



LEGISLATIVE TEAM

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LEGISLATIVE COMMITTEE

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Christine Altman, Hamilton County Commissioner
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Ed Cripe, Clinton County Deputy Coroner
Dill Dorrell, Ohio County Council
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Tera Klutz, Allen County Auditor
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Kevin Overmyer, Marshall County Commissioner
Celeste Reed, Jefferson County Auditor
Paula Stewart, Lawrence County Treasurer
Kent Ward, Hamilton County Surveyor

The Association of Indiana Counties, Inc. (AIC) was established in 1957 for the betterment of county government. The AIC was founded to represent the interests of county government. AIC's purposes and goals are to seek the betterment of county government through: representation of counties at the Indiana General Assembly; serve as liaison between counties, state and federal agencies; professional training and educational programs; communications through publications and seminars; research and dissemination of information; and technical and managerial assistance.

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2013 AIC Legislative Platform

The AIC Staff and Board of Directors would like to extend a special thanks to members of the 2012 Legislative Committee. Each member donated many hours to help develop this platform.

INTRODUCTION

The Association of Indiana Counties (AIC) represents over 1,800 county elected officials across the state of Indiana, in all 92 counties. Our membership includes urban, suburban and rural counties. With each county having specific needs, the AIC supports community based decisions to strengthen public services. As many policy decisions as possible should be made by locally elected officials.

The AIC is governed by its membership, through a Board of Directors. An executive committee consisting of the president, three vice presidents and treasurer oversee the operation of the AIC office and staff. The Board of Directors elects the Executive Committee at our annual conference. Our Legislative Committee, which prepares the association's legislative platform, is a board with each affiliate organization represented, Assessors, Auditors, Clerks, Commissioners, Coroners, Council Members, Recorders, Surveyors and Treasurers as well as Highway Supervisors and Engineers, Health Department Directors and IT Department Directors. Each affiliate's president selects one of their members to serve on the Legislative Committee. The five remaining members of the Legislative Committee are selected to serve by the president of the association, who also selects the chairperson of the Committee.

County officials are dedicated to an open and efficient form of government that best serves the public. We believe community based decisions serve the public best.

COUNTY ADMINISTRATION

County officials are often called upon to administer state and federal programs. The Association asks state and federal government to be aware of their actions and their consequences as they relate to additional costs, duties and responsibilities of local government officials. Boards of county commissioners are the executives of the county and their responsibilities and authority should be maintained accordingly.

County Officials should not be held personally liable for any acts or omissions occurring in connection with the performance of their official duties, unless the act or omission constitutes gross negligence or an intentional disregard of their official responsibilities.

Continuing Education:

The AIC supports mandatory post-election training and continuing education for all county elected officials that will further professionalize all individuals involved in local government. Training should be developed, enforced, and administered by the county officials with the state acting as an oversight and approval body.

Local Government Restructuring:

County government supports opportunities to improve efficiencies and reduce costs to the taxpayer. Simply reducing taxes or eliminating elected officials and replacing them with appointed officials, not directly accountable to the public, should not be the goal of local government restructuring. Rather, the goal of restructuring should be to boost the efficiency and effectiveness of government.

Prior to restructuring, a thorough review should be conducted to determine any overlapping of responsibilities and duties between the various offices. If inefficiencies are found, a local plan should be created to streamline the structure of government and the delivery of services. If local government restructuring is needed, local elected officials who are directly responsible to the voters should be involved. The General Assembly should continue to review the current system of local government reorganization. Any local government restructuring process should occur with the protection of checks and balances and with the highest level of local participation.

The General Assembly should not mandate restructuring. Restructuring should only occur if it is desired by the public after local citizens have input through community dialogue. Any plan to restructure local government should have specific benchmarks or performance measures to determine the effective delivery of service to its citizens with actual tax dollars saved. Fiscal studies should be conducted and made available to the public prior to any public referendum concerning government reorganization. Local restructuring should be the ultimate form of home rule; letting counties decide for themselves what is their best form of government based upon their own county's demographics.

