 (Dahl)** **ENTERPRISE ZONE – EXTEND**

Provides that Enterprise Zones shall be in effect for 50 calendar years (instead of 30 calendar years) unless a shorter period of time is specified in the certified designating ordinance. Amends the Public Utilities Act to make conforming changes.

### **SB 2794 (Forby)** **EMERGENCY SERVICES VEHICLES**

Amends the Hazardous Material Emergency Response Reimbursement Act and the Illinois Vehicle Code. Removes civil defense from and adds law enforcement or police services, emergency mortuary services, including the duties of a county coroner or medical examiner, and emergency management to the list of entities considered an emergency response agency under the Act. Provides that permanent vehicle registration plates shall be issued, at no charge, to county or municipality owned vehicles operated by or for any emergency services or disaster agency or any county coroner or designated county coroner.

### **SB 2797 (Martinez)** **BOARD OF HEALTH**

Provides that the county health department of specified counties shall be managed by a board of health consisting of 9 members (now, 8 members). Requires that at least one member of the board of health be a chiropractic physician licensed in Illinois.

## AMENDMENTS TO THE PROPERTY TAX CODE

### **HB 4743 (Holbrook)**

#### **DISABLED VETERAN HOMESTEAD**

Provides that, beginning in taxable year 2010, for veterans with a service-connected disability of less than 75%, the disabled veterans standard homestead exemption is \$5,000 multiplied by the veteran's certified percentage of service-connected disability.

### **HB 4797 (Mautino)**

#### **WIND FARMS EXTENDED**

Provides that a Division of the Code setting forth special valuation procedures for wind energy devices applies through assessment year 2016 (instead of 2011).

### **HB 4799 (Beaubien)**

#### **NOTICE OF ASSESSMENT**

Provides that, if a county with less than 3,000,000 inhabitants sends a mailed assessment valuation notice to all taxpayers every year, then (i) in general assessment years the county is required to include property on the published assessment list only if value of the property has changed for a reason other than township equalization, (ii) the entire assessment roll must be published by township on the county's website, and (iii) the county must place a quarter page advertisement in the newspaper being used for publishing assessments in the township noting the location of the full assessment roll on the county's website.

### **HB 4907 (Bost)**

#### **OPEN SPACE – VINEYARDS**

Provides that land that is used primarily as a vineyard is eligible for open space land valuation.

### **HB 4911 (Senger)**

#### **SENIOR FREEZE**

Provides that the term "income" does not include Social Security benefits. Increases the maximum reduction under the Senior Citizens Homestead Exemption from \$4,000 to \$7,000 for taxable year 2010.

### **HB 4912 (Bassi)**

#### **HOMESTEAD EXEMPTION**

Increases the maximum reduction under the General Homestead Exemption from \$6,000 to \$7,000 for taxable year 2010.

### **HB 4913 (Mathias)**

#### **ASSESSMENTS**

Provides that, for the purposes of the definition of 33 1/3%, the fair cash value of property is determined by the lesser of the Dept. of Revenue's sales ratio studies for the 3 most recent years preceding the assessment year; or the valuation of the property in the year immediately preceding the assessment year (now the fair cash value is based on the sales ratio studies).

### **HB 4914 (Hatcher)**

#### **SENIOR HOMESTEAD**

Increases the maximum reduction under the Senior Citizens Homestead Exemption from \$4,000 to \$7,000 for taxable year 2010.

### **HB 4915 (Reboletti)**

#### **SENIOR FREEZE**

Beginning in taxable year 2010, increases the maximum income limitation under the Senior Citizens Assessment Freeze Homestead Exemption from \$55,000 to \$75,000 for applicants who have occupied the residence for 5 years or more.

### **HB 4916 (Senger)**

#### **SENIOR FREEZE – AGE 55**

Decreases the age limit to qualify for the Senior Citizens Assessment Freeze Homestead Exemption from 65 years of age to 55 years of age.

### **HB 4917 (Myers)**

#### **SOCIAL SECURITY INCOME**

Provides that, if a taxpayer must have an income that is at or below a certain amount in order to qualify for an exemption, then, for the purposes of that exemption, the term "income" does not include Social Security benefits unless expressly stated otherwise.

