Did You Know…?

by Ryan Whitehouse

In Illinois, county and municipal governments can shape their powers under two forms of governing authority - Dillon’s Rule and Home Rule.

Units of local government can have extreme authority when tackling issues within their jurisdiction. Whether it is zoning or taxing power, these units of local government are in control, as long as express authority is provided by state law. This limitation is structured under a provision of the law known as Dillon’s Rule. Under Dillon’s Rule, a municipality or county is limited in their powers, and ability to create ordinances or regulations to only those expressly granted by the state.

Under the 1870 Illinois Constitution, when the state was still young, counties and municipalities were granted authority under Dillon’s Rule only. Dillon’s Rule comes from Iowa Supreme Court Justice John Forrest Dillon. In 1868 he wrote an opinion limiting local government powers to three types:

1. Only those expressly granted to them by the state legislature;
2. Those necessary and incidental to the execution of the express powers, and;
3. Those absolutely necessary to the discharge of the express powers - as Dillon put it, “not simply convenient, but indispensable.”

In other words, Dillon’s Rule says: local units are a creation of the state and therefore cannot do anything unless expressly authorized by the state.

Along with the growth of our state, and our municipalities and counties maturing in population and authority, came an interest, by these units of government, to exercise their own power and perform functions that pertain to their governmental affairs without express permission from the state. In other words, some of the larger units of government felt stifled by Dillon’s Rule.

So, 100 years later, under the 1970 Constitution, the theory of “Home Rule” authority was adopted. This authority was given under Article VII Section 6 - Power of Home Rule Units.

Home Rule grants broad power from the State giving select counties and

(See Home Rule on page 4)
Kick Off State’s Largest Broadband Expansion

by: Brenda Matherly

“Reliable and affordable broadband service is a necessity for the success of agriculture and the quality of farm family life,” said Richard Guebert, Jr., President of the Illinois Farm Bureau®.

In addition to agriculture, many other businesses, homes, community institutions, and rural areas will benefit from the recently announced $50 million in Connect Illinois grants for the expansion of broadband access.

These funds are being awarded as part of Connect Illinois’ $400 million statewide broadband expansion. The initial 28 projects awarded are just the first in a plan to bring basic access to all communities by 2024.

In this first round, 18 internet service providers, rural cooperatives, non-profits and local governments were granted $50 million to invest in middle- and last-mile build outs expanding broadband capacity across the state. The $50 million in state grants will be matched by $65 million in non-state funding for a total of $115 million to support infrastructure investments over the next 12-18 months.

Throughout the multi-year plan, the dollars will be used to ensure benefits in those areas that are unserved or underserved with a focus on education, jobs, and economic development.

Broadband is essential to community and economic development including agriculture. “Farmers and the state’s agriculture industry depend upon access to affordable broadband service”, said Illinois Farm Bureau President Richard Guebert Jr. The state estimates 40% of Illinois farmers are either underserved or lack reliable internet access.

The Illinois Farm Bureau appreciates the State of Illinois providing grants for broadband service in areas where it is most needed.

The Illinois Department of Commerce and Economic Opportunity anticipates issuing another round of Connect Illinois grants later this year.

PROJECT LIST: The first round of broadband access projects include:
Source: FarmWeek