Federal/State Mandates:

We support legislation and corresponding regulations requiring the state and federal government to fund programs and activities mandated to local government by the U.S. Congress, Indiana General Assembly and state or federal agencies. We specifically support a state constitutional amendment to limit legislative mandates on local governments.

Dedicated and Unappropriated Funds:

We oppose the creation by the General Assembly of any new local dedicated funds for which the county fiscal body appropriations are not required.

PERF Benefits:

We believe all county elected officials in the Public Retirement Fund should be entitled to be vested fully in PERF upon the completion of no more than eight years of service. We believe PERF benefits should be based on the highest 12 quarters of employment. Current benefits are based on the highest 20 quarters of employment. Adequate funding for current and future retirement needs requires each county to have the flexibility necessary to adapt to changes in revenue and workforces. More retirement options should be made available for counties as employers.

Term Limits:

The AIC believes it is time to remove the term limits placed on the county constitutional offices. These offices require a tremendous amount of technical training and we believe the voters should decide on whether to keep a person in office or not. The auditor, clerk of the circuit court, recorder, sheriff, coroner and treasurer are limited to two terms of service, or eight years, in a period of twelve years. We believe that the taxpayers would be better served if the term limits on these offices were removed from the Indiana Constitution.

Collective Bargaining:

Decisions affecting local government should be left to local officials and the citizens they represent. Counties that choose to bargain collectively with their employees have sufficient authority under current law to adopt local bargaining procedures. Counties that choose not to bargain with organized employees should not be forced by state mandate to undertake labor negotiations. We oppose legislation that mandates collective bargaining on county government.

Purchasing:

County officials place a high value on hiring local workers and purchasing local products. State mandates for the use of local workers and local vendors should, however, be avoided or designed to allow local officials latitude to take into account specific skills and costs. Mandates for the purchase or use of specific products or services should also be prevented. The fiscal realities drive local officials to choose, in most cases, the lowest costs for purchasing and public works.

County Boards and Appointments:

The county executive should have the authority to approve the recommendation of appointments made by non-elected boards and remove such appointments. Elected individuals and bodies should make all decisions and actions of a policy nature. Granting of policy-making authority for local boards and commissions should occur only with the approval of locally elected officials, not state legislative action.

Access to Public Records and the Open Door Law:

The Association of Indiana Counties strongly supports open and accessible government. There is a point, however, when

the costs of notification and public accessibility exceed the value to the voters. The General Assembly should consider the cost-benefit ratio for the taxpayer when expanding public access and open door requirements.

The AIC supports reforms providing for the greater use of the internet as a notification tool and increased meeting flexibility to reduce the costs associated with these rules.

We support copy fees being charged consistently to all persons according to amounts set by statute. We believe documents that are required to be filed by statute should be legible and filed in compliance with state law or the officeholder may refuse to accept the document. We believe the public should only be allowed to handle public records after the proper archival or filing process is complete.

Records retention, particularly for electronic documents and email, is a growing expense for county governments. Retention schedules should be developed with the cost to county governments in mind.

Annexation Issues:

We believe counties should have an active voice in all annexation issues especially involuntary or forced annexation of citizens of the county by municipal units of government. The elected officials who are responsible for the governance of the affected areas should also be vested with legal standing to challenge the annexation in court. Annexation should be related to the efficient municipal services, not merely to expand the tax base of a municipality at the expense of overlapping local units of government.

Involuntary annexation should be abolished. Citizens who are subject to forced annexation by municipal units of government should have the right to vote on the annexation in a public referendum paid for by the annexing unit. Appropriate legislation should be enacted to require the annexation issue to address the loss to the county of both of income tax and property tax revenue.

911 Administration:

Providing top quality 911 assistance is an important function of county government. Changes in technology and phone usage are causing a decrease in 911 funding. With an increasing number of Hoosiers using cellular phones, pre-paid wireless plans, and voice over internet protocol in place of land-line phones, shifting amounts and sources of funding are a continual issue. The AIC supports an ongoing partnership with the State to collect accurate data on the costs and revenue needs of Indiana's 911 system. The users of any communication device that can access the 911 system should contribute the funding of that system and the funding structure should not favor one technology over another. Inter-local agreements that share funding responsibilities should be honored. The AIC opposes any state mandate for counties to assume all emergency communications duties, including emergency dispatch, without

adequate funding. The AIC recognizes the state's need for revenue to support statewide 911 functions.