### **HB 4920 (Senger)**

#### **ABATE SCHOOLS SENIORS**

Requires the county clerk to abate the taxes levied by a school district on each parcel of qualified homestead property that is owned by a taxpayer who is 65 years of age or older and who had an annual household income of \$35,000 or less for the previous tax-

able year. Subject to appropriation, requires the State Board of Education to reimburse each school district for any revenue lost due to the property tax abatement.

### **HB 4932 (Bassi)**

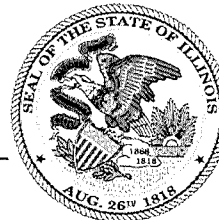
#### **HOMESTEAD EXEMPTIONS**

Provides that the alternative general homestead exemption applies on a permanent basis and increases the maximum amount of the exemption to \$40,000 beginning in taxable year 2010.

### **HB 5179 (Sacia)**

#### **PTELL – CONSUMER PRICE INDEX**

Provides that, beginning in levy year 2011, for the purpose of determining the extension limitation, the percentage increase in the Consumer Price Index (CPI) for the 12-month calendar year preceding the levy year may not (i) exceed the percentage increase in the CPI for the 12-month calendar year immediately preceding the 12-month calendar year preceding the levy year by more than 37.5% or (ii) be more than 37.5% less than the percentage increase in the CPI for the 12-month calendar year immediately preceding the 12-month calendar year preceding the levy year.



### **Upcoming Deadlines**

**February 11, 2010**

Final day for introduction of House Substantive Bills

**March 12, 2010**

Final Day for Standing and Special Committees of the House to report out House Substantive Bills

**March 26, 2010**

Final day for Third Reading and passage of House Substantive Bills

COUNTY CLERK RECORDER REPORT  
FOR PERIOD OF  
SEPT. 2009 - FEB. 2010

	CO. FUNDS	RE STAMPS
RECORDING BALANCE	\$100,083.08	\$ 23,057.00
RECORDING	\$ 72,859.00	
R E STAMPS	\$ 32,427.00	
CERTIFIED COPIES	\$ 3,111.00	
XEROX	\$ 4,795.46	
MARRIAGE LICENSE	\$ 1,480.00	
DOMESTIC VIOLENCE FUND 74 @ \$5.00 EA	\$ 370.00	
NOTARY PUBLIC	\$ 275.00	
TAX REDEMPTION	\$ 1,435.00	
VARIOUS FEES		
MISCELLANEOUS	\$ 1,302.40	
TOTAL RECIEPTS	\$118,054.86	
RE STAMPS RECEIVED		\$20,285.00
RECEIPTS PLUS BEGINNING BALANCE	<b>\$218,137.94</b>	<b>\$ 43,342.00</b>
TRANSFERRED TO COUNTY TREASURER	\$ 84,063.08	
RHSP TO STATE	\$ 16,020.00	
PURCHASE OF TRANSFER STAMPS	\$ 20,285.00	
DEATH CERT 64 @ \$2.00 EACH	\$ 128.00	
AUG - JAN DOMESTIC VIOLENCE FUND	\$ 455.00	
HARLAND CHECK ORDER	\$ 56.85	
TOTAL PAYMENTS	\$121,007.93	
REAL ESTATE STAMPS SOLD		\$ 21,618.00
ENDING BALANCE	\$ 97,130.01	\$ 21,724.00
TOTAL	<b>\$218,137.94</b>	<b>\$ 43,342.00</b>
FUNDS ON HAND		
BANK CHECKING ACCT	\$88,263.34	
CASH ON HAND	\$ 8,866.67	
TOTAL	\$97,130.01	

I, KATHY A. LANTZ, COUNTY CLERK & RECORDER, DO HEREBY CERTIFY THAT THIS IS A TRUE REPORT OF THE MONIES RECEIVED AND TRANSACTIONS OF THE OFFICE OF SHELBY COUNTY CLERK & RECORDER FOR THE PERIOD OF SEPTEMBER 2009 THROUGH FEBRUARY 2010.

