



Upcoming Dates:

December 1-4:
IAA® Annual Meeting, Chicago



December 3:
Elected County officials take office

January 9-11:
IL Specialty Crops, Agritourism, & Organic Conference

January 17-18:
IL Assn. of Drainage Districts Conference

January 31:
SWAT Meeting

February 19:
Governmental Affairs Leadership Conference (GALC)



Did You Know...?

There are more than 1,000 elected local officials who hold countywide office in Illinois.



November/December 2018

Volume 9 Issue 6

Local elections

New and returning county board members and officials to take office

The November 6 General Election is behind you. Now before you is the opportunity to establish or renew connections with your county officials who won their respective races.

Before you know it they'll be taking office and beginning the work of governing. You'll want to have their ear in the future; that makes it important that you make the effort to communicate with them now.

Newly-elected county board members take office on the first Monday of the month following the month of election. This year, that falls on December 3.

Newly-elected countywide office holders enter their duties on the first day of the month of December following their election on which the official's office is required, by stat-

ute or by action of the county board, to be open. For most, that is likely also Monday, December 3.

Find an opportunity to contact these officials. It might be a short visit to the office of an incumbent who has been re-elected, or a brief note of congratulations. It could be a "hello" and a few congenial words as you meet on the street or an appointment to introduce yourself to a newly-elected official. However you do it, it will let them know who you are and that you're paying attention.

Don't let this opportune time get past you. Soon you—and they—will be caught up in the busy holiday season. It doesn't take much to get started on the right foot—or the wrong one.

LINK

Stormwater authority

Know which counties hold this special authority to regulate drainage

by Kevin Rund

The September/October issue of LINK introduced the concept of county stormwater management and its new applicability in counties containing urbanized areas; but the potential for adopting that power could extend still further.

As promised, in this issue we'll focus on how county governments go about adopting that authority and the pow-

ers it provides. But first, let's explore how counties came to have access to that power.

County stormwater management authority has come about in five stages within Illinois law. Each of these five stages of implementing stormwater authorization brings with it a separate set of powers.

(See **Authority** on page 5)

Broadband

An investment in our rural communities

by: *Brenda Matherly*

Tax incentives and brick and mortar development isn't the only way to build thriving communities. Bringing high-speed internet to these areas is essential to create and maintain a viable community.

State law makers recognized that when they recently passed House Bill 5752, now Public Act 100-0833. This new law creates a Broadband Advisory Council to explore ways to expand broadband access throughout the state. The soon-to-be created Council will be exploring ways to expand broadband availability to all residents and businesses in Illinois with a focus on rural access.

Discussions held around the passage of this bill addressed the fact that limited access in rural areas might not be the only hurdle. A reluctance to join the technology era has kept some folks from bringing available services into their home. This seems especially true in our rural areas across the state. This lower adoption rate discourages providers from investing in the infrastructure needed to provide broadband in those areas. With that in mind, the Council will also be identifying barriers to broadband adoption and researching ways to eliminate them.

As prescribed in the law, the Council will be made up of 21 voting members representing various state agencies and organizations and seven members representing broadband providers:

- one member representing an

- incumbent local exchange carrier that serves rural areas
- one member representing an incumbent local exchange carrier that serves urban areas
- one member representing wireless carriers that offer broadband Internet access
- one member representing cable companies that serve Illinois
- one member representing a statewide rural broadband association
- one member representing a telecommunications carrier

issued a certificate of public convenience and necessity or a certificate of service authority from the Illinois Commerce Commission, whose principal place of business is located in east central Illinois and who is engaged in providing broadband access in rural areas through the installation of broadband lines that connect telecommunications facilities to other telecommunications facilities or to end-users

- one member representing satellite providers

The four Legislative Leaders will
(See Investment on page 3)

Broadband Connectivity

Here are how select states rank in terms of broadband coverage. Figures are from a report recently released by BroadbandNow. Average speed is measured in terms of megabytes per second.