The Association also encourages counties to review their 911 structure and the number of Public Safety Answering Points (PSAP) needed within the county and region. Local communities should consolidate PSAP's when tax dollars can be saved without affecting the quality of 911 service.

COUNTY FINANCES

The General Assembly has given county government "home rule" authority in most administrative matters. It is time to further recognize that county officials are in the best position to determine local fiscal needs. The state should grant counties "fiscal home rule" and let those elected locally administer fiscal decisions without state influence. We support legislation to give counties increased flexibility in the ability to generate funds and to use those funds with limited state oversight. County Councils should have appropriation authority on all county revenues. We oppose any effort to further restrict local revenue enhancement.

State Accountability for Collection, Accounting and Distribution of Funds:

In many cases, the State of Indiana is responsible for collecting and distributing funds to local units of government. We strongly urge accuracy and accountability by all state agencies. The state should provide counties with the data supporting state funding formulas, tax collections and distributions. The Association supports a clear local income tax disbursement formula that accounts for county services provided to all residents of the county and balances service needs with populations. We support full reimbursement from the state to counties of any mandated reductions in county revenue, such as personal property tax and the auto excise tax.

Taxing Authority:

The ability to tax should be limited to elected officials. We support the binding review, by an elected body, of budgets and debt incurred by all appointed boards and commissions. We support limiting taxing authority to elected officials. We urge the General Assembly to give county councils' full flexibility to adopt local income taxes to fund services needed in their local communities.

Property Tax Caps:

The constitutional property tax caps makes permanent a system that provides tax breaks without any reflection on the cost of local services or the ability to pay. While the financial impact of the circuit breaker will depend on the number of credits eligible to taxpayers, the loss of property tax revenue will either result in higher local income taxes and fees or the cutting of public services. The ability of local officials to increase or decrease local income taxes to offset the circuit breaker loss is limited in its effectiveness and can actually exacerbate the shifts in tax burden

associated with dramatic cuts in property tax revenue.

Every county experiences a loss of revenue from the tax caps. This will affect local government's ability to fund essential services and to adequately fund economic development efforts. The Association opposes measures that limit revenue without authorizing an alternative funding mechanism to replace the revenue loss.

In addition to supporting voter-approved (by referendum) projects being outside of the tax caps, the Association supports allowing more government entities the ability to seek greater funding for public services through referenda.

Coordination and Review of Local Budgets:

The Association supports the investment of the county council with non-binding review authority of the civil units in the county. County councils are elected to serve the entire county and are qualified to make decisions in the best interests of county residents. The growth factor used by county councils to compare the taxing rates of other units should be a local rather than a statewide average. For the coordination objective of this review to be fully achieved greater training and funding is needed.

Payment in Lieu of Taxes:

We oppose legislation that grants individuals or entities not elected at the county level any means by which the county tax base may be eroded. Far too often, groups and entities beyond the direct control of county officials affect the tax base in a given county. This reduction in the tax base causes property taxes to rise without the input of elected officials in whom the public has placed its trust. If the state removes property from taxation, the state should be required to make a payment to the local government in lieu of taxes.

Assessment Administration and Standards:

County Assessors are the primary assessing officials for Indiana's taxpayers. Since county assessors assumed the township workload, additional funding should be allocated to the county as needed. In order to ensure adequate funding, we support a countywide tax rate to fund all assessment and reassessment costs associated with the assessing process. The "Assessment Tax Rate" should be outside the current tax controls, due to unknown costs associated with recent assessing requirements, and be reviewed by the Department of Local Government Finance.