- Adams Telsystems Inc., $4.954 million, Adams & Brown counties, for fiber to the premises (FTTP) build-out to about 1,106 homes, businesses, farms and institutions in rural areas east of Quincy.
- Allpoint NetworX, $2.679 million, Bond and Madison counties, for middle- and last-mile deployment to serve 926 homes, businesses, farms and institutions.
- Cambridge Telecom Inc., $817,053, Henry County, for fiber to the home (FTTH) project to about 172 businesses, farms and homes in Henry and Rock Island counties.
- Comcast 2, $595,301 grant, Sterling in Whiteside County, for last-mile deployment to provide access to 179 unserved homes.
- Comcast 3, $595,301, Vermilion County, for last-mile deployment to provide access to 270 unserved homes.
- Cook County, $1.876 million, Cook County Southland for a middle-mile project to expand existing fiber footprint throughout the Chicago Southland area.
- Diverse Communications, $426,000, Alpha and Lynn Center, for last-mile build-out to serve about 81 businesses, farms, homes and institutions.
- Geneseo Communications, $5 million, Henry and Rock counties, for last-mile project to serve about 3,776 businesses, farms, homes and institutions.
- Grafton Technologies Inc., $1.483 million, Jersey County, for middle- and last-mile deployment to provide access to 584 unserved homes, businesses, farms and institutions.
- Illinois Electric Cooperative, $3.443 million, Calhoun County, for last-mile deployment to pro-
Broadband

(Continued from page 2)

Broadband access to 841 unserved homes, businesses, farms and institutions.

- **Illinois Fiber Connect LLC**, $4.874 million, Effingham County, for middle- and last-mile deployment to provide access to 844 unserved homes, businesses, farms and institutions.

- **JoCarrol Energy Cooperative**, $6.05 million, Carroll, Jo Daviess, Stephenson and White-side counties, for a last-mile fiber project to provide access to 1,487 unserved homes, businesses, farms and institutions.

- **Madison Communications**, $4.23 million, Macoupin and Madison counties, for middle- and last-mile project to serve about 9,283 businesses, farms, homes and institutions.

- **Mediacom 2**, $249,424, Edgewood, Effingham County, for last-mile deployment to serve 248 unserved homes, businesses and institutions.

- **Mediacom 3**, $210,831, Franklin, Morgan County, for last-mile deployment to provide access to 240 unserved homes, businesses and institutions.

- **Oneida Telephone Exchange**, $576,900, Sparta-Henderson Township, Knox County, for last-mile project to provide access to 41 unserved homes, businesses and farms.

- **Shawnee LEC 1**, $2.264 million, Johnson County, for last-mile FTTP services to six communities.

- **Shawnee LEC 2**, $3.525 million, Williamson and Johnson counties, for last-mile FTTP services to five communities in the two counties.

- **Shawnee LEC 3**, $1.183 million, Saline County, for last mile FTTP services to two communities.

- **Spectrum Mid-America**, $214,822, Bethalto, Freeburg, Granite City, Lebanon, North Woodlawn and O’Fallon, St. Clair County, for network to provide access to many unserved households.

- **Wabash Telephone**, $1.591 million, Clay County, for middle- and last-mile deployment for access to 659 unserved homes, businesses, farms and institutions.

**LINK**
Rural Development Resource Guide: A one-stop-shop

by Brenda Matherly

Explore your guide to rural development resources.

The Illinois Institute for Rural Affairs (IIRA) and the Governor’s Rural Affairs Council (GRAC) provides an online resource available to rural residents, communities and businesses seeking assistance and available rural development programs.

The Rural Development Resource Guide is an online, searchable database that provides valuable and time-saving information regarding programs and funding made available for rural development through state, federal, and nonprofit organizations/agencies. The Guide is designed to assist community leaders by providing one source to easily access those programs most commonly used by community leaders in rural areas. This database of programs is similar to the Federal Grants.gov database, but with a specific focus on rural community and economic development.

To provide the most up-to-date information, the state, federal, and nonprofit organizations/agencies are asked to annually provide information on their rural development programs and priorities including, loans, grants, technical assistance, etc. There are currently 27 agencies and organizations, including state and federal programs, providing a link to information in the Guide.

HOME RULE

(Continued from page 1)

municipalities the authority to deal with local matters without need for special legislation. However, local actions/ordinances may not conflict with state law. If authorization is vague, the benefit of doubt goes to the local unit, unless that power is expressly denied by state law.

Home Rule was enacted to allow for local action on local issues. A municipality or county with home rule status can exercise any power and perform any function unless it is prohibited by state law.