DATED MARCH 9, 2010

  
COUNTY CLERK & RECORDER  
KATHY A. LANTZ

**GIS**

2028 doc @	\$ 1.00	\$ 2,028.00
2028 doc @	\$ 10.00	\$ 20,280.00

**EARNINGS**

2028 doc @	\$ 3.00	\$ 6,084.00
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**FEES**

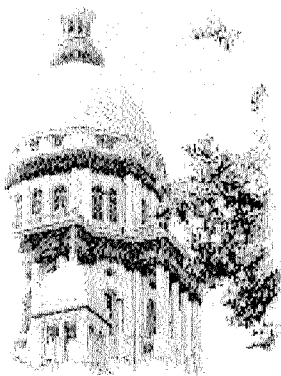
\$51,668.01

**TOTAL**

1707 doc @	\$ 9.00	\$ 15,363.00
1707 doc @	\$ 0.50	\$ 853.50
1707 doc @	\$ 0.50	\$ 853.50
		\$97,130.01

DEATH CERT 54 @ \$2.00=	\$	108.00
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# Counties *at the* Capitol

Published by the  
Illinois Association of County Board Members and Commissioners

President Mike McLaughlin, Adams County  
Kelly J. Murray, Executive Director • Letitia and Taylor Anderson, Legislative Consultants

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February 5, 2010

## 96TH GENERAL ASSEMBLY Second Year

The second year of the 96th Illinois General Assembly is now underway. This legislative report is the first of a series of reports that will be distributed throughout the legislative session. Each edition will include an update of legislative activities as well as a list of specific legislation of interest to counties. Copies of bills can be found on the General Assembly web site at [www.ilga.gov](http://www.ilga.gov).



### Bill targets towns banning video gaming

Senator Mike Jacobs (D-East Moline) has introduced a bill that would require those towns and counties that have opted out of the Video Gaming Act to either make up the lost gaming revenue themselves or forfeit some capital funding.

**Senate Bill 2816** provides that, if a municipality or county prohibits video gaming pursuant to the Act, then the Board, with the cooperation of the Dept. of Revenue, shall impose a monthly surcharge in an amount determined by the Board that the municipality or county would have been contributing under the Act had the municipality or county not prohibited video gaming, which shall be based on the maximum amount of machines that may be located within the municipality or county. If a municipality or county fails to remit the surcharge, then the amount of the monthly surcharge shall be deducted from any amounts certified to be allocated to the municipality or county from the Local Government Distributive Fund in the next consecutive monthly allocation.

### HOUSE BILLS

**HB 1082 (Gordon)**  
**MANDATE SURROGATE COVERAGE**  
Amends the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, the School Code, the Illinois Insurance Code, the Health Maintenance Organization Act, the Voluntary Health Services Plans Act, and the Illinois Public Aid Code to require an insurer, upon request of an insured intended parent, to provide maternity coverage for a gestational surrogate as a dependent for a term that extends throughout the duration of the expected pregnancy and for 8 weeks after the birth of the child.

**HB 2516 (Franks)**  
**COUNTY – TAX OPT OUT**  
Provides that a county may opt out of "any tax imposed by the State if the benefit of the tax is used solely within the county" (instead of "any tax imposed within the county").

**HB 2659 (Mitchell)**  
**US IMMIGRATION LAW**  
Creates the Local Government Compliance with Federal Immigration Law Act. Provides that the officials, personnel, and agents of a municipality or county shall fully comply with

federal immigration law. Provides that the Act does not authorize a municipality or county to restrict its officials, personnel, or agents from obtaining and maintaining information regarding the immigration status of an individual.

**HB 3665 (Hernandez)**  
**HEALTHY WORKPLACE ACT**  
Requires an employer to provide an employee up to 7 sick days with pay during each 12-month period. An employee may use the sick days care for physical or mental illness, injury, medical condition, professional medical diagnosis or care, or a medical appointment of the employee or a family member. Contains provisions regarding: penalties, civil liability and other matters.

**HB 4708 (Connelly)**  
**COUNTIES CODE – SPECIAL NOTICE**  
In a Section concerning counties under township organization, provides that public notice of a special meeting of a county board must be given as prescribed in the Open Meetings Act (now, publication in a specified newspaper).

**HB 4757 (Tryon)**  
**WATER AUTHORITY INCORPORATION**  
Provides that if specified territory is located within a county that has adopted a groundwater protection ordinance, then the territory may not be incorporated as a water authority or be annexed to an existing water authority.