County officials support continuing education requirements and certification that will further professionalize all individuals involved in the assessment and appeals process. However, the current requirements for the appeals process should be reviewed and improved. The state should reconsider the cost and benefits of the Level III certification and the ability of average citizens to receive the qualifications necessary to run for County Assessor. The inclusion of more varied certification subject matter, including assessment administration and personal

property, would be further improvements. Also, the cost of the training (including travel expenses) should be included as part of the expenses funded through the "Assessment Tax Rate."

The Association supports creating a statewide pool of qualified individuals who could, at the counties request, sit on a county's Property Tax Board of Appeals with two local individuals. The local units of government should not be required to pay any interest on a refund while the appeal is being considered by the state or the Tax Court.

Cyclical Reassessment:

The Association strongly supports moving to a cyclical reassessment framework in lieu of a general reassessment every five years. By allowing County Assessors to physically inspect property in groups each year, assessments will be more accurate and costs reduced. The difficulty in finding the additional revenue for this large expense every five years is particularly felt now when revenue is reduced for all services. Working with the DLGF, technology should be fully utilized allowing for more efficient inspection of property.

School Funding:

We support decreasing the reliance of school funding on local property taxes and increasing state support. Additionally, we encourage communities to review their local school systems to improve efficiencies and reduce costs when possible. Any necessary school consolidations should be handled at the local level and should not be mandated by the General Assembly.

Welfare Spending:

The Association of Indiana Counties welcomes the state takeover of the cost of public welfare. However, there are still instances, primarily through a judicially mandated use of funds, where the county could be faced with welfare costs and are without the ability to raise revenue to fund those obligations. All public welfare expenditures should be funded by the state.

Gaming Revenues:

County governments are under an increasing fiscal burden. The Association of Indiana Counties opposes efforts by the state to reduce current county gaming revenues. The state should allow for a growth formula so the money received by counties without a gaming facility continues to increase, as gaming revenue increases for the state, ensuring an equitable distribution for all units of government. The state should not place any restrictions on how gaming revenues are appropriated by the county council. Licensing fees established for local governments should remain in the local communities.

Out-of-state competition is a growing concern to counties that contain gaming facilities and the Association encourages coordinated planning between the state and locals to address these issues.

COURTS and CORRECTIONS

We strongly urge the General Assembly to address the funding inequities of the court fee distribution formula. Counties also support increasing court fees to defray the increasing cost of operating the trial court system. It is wrong for state government to use local court fees as a source of state revenue, which then requires counties to increase property taxes to fund court-related services. We support court magistrates and all court employees being compensated by the state, including pensions. Without state funding, court employees should be required to abide by county personnel policies. Compensation and benefits paid by the county tax base should be determined by county elected officials. Counties support the abolishment of the \$5,000 supplemental pay for judges. The state should help to defray the costs of expensive, high profile court cases that drain county resources.

Judicial Mandates:

Counties should have fiscal responsibility for correction-related programs and facilities. We support any effort to limit judicial and correctional-related mandates. The legislature should consider all potential fiscal implications to counties when addressing correction topics. Any court reform measures must give counties significant fiscal relief and seek county officials' input on all correction issues. The Association supports a clear policy that court employees are county employees subject to the same health insurance, salary and employment policies as other county workers. We also believe that judges, as state employees, should be represented by the Attorney General in mandate litigation.

Community Corrections:

We support legislation requiring the state to pay the counties the actual cost of accepting inmates through the community transition program.

Probation Management:

Although the Indiana judicial system is clearly the third branch of state government, counties are required to fund a substantial portion of the system and implement mandates on staffing levels and salary requirements. We believe that staffing, salaries, and caseload levels should either be decided at the local level as they impact local budgets and tax rates or the state should pay for the programs. Probation services should consolidate to a single probation department per county.

Records Management Fees:

Circuit Court Clerks should continue to be allowed to collect a fee, in addition to the current filing fee, for court cases to support a special fund.