However, Home Rule status was not granted to every community. The Illinois Constitution set forth guidelines for establishing Home Rule units that include:

1. A county must have an elected chief executive officer.
2. Units of local governments with a population more than 25,000 are automatically Home Rule.
3. Smaller municipalities can ask their voters to support a referendum to become Home Rule.

Currently there are 217 Home Rule municipalities, and only one county, Cook. Other counties have tried to pass Home Rule referenda but failed voter support.

Both Home Rule and Dillon’s Rule of government authority exist today. Our Illinois Farm Bureau policy does not take a position on either structure. However, local government is important to our organization. Policy 110 - Local Government, states in point 1: “We support the principle of strong local government.”

Our state policy is purposefully silent on this issue, encouraging county Farm Bureaus to engage with their units of government and membership if this question of local control is proposed at either the county or municipal level.


IFB Places Priority on Rural Development

by Brenda Matherly

Illinois Farm Bureau® (IFB) places rural development as a high priority. As a grassroots organization, with over 78,000 farmer members, our member-created policy has a robust rural development policy. Our policy supports program development, coalition building and access to quality-of-life amenities.

In addition to the State Farm Bureau initiatives, all our 93 county Farm Bureaus (CFBs) are encouraged to take a leadership role in rural development programs and activities in cooperation with local businesses, political and agricultural leaders. The state and CFBs also work together on comprehensive programs for coordinating rural development activities at the state and local level.

Funding initiatives for activities are imperative in making progress in the area of rural development. IFB policy encourages many funding initiatives by supporting:

- Increased funding for and targeting a greater portion of all funds towards stimulating commerce in rural areas.
- Efforts to develop a program and support funding for low-interest loans to assist small business owners in locating and training a successor who would then purchase the business and continue its operation.
- Increased sources and levels of funding for developing and expanding broadband telecommunication services to rural areas while protecting landowner private property rights.

In addition to supporting rural development efforts, IFB is involved in activities benefiting quality of life and well-being of rural residents. Examples include two programs designed to provide access to health care in rural areas:

**Rural Nurse Practitioner Scholarship Program:**

This program, started in 1992, encourages and develops a pool of rural health practitioners to help meet the health care needs in rural Illinois.

Each year, IFB offers scholarship awards of $4,000 each to ten students enrolled in an approved nurse practitioner curriculum.

Scholarship recipients agree to practice as a nurse practitioner in an approved rural community in Illinois for two years. For this program, a rural area is identified by population and rural character.

Recipients are eligible to receive more than 1yr of funding by reapplying. If selected to receive an additional year of funding the recipient must practice in a rural area 2yrs for each year of funding. To date, the program has awarded 89 scholarships.

**Rural Illinois Medical Student Assistance Program (RIMSAP):**

This program, a partnership started in 1948 between the Illinois State Medical Society and IFB, has helped many qualified applicants overcome financial needs or borderline academic barriers achieve a medical education. The program has assisted more than 800 students with a recommendation for acceptance, and/or loan monies.

This program is designed to inject doctors into rural communities in Illinois. In return for assistance from the RIMSAP, students must agree to practice medicine in an approved rural community in Illinois. Minimum practice time depends on the level of assistance provided by RIMSAP.

With many of our members living and farming in rural areas, the health of rural Illinois is a priority. Moving forward, IFB will continue to work with our members to build partnerships with like-minded entities include, universities, government agencies and rural development groups such as the Rural Partners of Illinois, the Illinois Institute for Rural Affairs, and the Governor’s Rural Affairs Council.