STATE	RANKING	SPEED	COVERAGE PERCENT
Ohio	16	32.1	91.99
Illinois	17	40.4	92.3
N. Dakota	18	28.6	92.2
Michigan	26	28.7	88.3
Minnesota	27	38.6	88.1
Wisconsin	32	37.4	89.3
S. Dakota	33	28.6	85.3
Indiana	34	36.7	85.7
Iowa	38	24.7	83.7
Nebraska	39	27.1	82.4
Kansas	40	39.9	81.9
Missouri	42	38.5	80.1

Benefits of rural broadband

Rural living and livelihood improve with connectivity

by Brenda Matherly

Farming, being rural in nature, means most farmers are typical of the rural residents who stand to benefit from improved access to high-speed internet. Growing reliance on digital/electronic transfer of data makes access to high-speed internet a necessity. More and more units of local

government, businesses (including farming), education and health care providers are communicating and conducting business electronically.

Farmers that are unserved or underserved with broadband are facing significant efficiency challenges when considering the benefits it offers, including:

- Access to web-based only label information for the application of ag inputs
- Electronic domestic and international purchasing and marketing options
- Ability to electronically apply for and file business-related permits
- Access to government farm programs and applications through online distribution
- Receive up-to-date market and weather information
- Purchasing and ordering of farm supplies through online services
- Access to electronic systems for monitoring livestock and crops
- Access to reliable high-speed internet provides for thriving rural communities necessary for farm families and other rural residents.



Investment

(Continued from page 2)

also each appoint one non-voting member.

The Council will be administered by the Department of Commerce and Economic Opportunity (DCEO) with the Director of DCEO serving as the chair.

The effective date of the Act is January 1, 2019. The law requires all voting and non-voting members of the Council be appointed within 90 days after that. It also requires the Council conduct its first meeting within 30 days after all members have been appointed. The Council will meet quarterly and provide an annual report to the General Assembly.

As I mentioned in our last publication of LINK, access to broadband is important to rural Illinois. In all areas of the state, broadband plays a critical role in

the lives of rural citizens and the industries providing quality-of-life services. Success in agriculture, healthcare, education and economic development require rural areas to keep up with connectivity and technology. The failure of any one of these industries in a rural area could result in the end of a viable community.

According to *BroadbandNow*, overall, Illinois is doing fairly well compared to other states, ranking 17th in the nation for broadband connectivity.

However, that may be due partly to the state's abundance of interstate highways. Once again leaving rural areas on the outskirts with less connectivity than the urban areas.

Benefits to a community

- Aids in attracting and retaining businesses
- Increases learning opportunities including adult education and job skill training
- Access to government services
- Attracts tourists and promotes tourism
- Increases both access to, and quality of, health care and education
- Equips first responders with necessary information
- Improves quality of life options, attracting new residents

Benefits of home connection

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(See **Benefits** on page 7)

Stormwater authority

The powers held by counties that have stormwater management authority

by: *Kevin Rund*

With this year’s legislation becoming effective January 1, 2019, all Illinois counties will have access to a uniform set of limited stormwater regulatory powers. Additional powers have been dolled out over the decades to specific sets of counties—largely based on population size—and in some cases to individual counties. That has resulted in non-uniform sets of power available to counties across the state.

To see which groups of counties have access to the non-uniform powers refer to the chart below.

To be able to exercise these powers, the county must first adopt that authority. For a fourth of Illinois’ counties, that requires only passage of an ordinance by the county board. For the other counties—generally, those with lower populations—the board must first put the question to ref-

erendum.

In broad terms, counties may regulate drainage within the county, but must respect drainage powers being exercised by municipalities, so long as they are at least as stringent as those required by the county.

Land used for production agriculture is not subject to regulation by county stormwater authority that would restrict farm drainage. However, newly-constructed farm buildings and impervious surfaces are subject to both regulation and applicable fees.

Once the authority is established, all counties hold these uniform powers to:

- Consolidate existing stormwater framework into a united structure
- Set minimum standards for stormwater management

- Regulate location, width, course and release rate of channels and basins
- Prepare countywide plan for natural and man-made drainage-ways
- Establish stormwater management planning committee (SMPC)
- Approve, modify or reject plan proposed by the SMPC
- Make grants to: (1) Units of local government; (2) not-for-profit organizations; and (3) landowners
- Hold public hearing on proposed plan
- Issue general obligation bonds
- Impose a real property tax up to 0.20 percent by referendum. May be increased or decreased by referendum
- Adopt a schedule of fees.

(See Power on page 5)

Non-uniform stormwater powers available to Illinois counties

(Refer to article on page one to identify counties included in each grouping.)