ELECTIONS

Election Reforms:

Counties strongly urge the General Assembly to increase

precinct population size to allow the Clerk to be more administratively and fiscally prudent. Municipal elections should be held in the even-year, non-Presidential election. Also, the General Assembly should allow the Clerk additional options to encourage more citizens to be active voters. All election reforms should consider the financial burdens on counties. Going forward, we believe it is only fair that the state or federal government pay for new election systems when they are being mandated. Money for new voting equipment should automatically be outside of the property tax controls. If taxpayers support reforms, the money to pay for the reforms should not jeopardize other county services. The AIC encourages a comprehensive review and simplification of the Indiana election statutes.

ENVIRONMENT

Solid Waste Management:

We strongly believe that federal, state, and local government must share the responsibility for solving critical environmental problems that have an impact on all citizens. The continued reduction in landfill capacity is more than a county problem. The economic vitality of our state depends upon our ability to provide safe methods of waste reduction and disposal. We support alternative methods of planning and funding material recovery facilities, recycling and composting projects, and final disposal facilities. Assistance from state government is needed to help counties and solid waste districts implement waste assessments and management plans. Counties and solid waste districts must be given the authority to control waste streams in order to finance solid waste facilities. We also support state financial assistance to local governments to promote recycling projects and other waste reduction projects. State assistance, once provided, should not be used to supplement the State Budget forcing local organizations to rescind commitments.

Clean Air Act:

The solution to the national air pollution control problem depends on effective participation between the agencies of the federal, state and local governments. The federal and state governments should be required to work cooperatively with local governments to help formulate guidelines, and technical assistance programs for the administration, implementation, maintenance, and enforcement of those plans which affect local land use and resource allocation decisions. Elected county officials having jurisdiction over affected areas must be equal partners with the state in developing plans to control air pollution, including air emission trading or banking programs.

Clean Water Act "NPDES" Phase II:

The AIC supports the goals of the Clean Water Act. Phase II is an EPA mandated statewide storm water quality drainage program designed to reduce the number of pollutants in Indiana's waterways originating from storm water runoff. Several stipulations included in Phase II (Rule 13) place an excessive and unwarranted burden upon county government. Phase II is an unfunded mandate and as mentioned earlier

in the text, the AIC does not support unfunded mandate for counties. The AIC supports and will be searching for some form of state funding assistance that directly offsets the financial burden shouldered solely by counties. Local governments have the primary responsibility to plan, construct, and operate storm water treatment facilities and programs, including control of non-point sources and storm water runoff. The Association believes that IDEM rules in this area should be no more stringent than those set by the federal government.

Wetlands:

In enforcement of Section 401 Water Quality Certification, AIC urges both the General Assembly and the Department of Environmental Management to avoid duplication of effort with the Army Corp. of Engineers Section 404 permit review and to use a more practical method of determining the worth of a wetland in deciding protection standards. IDEM rules regarding wetlands should be no more stringent than those set by the federal government.

State government should work in cooperation with local government to implement additional federal regulations and provide funding or assistance in obtaining funding to properly implement the regulations. In developing a state permitting program for isolated wetlands, AIC urges both the General Assembly and the Department of Environmental Management to adhere to only the authority granted to them for only the wetlands discussed in the Supreme Court SWANCC case and to use the same method of practicality in determining the worth of a wetland in determining protection standards. The AIC believes the Clean Water Act should only apply to navigable waterways.

Scenic River or Outstanding Water Designation:

We support the local control of creeks and streams in Indiana through the active oversight by each county's governing bodies and the State of Indiana. Any rule promulgated should require an economic impact study, by the rule making authority, to determine loss of revenue or additional costs that may be borne by local governments. Such designations should be locally controlled.

Green Initiatives:

The Association supports counties' environmentally friendly and energy savings initiatives. Green construction should only be mandated when the savings to the county in energy and workplace efficiency over the life of the building (as compared to the additional construction costs) can be conclusively demonstrated.

TRANSPORTATION

Highway and Bridge Funding:

County roads in Indiana are an integral part of a statewide network essential to the economic vitality of all Hoosiers.