**COVID-19 Response:**

IFB created a COVID-19 resource website to help rural residents, farmers and other business owners navigate new developments and understand COVID-19 programs. Assistance includes:

- Curating information relevant to rural communities in the areas of environmental regulation, health and safety, livestock, local foods and specialty crops, local governance, and transportation regulation, including federal, state, and local rules and programs.
- Rapidly assessing programs and financial support provided by federal stimulus programs including the Coronavirus Aid, Relief, and Economic Security (CARES) Act and subsequent Coronavirus Food Assistance Program through the USDA.
- Explaining non-agricultural programs designed to benefit small businesses, including those created within the Small Business Administration (SBA).
- Promoting Illinois’ COVID-19 Response Fund providing financial resources to local community foundations and nonprofits supporting residents in need of emergency food and basic supplies, interim housing and shelter, primary health care services, utility assistance, and direct financial assistance for household expenses.
County Farmland Assessment Review Committee in Action

by Brenda Matherly

By law, each county must hold a County Farmland Assessment Review Committee (FARC) meeting every year. Often those meetings happen in early June. The Committee is made up of 5 members. Those members include, the Chief County Assessment Officer (CCAO), the Chairman of the County Board of Review or another member of that Board appointed by the Chairman, and three farmers appointed by the Chairman of the County Board.

The purpose of the Committee is to help advise the CCAO on the interpretation and application of the State-certified farmland values, Illinois Department of Revenue (IDOR) guidelines, and local farm property assessment practices. The Committee must also hold a public hearing. Often the public hearing takes place imme-

diately following the Committee meeting.

During the meeting, the members are asked to review the assessed values that have been State certified for cropland soils, and soil productivity in the county. If the Committee accepts the values and agrees with the productivity, land-use classifications, and adjustment factors, the CCAO shall move forward with the farmland assessment process.

If the Committee objects to the State-certified values for their cropland soils, and the soil productivity in the county, the Committee must provide an alternate recommendation to IDOR by August 1. If the Committee contests the soil productivity, the county might also be required to submit an updated, countywide soil survey in support of their appeal. If the county is asked to provide a soil survey, it will likely need to be a Natural Resources Conservation Service (NRCS) level or comparable survey to ensure soil productivity accuracy.

Once submitted to IDOR, they shall rule on the evidence and suggested alternative approach within 30 days.

If the Committee is not satisfied with IDOR’s ruling, they may appeal that decision to the Illinois Property Tax Appeal Board (PTAB) within 30 days. The PTAB’s decision must be delivered within 60 days, and not later than December 31 of the year preceding the assessment year.

It’s important to note that the PTAB’s decision is final. If it is determined that the productivity is higher than originally certified by the state, the county will have to apply the higher values.

Options for Townships to Hold Annual Town Meeting

by Brenda Matherly

By law, each of Illinois’ townships were to hold an Annual Town Meeting on the second Tuesday in April. Due to COVID-19 restricting government services and public gatherings, this year’s Annual Town Meetings were postponed. With recent legislative action, those meetings are soon to be back on the books.

The Governor has signed HB 2096 (Public Act 101-0632) effective immediately. As a result, the Township Officials of Illinois (TOI) are providing the following best practice interpretation of the new law specific to holding the Annual Town Meeting.

If the township intends to follow the revised statutory conditions, they will be required to hold their Annual Town Meeting on the Third Tuesday following the expiration of the disaster proclamation issued by Governor Pritzker. TOI will announce that date once it is determined.

If instead, a township decides to hold their Annual Town Meeting in July 2020, prior to the expiration of the current disaster proclamation, they may do so. However, there is a process they will be obliged to follow. If having the meeting prior to the expiration of the current disaster proclamation, townships will be required to seek the written approval of their Local County Health Department. It is mandatory this be done in writing because of the social distancing requirements and records for the township.