POWERS	COUNTIES INCLUDED				
	CMAP	Group of Nine	DuPage & Peoria	Urban-ized Area	All Others
Adoption of authority by ordinance (Others must adopt by referendum)	✓	✓	✓	✓	✗
SMPC must include a representative from the SWCD and a representative from drainage districts within the county.	✗	✗	✗	✓	✓
SMPC must submit plan to DNR	✗	✓	✓	✓	✓
May impose a 1/10 cent sales tax by referendum in lieu of property tax.	✗	✓	✗	✓	✓
Must offer abatements or incentive payments	✗	✓	✓	✓	✓
May petition the circuit court to dissolve any or all drainage districts.	✓	✗	✓	✗	✗
May exercise eminent domain	✓	✗	✗	✗	✗
May regulate drainage on land used for production agriculture	✓	✗	✗	✗	✗

Authority

(Continued from page 1)

The first county to be able to adopt that type of authority was Cook; but that was authorized by its Home Rule status found in the 1970 Constitution, not by statute. This gives Cook County nearly unlimited options to manage stormwater, so its powers are not discussed here.

The second stage added the first counties authorized by statute (circa 1994) to adopt a stormwater management plan with associated fees and taxes. It applied to those counties within the area served by the (now defunct) Northeastern Illinois Planning Commission (NIPC) which—at the time—included the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

Power

(Continued from page 4)

[NOTE: Peoria County may establish fees only by referendum and only as an alternative to property taxes. Most counties may establish a 1/10 of one cent sales tax in lieu of property taxes.]

Come the first of the year, 86 counties will gain access to the option of implementing a stormwater ordinance. You'll want to be ready to address that topic in the event yours is one of the counties that chooses to exercise that option.

This article gives general guidance on applicability of powers, but other variables can apply to individual counties.

If your county considers this option, be sure to look into the specifics of the law that apply in your individual case.

[LINK](#)

A third stage came in 2005 when nine downstate counties were added to the list of those authorized to adopt a stormwater ordinance. Those new counties include: Madison, St. Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, **Kendall and Boone. Drainage districts fought hard to avoid being subject to dissolution in that legislation.

The fourth stage occurred in 2013. That's when a special section of statute was added specifically for *DuPage and Peoria Counties, giving them each a mixed bag of powers.

This year's legislation—effective next year—brings a fifth stage in the life of county stormwater authority. The old NIPC reference in statute is being replaced by a reference to its successor agency, the Chicago Metropolitan Agency for Planning, otherwise known as CMAP. That transition caused the list of counties affected by that section of statute to change, along with it. Today, within CMAP (besides Cook) are: *DuPage, Kane, **Kendall, Lake, McHenry and Will counties.

This fifth stage (2018) legislation also adds two other large groupings of counties:

- All counties that cover any portion of an Urbanized Area (can opt for the authority by ordinance); and,
- All other counties not already

authorized (can adopt the authority only by referendum).

So in 2019 all counties in the State will have available the authority to implement some form of stormwater management and to raise fees or taxes to help pay the cost—but not all will share the same method of doing that.

Each of these five stages of implementing stormwater authorization brings with it a separate set of limits and powers that apply only to the group of counties it specifies. Though similar, there are important differences from one grouping to another. Other powers are uniform across the spectrum of counties, shared by all. Those powers will be addressed in the accompanying article on this topic, found on page 4.

** Note: DuPage County shows up twice in this listing. It was first included under the CMAP (formerly NIPC) language, then later—in 2013—it joined Peoria County in statutory language singling out those two counties.*

*** Note: Kendall County shows up twice. It was first afforded stormwater authority through the 2005 legislation. It later was added to the Chicago area listing of counties when the statute's reference to NIPC was dropped in favor of the more-expansive CMAP.*

[LINK](#)



Opportunity Zones

An investment tool growing communities

by Brenda Matherly

Have you heard about the new “opportunity” to boost economic development in Illinois and across the nation?

These “opportunities”, recently passed under the Tax Cuts and Jobs Act of 2017, are being called Opportunity Zones.

An Opportunity Zone is defined by the Internal Revenue Service (IRS) as “an economically-distressed community where new investments, under certain conditions, may be eligible for preferential tax treatment.” Their purpose is to spur economic development and job creation in these communities—whether rural, urban or suburban.