Shelby County Treasurer  
 Monthly Report of Investments  
 1-Mar-10  
 Bank Balance: \$12,599,320.07

Passbooks, Money Markets,  
 & Certificates of Deposits

Checking & Cash

\$	633,102.70	MMD		
\$	1,773,435.49	MMD	General Fund	\$ 2,027.00
\$	-			
\$	-		County Payroll Clearing	\$ 15,977.01
\$	-			
\$	-		Section 105 Claims	\$ 2,000.00
\$	-			
\$	279,326.48	PB	County Health Fund	\$ -
\$	122,930.05	CD		
\$	15,456.72	MMD	County Health-TB	\$ -
\$	36,164.59	MMD		
\$	37,282.55	MMD	Animal Control Fund	\$ 10,316.44
\$	23,208.86	MMD		
\$	105,408.15	PB	Ambulance Fund	\$ -
\$	150,857.58	MMD		
\$	948,517.38	MMD	Mental Health Fund	\$ -
\$	-			
\$	1,084,910.52	PB	IMRF Fund	\$ -
\$	-			
\$	262,646.71	PB	Social Security Fund	\$ -
\$	54,504.77	CD & MMD		
\$	24,606.39	PB	Indemnity Fund	\$ -
\$	-			
\$	559.64	PB	Court Security Fund	\$ -
\$	-			
\$	291,754.84	MMD	County Bridge Fund	\$ -
\$	-			
\$	163,498.28	PB	County Highway Fund	\$ -
\$	-			
\$	214,689.90	MMD	FASM Fund	\$ -
\$	-			
\$	559,598.46	MMD	County Motor Fuel Tax Fund	\$ -
\$	-			
\$	6,117.74	PB	Tourism Fund	\$ -
\$	96,346.97	CD & MMD		
\$	140,570.07	PB	Probation Fund	\$ -
\$	55,221.37	CD & MMD		
\$	103,542.25	PB	Assist Court Fund	\$ -
\$	-			
\$	5,405.27	PB	Law Library Fund	\$ -
\$	-			
\$	87,695.68	PB	Automation Fund	\$ -
\$	-			
\$	86,481.63	PB	Recording Fund	\$ -
\$	-			
\$	14,286.22	PB	Drug Traffic Fund	\$ -
\$	60,000.00	CD		
\$	35,512.16	MMD	Airport Fund	\$ 35.50
\$	241,044.33	CD & MMD		
\$	507,451.06	MMD	Home Nursing Fund	\$ -
\$	-			
\$	-		W.I.C. Fund	\$ 26,578.50
\$	-			
\$	111,359.94	MMD	Local Bridge Fund	\$ -
\$	-			
\$	-		Township Bridge Fund	\$ 1,213.55
\$	-			
\$	-		Township Construction Fund	\$ 1,014.03



CERTIFICATE OF DEPOSITS  
March 1, 2010

General Fund(001) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>633,102.70</u>
Animal Control Fund(003) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>37,282.55</u>
Ambulance Fund(004) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>23,208.86</u>
Mental Health Fund(005) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>150,857.58</u>
Indemnity Fund(008) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>9,504.77</u>
Probation Fund(016) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>96,346.97</u>
Assist Court(017) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>221.37</u>
Home Nursing Fund(024) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>116,044.33</u>
Township Motor Fuel Tax Fund(029) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>290,110.84</u>
Miscellaneous County Health Fund(043) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>81,231.02</u>
County Health Fund-TB(002) Ayars State Bank-CD# 3162 Matures 8/1/2010 1.65% Interest	\$ <u>122,930.05</u>

CERTIFICATE OF DEPOSITS  
March 1, 2010

Indemnity Fund(008) Shelby County State Bank-CD# 14065 Matures 8/13/2010 1.10% Interest	<u>\$ 45,000.00</u>
Assist Court Fund(017) Shelby County State Bank-CD# 14794 Matures 4/20/2010 1.10% Interest	<u>\$ 55,000.00</u>
Home Nursing Fund(024) Prairie National Bank-CD# 14288 Matures 8/19/2010 1.40% Interest	<u>\$ 125,000.00</u>
Revolving Loan Fund(045) Community Banks of Shelby County-MMD# 720151  .85% Interest	<u>\$ 208,086.26</u>
Capital Improvement(054) First Federal Savings & Loan-CD# 20555 Matures 10/16/2010 2.02% Interest	<u>\$ 1,000,000.00</u>
Airport(022)	<u>\$ 60,000.00</u>
TOTAL	<u>\$ 3,053,927.30</u>