

**LAW AND JUSTICE COMMITTEE**  
**McHenry County Administration Building**  
**667 Ware Road**  
**Woodstock, IL 60098**

MINUTES OF MONDAY, MAY 7, 2007

Chairman Provenzano called the meeting to order at 8:15a.m. The following Committee Members were present: Nick Provenzano; Yvonne M. Barnes; Jim Heisler; James Kennedy; Randy Donley and Dan Shea. Sue Draffkorn arrived at 8:17a.m. Also in attendance: Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Undersheriff Gene Lowery, Sheriff's Department; Kathy Keefe, Circuit Clerk; Jamie Rein, State's Attorney; and Tiki Carlson, E911.

Nick Provenzano, Chairman  
Yvonne M. Barnes                      Randy Donley  
Sue Draffkorn                              Jim Heisler  
James P. Kennedy                      Dan Shea

MINUTES

Mr. Heisler made a motion, seconded by Mr. Mr. Donley, to approve the minutes of April 2, 2007 as presented. The motion carried with all members present voting aye.

PUBLIC PARTICIPATION

None

PRESENTATION

*Wireless 9-1-1:* Ms. Tiki Carlson joined the committee to provide a presentation of Wireless 9-1-1. She noted that in November 1999 a 911 surcharge was imposed on each phone line. With the increase of wireless phones, phase 2 was implemented to identify the location of a call. The current surcharge is in effect by legislation until April 1, 2008. The House has extended this ACT until 2013 and has been forwarded to the Senate for approval. The majority of the 911 board funding comes from this legislation and if not extended the funding would go away. The Phase 2 technology is the latest technology available for 911.

Ms. Draffkorn arrived at 8:17a.m.

NEW BUSINESS

*Ordinance to elect not to be subject to 705 ILCS 105/27.5 relating to percentage distribution of fees, fines, costs, bail balances and other amount totaling less than \$55:* Committee members reviewed an Ordinance to elect not to be subject to 705 ILCS 105/27.5 relating to percentage distribution of fees, fines, costs, bail balances and other amounts totaling less than \$55. Ms. Keefe noted this is a housekeeping issue on how their department assesses fees and the distribution methods used. After review, Mr. Shea made a motion, seconded by Mr. Kennedy to recommend approval of the above Resolution as presented. The motion carried with all members present voting aye on a roll call vote. (Barnes, Donley, Draffkorn, Heisler, Kennedy, Shea, Provenzano)

*Enforcement of Illinois Motor Vehicle Code on Private Roadways:* Committee members reviewed a chart that outlines the process to obtain enforcement of the Illinois Motor Vehicle Codes on Private Roadways. Ms. Rein noted this is the process a homeowners association would need to follow to in order to obtain Sheriff Enforcement in their private subdivision. Committee members questioned whether a "check off" form should be created for those subdivisions interested in this process. It was noted that they did not want to give the impression there would be an automatic approval of such a request and they wanted a process where it would be up to board approval based upon each individual circumstance. This chart outlines the process needed for subdivisions that are requesting sheriff patrols of their private subdivisions. A subdivision that gets approved for this process would need a final ordinance approving Sheriff's patrols in their private subdivision. Mr. Shea noted that the Transportation Department has acknowledged their duties to review the traffic study for the Law & Justice Committee. Chairman Provenzano noted that he would contact the Fox River View Estates – Algonquin Township, regarding the process.

OLD BUSINESS

*Approval of an Inoperable Vehicle Ordinance:* Committee members reviewed the Inoperable Vehicle Ordinance. It was noted that the wording is based upon the State Statute. The County can be more restrictive if it so chooses. The County had previously removed the word "operable" historic vehicle from its ordinance making it difficult to prosecute anyone who has a vehicle over 25 years of age on their property, whether running or not. Ms. Rein stated she believes by putting the word operable back into the ordinance it fixes this mistake. Some committee members noted concern that a kid trying to fix up his vehicle would be prosecuted because he did not have the funds to fix his vehicle in a timely manner. MS. Rein noted that there are always exceptions to the rules and the officers would have to use their discretion when enforcing this issue. After review, Mr. Kennedy made a motion, seconded by Ms. Draffkorn to recommend approval of the Inoperable Motor Vehicle ordinance as submitted. The motion carried with all members present voting aye on a roll call vote (Barnes, Donley, Draffkorn, Heisler, Kennedy, Provenzano) and one nay (Shea) Committee members requested an update in 6 months to see how the program is working.

*Marine Facilities on the Fox River – Update:* Committee members were informed that the Marine Trailer being used was in decrepit condition. The trailer has now been eradicated of the mold inside. The facility is being cleaned up for use with

funds currently available in the Sheriff's budget. The trailer is located near the Locks and is subjected to the wet damp conditions.

Undersheriff Lowery noted that video rights court is now up and running. The Sheriff's Department hopes to show a decrease in transports needed within his department with the use of the video rights court.

EXECUTIVE SESSION

Mr. Kennedy made a motion to enter into executive session at 9:24a.m. to discuss personnel and contract negotiations. The motion carried with all members present voting aye on a roll call vote (Barnes, Donley, Draffkorn, Heisler, Kennedy, Shea, Provenzano)

Mr. Heisler made a motion, seconded by Mr. Shea to return to regular session at 9:30a.m. The motion carried with all members present voting aye on a roll call vote (Barnes, Donley, Draffkorn, Heisler, Kennedy, Shea, Provenzano)

Since no action was taken during executive session, Mr. Kennedy made a motion, seconded by Ms. Barnes to recommend approval of a Resolution authorizing a contract agreement between Illinois Fraternal Order of Police – McHenry County Peace Officers – Unit 1 and the County of McHenry as presented. The motion carried with all members present voting aye on a roll call vote (Barnes, Donley, Draffkorn, Heisler, Kennedy, Shea, Provenzano)

ADJOURNMENT

On a motion by Mr. Heisler, seconded by Mr. Kennedy, Committee adjourned at 9:53a.m. with a unanimous voice vote of all ayes.

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**RECOMMENDED FOR BOARD/COMMITTEE ACTION:**

Ordinance to elect not to be subject to 705 ILCS 105/27.5 or 705 ILCS 105/27.6 relating to percentage distribution of fees, fines, costs, bail balances and other amounts

Approval of Inoperable Vehicle Ordinance

Resolution authorizing a contract agreement between Illinois Fraternal Order of Police – McHenry County Peace Officers – Unit 1 and the County of McHenry

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