TOI also recommends townships that wish to hold their meeting in July follow best practice procedures including:

1. Place on a township board meeting agenda, the action item to approve holding the Annual Town Meeting.

2. Post the regular township board meeting agenda 48 hours in advance of board meeting.

3. After approval by the township board, obtain written approval from the local health department.

4. Post notice 15 days prior the scheduled meeting.

For more information visit TOI’s website at https://www.toi.org/.
Get to Know Your Local Official:  
State’s Attorney  
(Source: Inside the Courthouse  
Illinois Association of County Board Members)

Primary Duties

The state’s attorney is the chief prosecuting officer of the county. The state’s attorney has the exclusive and statutory responsibility for prosecuting violations of the criminal law of the State of Illinois, as well as many other regulatory laws of the state and county including traffic regulation, juvenile court matters and mental health hearing. The state’s attorney is a constitutional officer, part of the executive branch of state government, and his powers are executive powers.

Duties of each state’s attorney are:

- To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his/her county.
- To prosecute all forfeited bonds and all actions for the recovery of moneys, debts, revenues, fines, penalties and forfeitures accruing to his/her state, county or to any school district or road district.
- To commence and prosecute all actions and proceedings brought by any county officer in his/her official capacity.
- To defend all actions and proceedings brought against his/her county, or against any county or state officer, in his/her official capacity, within his/her county.
- To prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court.
- To give his/her opinion without fee, to any county officer in his/her county, upon any question or law relating to any criminal or other matter.
- To assist the attorney general whenever it may be necessary.
- To pay all money received by him/her in trust, without delay, to the officer who by law is entitled to the custody of it.
- To notify complaining witnesses (by first class mail) of the ultimate disposition of the case arising from an indictment or other information.
- To perform such duties as may, from time to time, be placed upon him/her by law.
- To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate and see that all the necessary steps have been taken to make the judgments legal and binding.

Other Responsibilities

The state’s attorney is also responsible for enforcement of county ordinances and collections of child support payments.

Training

To be eligible for the Office of State’s Attorney, a person must be a United States citizen and a licensed attorney-at-law of the state. The position is full-time and the state’s attorney may not have a private practice of law.

Term

State’s attorney is an elected office serving a four-year term. While the position is a county elected office, it is partially funded by the state.
Exercise Your Right to Vote from Home

by Ashley Cravens

Illinois’ vote-by-mail program is expanding after legislation was recently signed into law by Governor Pritzker in June. During the emergency legislative session, held this Spring, two bills were passed that will apply only to this year’s November 3 election.

The vote-by-mail expansion is an effort to reduce the spread of COVID-19. This program encourages voters to exercise their right to cast a ballot, while doing so safely from their homes.

Individuals that voted in the 2018 general election, 2019 consolidated election, or 2020 primary election, plus those that changed residences or registered to vote will automatically receive a vote-by-mail application. Local election authorities are required to distribute those applications by either mail or email.

Applications will also be available on the Illinois State Board of Elections website https://www.elections.il.gov/. Applications must be completed in order to receive the actual ballot to vote, which will be mailed separately. Requests to vote by mail must be made by October 29 or in person by November 2.

Early voting hours will also be expanded to allow voters more access to the polls in an effort to reduce Election Day traffic. Early voting spots will be open 8:30 a.m.-7:00 p.m. weekdays and 9:00 a.m.-5:00 p.m. on weekends and holidays beginning September 24. Check with your local election authority for specific locations.

In addition to expanding vote by mail, the legislation also makes Election Day a holiday for the State and schools.

Important Dates for the Upcoming General Election

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<th>Date</th>
<th>Event</th>
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<tr>
<td>June 16</td>
<td>Absentee ballot applications now accepted</td>
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<tr>
<td>September 24</td>
<td>Early Voting begins, absentee ballots mailed</td>
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<tr>
<td>October 6</td>
<td>Regular voter registration ends</td>
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<td>October 7</td>
<td>Grace period voter registration and voting begins</td>
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<tr>
<td>October 18</td>
<td>Online voter registration ends</td>
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<td>October 29</td>
<td>Last day for absentee ballot applications by mail</td>
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<tr>
<td>November 2</td>
<td>Last day for absentee ballot applications, Early Voting ends</td>
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<tr>
<td>November 3</td>
<td>Election Day</td>
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