Nearly 90% of all road miles in the Indiana are maintained by local governments. The transportation needs of the public should be supported on a statewide tax base. We support an increase in highway user fees, including motor fuel taxes, provided additional revenues are dedicated to local roads and bridges. We continue to support a permanent increase in revenue for county roads. In addition to current local revenue options available for road funding, we support a local option gas tax, referendum options for local road and bridge maintenance and removal of revenue caps on local wheel tax and excise surtax.

We strongly urge that all highway user fees and taxes be dedicated for road and bridge maintenance and construction. These funds should be used exclusively to construct and repair Indiana's roads and bridges. We support allocating all taxes collected on motor fuels to go directly into the vehicle highway accounts. This includes interest earned on the investment of motor vehicle highway account funds, removing the State Police pensions and State Police operating costs, removing BMV financing from motor vehicle highway account distributions, and dedicating the sales tax on motor fuels for road funding.

Given the current trend toward public-private partnerships for our state's roadways, we encourage the General Assembly to remember the importance of local roads. As future agreements are reached at the state level, it is important that funding be included for local projects.

The Association encourages the General Assembly to review the current tax structure which funds our roads. As Hoosiers look toward alternative fuels, such as bio-diesel and ethanol or switch to more fuel efficient vehicles reducing gas tax revenue, it will be imperative that we update our tax structure to ensure adequate funding of our local and state roads. Changes to the gasoline tax should be made to adjust revenue based more on the price of fuel rather than the number of gallons consumed. Also, the legislature should open up the public works restrictions to allow counties to do as much work "in house" as possible to provide the most efficient use of these limited dollars.

LAND USE and ZONING

Local Land Use Control:

Local governments should retain the authority to control development of land and property within their jurisdictions. Such authority properly assumes that local elected officials are best suited to make decisions affecting land use for their communities. Statutory overrides of local zoning ordinances impose arbitrary standards without regard for local circumstances. All land use, zoning, eminent domain, and annexation decisions should remain at the local level with appropriate remonstrance procedures. County government should not be required to pay more than the fair market value of land in cases of eminent domain.

UTILITIES

Public Right-of-Way Easements:

County government should retain full authority over their rights-of-way including determining the best public uses as well as cost recovery methods for use of those public lands.

Utility Restructuring:

Restructuring of the delivery of electricity will affect counties in many areas including the cost of electricity for county facilities, residences and businesses as well as revenue generation from taxes and fees. Counties should be protected from the potential sudden loss of property tax revenue due to the closing of power generating plants caused by deregulation. County government leaders should have a role as partners in restructuring with state leaders and representatives of the electric utility industry. Counties should also have full authority to enter into group purchasing with other units of government to enhance the purchase of electricity at the most competitive rates.

Telecommunications:

The Association of Indiana Counties calls upon the Indiana General Assembly and Congress to enhance the ability of county government to protect the interests of consumers and taxpayers in the development of high quality telecommunication services that serve the needs of both counties and the public. Counties have the right to control the use of their public rights-of-ways. These rights-of-ways should not be used without permission of the responsible local government authority. Local governments should be allowed to collect a fee for the commercial use of the right-of-way by a telecommunications provider. Elimination of franchise fees should occur if accompanied by revenue replacement for local units

Energy:

The future of our economy is directly related to our energy supplies and the cost of those supplies. The Association of Indiana Counties recognizes that a strong state energy policy is vital to the long-term economic stability of the state. However, county government officials should be consulted prior to any new energy generating plants being developed in their county. Local zoning plans should not be overridden by the state. The state government should encourage the efficiency of energy use by counties. Above all, federal and state governments should create an environment that allows local governments to play a central role in the formulation of local energy policies.

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About the AIC

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AIC Legislative Staff

Please contact one of the following individuals regarding AIC legislative issues:

David Bottorff

Executive Director

As Executive Director, David is a registered lobbyist and is highly involved in the association's legislative activities.

Andrew Berger

General Counsel & Government Affairs Director

Andrew serves as the principal staff to the Association's Legislative Committee and works closely with County Assessors, Auditors, and Treasurers.

Danielle Coulter

Deputy Director of Government Affairs

Danielle covers issues for County Clerks of the Circuit Courts, Surveyors and Recorders.

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