For a community to qualify as an Opportunity Zone, it must first be nominated by the governor of that state and certified by the Secretary of the U.S. Treasury.

In Illinois, we are more familiar with the economic-development tools known as Tax Increment Finance (TIF) Districts and Enterprise Zones (EZs)—both having long-time application in the state. The first Opportunity Zones were designated in April 2018.

Unlike with TIF Districts and EZs, where project developers receive incentives, Opportunity Zones provide incentives to those willing to invest in project development.

In areas designated as Opportunity Zones, investors can re-invest their unrealized capital gains from the sale of invest-

ments or real estate, into building projects within a designated community. This investment can be eligible for special tax breaks that allow investors to defer their capital gains taxes, step-up in basis, and—if requirements are met—forgo them all together.

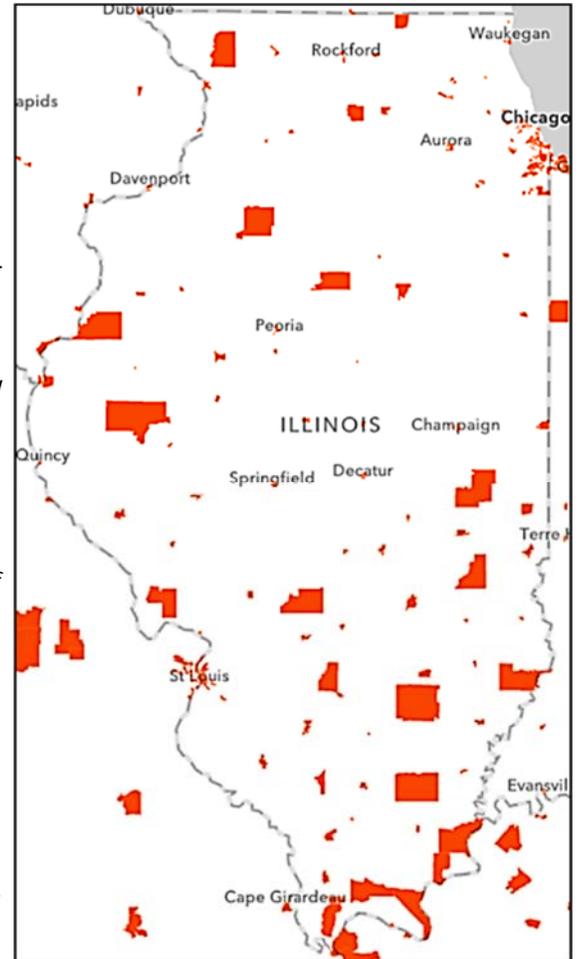
For the investor’s part, if they sell an asset that generates a capital gain, they can reinvest those dollars into a designated Opportunity Zone within 180 days.....

The tax break continues to improve the longer the investment is held. The capital gains liability on the original investment will be reduced by 10% after five years and by 15% after seven years. After 10 years, investors permanently eliminate capital gains.

Those areas nominated by each state as an Opportunity Zone must fit the IRS’s definition of a “low-income community.” These are typically areas with high rates of poverty and unemployment and often have structural assets that are under-utilized, including rural, commercial, industrial and residential areas.

In Illinois, over 300 hundred sites have been designated Opportunity Zones. These locations, which stretch across the state, were chosen based on a number of factors relating to economic need including:

- Poverty and unemployment



rates

- Violent crime rate
- Population

Applying those factors, Illinois identified over 1300 qualifying census tracts. However, only 25% of the low-income census tracts in each state can be designated as Opportunity Zones.

It’s too soon to tell if this new program will be effective in boosting economic development in Illinois but it’s apparent there’s opportunity for growth in our communities.

For more information visit the U.S. Department of Treasury at: <https://www.cdfifund.gov/Pages/Opportunity-Zones.aspx>

LINK

Benefits

(Continued from page 3)

- Offers convenient access to unlimited resources and research information
- Provides entertainment for all age groups
- Creates an opportunity to start and operate a small business out of the home
- Provides communication with friends and family through e-mail and social networking
- Opens up access to online education opportunities
- Gives immediate access to the most current news stories, weather and market reports

Benefits to business

- Allows business to reach a global market place
- Creates more options to compare prices and shop for supplies
- Offers the ability to push out advertisements, news and sales to a wide audience
- Helps recruit job seekers to the area
- Provides for online customer support
- Supports interfacing with government programs
- Allows for teleconferencing.

Benefits to local governments in rural communities that are already in place in urban areas

- Opportunity to build stronger IT capabilities
- Connect through sophisticated websites
- Collect GIS data
- Improve intergovernmental cooperation using electronic information sharing
- Opportunities for providing access to public records

Enterprise Zones

Enterprise Zones (EZs) were established in 1982. They are areas designated by the State in collaboration with local units of government to allow development to receive tax incentives and other benefits—encouraging economic growth.

Businesses located within an EZ can be eligible for state and local tax incentives, regulatory relief and improved governmental services including:

State Incentives:

- *Sales tax exemption on building materials purchased in Illinois for building or site improvement*
- *Investment tax credits on qualified property*
- *Utility tax exemptions are offered to eligible business*

Local governments decide what incentives (if any) they will offer. The most common local incentives include:

- *Property tax abatement or an exemption in the increased assessed value due to new construction or renovations*
- *Waivers of businesses licensing and permit fees*
- *Streamline building codes and zoning requirements*

Tax Increment Finance (TIF) Districts

A Tax Increment Finance (TIF) District is a financial tool used by municipalities to generate money through incremental property tax distribution to boost economic development in designated areas.

TIF Districts are created in areas that meet certain characteristics indicating depressed growth and minimal opportunity for improvement without a TIF.

Property within a TIF is assessed and taxed each year as usual. However, those taxes paid are divided into two portions. The portion representing to the value of the property before the district was created is paid to all those taxing bodies serving the property (counties, schools, municipalities, etc.). The portion representing any increase in value over the original property value is deposited in a special fund—known as the tax increment fund—for development costs within the district.

Tax increment funds can be used to pay for such development costs as land acquisition, site improvements, utility relocation, streets, and sidewalks.

Welcome new class of *Think LINK* managers!

The Local Government Department is happy to announce our newest class of *Think LINK* participants!

- Kathy Knight, Manager, Brown County Farm Bureau®
- Gay Bowlin, Manager, Franklin County Farm Bureau®
- Kristin Huls, Manager, Hancock County Farm Bureau®
- Katie Wilson, Manager, Montgomery County Farm Bureau®

In this program, we typically invite County Farm Bureau managers who have been in a county between 9-24 months to participate. Thanks to great manager involvement, we have worked with all those newest managers and are able to open this series to managers having up to five years of experience in a county.

This series of *Think LINK* will, again, focus on local government. We will work with the managers to build awareness, experience and understanding of local issues, local government structure and authorities, and to help them become more familiar

with the local officials in their county. Through this process, the participants will become more comfortable with—thus more involved in—local government.



With the IAA Annual Meeting right around the corner, you will likely run into our four new *Think LINK*ers. Please take time to congratulate them for joining

the program and going that extra mile.

This new class represents the fifth group of managers to participate in *Think LINK*. We have 11 alumni from previous classes. Please also offer your congratulations to these graduates at Annual Meeting—they will be wearing gold *Think LINK* lapel pins in honor of their success in the program.

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2019 Specialty Growers Annual Conference:

Specialty Crops, Agritourism and Organic

The annual Illinois Specialty Crops, Agritourism, and Organic Conference will be held in Springfield, Illinois on January 9-11, 2019. The conference is geared toward farmers and agribusiness professionals of fruits, vegetables, herbs, those who have agritourism businesses, and those who grow conventionally as well as organically.

On Wednesday, January 9, the conference will open with five pre-conference, all-day work-



shops on (1) Food Safety Training; (2) Financing Your Specialty Farm; (3) Cut Flowers; (4) Social Beginning Berries & Beyond; and (5) Sweet Corn.

In addition, there will be special sessions on Fruit, Vegetables, Herbs, Agritourism & Marketing, Organic, and other special interest areas.

There will be 60+ vendors showcasing products from vegetable seed, containers and packaging, jams and jellies, bakery items,

crop protection products, and much more. This annual event attracts an average of 500+ attendees and is the premier conference in the state for the specialty crop industry. An agenda and online registration can be found on the ISGA web site,

<http://www.specialtygrowers.org/iscaoc-conference.html>. Any questions can be directed toward Raghela Scavuzzo at rscauzzo@ifb.org.

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