

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

MINUTES OF MONDAY, AUGUST 4, 2008

Chairman Provenzano called the meeting to order at 8:15 a.m. The following Committee Members were present: Nick Provenzano; Randy Donley, James Kennedy; and Dan Shea. Sue Draffkorn arrived at 8:16a.m. Yvonne M. Barnes and Jim Heisler were absent Also in attendance: Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Ralph Sarbaugh, Associate County Administrator – Finance; Cindy Kozlowski, Financial Analyst; Judge Michael Sullivan, Mary Foley and Lou Czarny, Court Administration; Phil Ulmer, Court Services; Mark Cook, Public Defender; Marlene Lantz, Coroner; Barry Valentine, Emergency Management Agency; Sheriff Keith Nygren, Rich Weinhandl and Angela Wood-Zuzevich, Sheriff's Department; interested public; Mary McCann, County Board Member; and press.

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

MINUTES

Mr. Shea made a motion, seconded by Mr. Donley, to approve the minutes of May 5, 2008 as presented. The motion carried with all members present voting aye.

PUBLIC COMMENT

Mr. David Hunt, from Anchor Towing, joined committee members to voice his concerns regarding the County's adoption of a towing Resolution and asked that the County readdress this Resolution. Since the adoption of the Resolution, Governor Blagojevich has signed a truth in towing law that is part of this relocation law. He stated that some unscrupulous towers are listening to police scanners where an accident has occurred. If a victim wants his automobile towed, they are required to sign an authorization, with a towing estimate, which is exorbitant in cost. By doing this, they are bypassing the law, which was put in place to protect the citizens of the County. This law only applies to those licensed with the ICC as a truth in towing tower. He stated that the committee needs to revisit this issue.

Ms. Draffkorn arrived at 8:16a.m.

PRESENTATION

None

NEW BUSINESS

FY 08-09 Budget Reviews: Mr. Austin, Ms. Kozlowski and Mr. Sarbaugh joined the Committee to review budgets for FY 08-09 for the following departments: Court Administration; Court Services; Public Defender; Coroner; and the Merit Commission. Mr. Sarbaugh noted that the departments are maintaining a no growth budget. The last part of their budget includes supplemental requests. The supplemental will be reviewed and ranked after the completion of the budget reviews. Life and Safety issues will be addressed first. The Chairman's Advisory Legislative Forum will decide the final supplements with final supplemental requests being forwarded to the Finance and Audit Committee for review of the final budget and final supplemental requests. Some of the budget items will get an automatic increase. Some of these items include fuel increases and increased cost for contracts etc.

Court Administration: Judge Sullivan, Lou Czarny and Mary Foley joined committee members for presentation of their maintenance budget for the Court Administration office. It was noted that this department will have a lot of transition this year with the retirement of the current Court Administrator. After review, Mr. Shea made a motion, seconded by Ms. Draffkorn to recommend approval of the maintenance budget for the Court Administration office as submitted. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn Kennedy, Shea, Provenzano) Mr. Sarbaugh informed committee members that Mr. Czarny will return for review of the Law Library budget at a later date.

Court Services: Mr. Ulmer joined committee members for presentation of the maintenance budget for Court Services. Mr. Sarbaugh noted that this department does a fantastic job of saving money for the County. He noted that the department is in need of some new vehicles for their office and these will be funded from the Court Services budget. Mr. Shea made a motion, seconded by Ms. Draffkorn to recommend approval of the

Maintenance budget for Court Services as presented. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Kennedy, Shea, Provenzano)

Public Defender: Mr. Cook joined committee members for presentation of the maintenance budget for the Public Defender's office. Mr. Sarbaugh noted that the Courts are doing a good job of working with the Public Defender's office for the assessment of fees. The Judges have done a great job in collecting fees for reimbursement as it is up to the Judge to make this request. A request cannot be made for payment for the Public Defender and it is up to the Judge to seek reimbursements. The department is also collecting reimbursement from the State for the Public Defenders Salary. Mr. Shea made a motion, seconded by Mr. Donley to recommend approval of the maintenance budget for the Public Defender as presented. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Kennedy, Shea, Provenzano)

Coroner: Ms. Lantz joined committee members for presentation of the maintenance budget for the Coroner's office. Ms. Lantz has done a great job in updating the goals for her office. Committee members were informed that there has been a change in the process of collecting revenue for the office. They had decreased the revenue amount because they are no longer mandated to hold inquests, but, they have seen an increase in copy fees, making up some lost revenue. Mr. Kennedy made a motion, seconded by Mr. Donley to recommend approval of the maintenance budget for the Coroner's office as presented. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Kennedy, Shea, Provenzano)

Merit Commission: Committee members reviewed the maintenance budget for the Merit Commission. Mr. Sarbaugh noted they have maintained a no growth budget. He noted that if the need arises for additional testing additional funding may be for the Merit Commission. Mr. Shea made a motion, seconded by Mr. Kennedy to recommend approval of the maintenance budget for the Merit Commission as presented. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Kennedy, Shea, Provenzano)

Resolution authorizing acceptance of an IDOT Integrated Mini-Grant Enforcement Program Supplemental Award and an emergency appropriation in the Sheriff's FY 08 budget: Mr. Kennedy made a motion, seconded by Ms. Draffkorn, to recommend the County Board approve a Resolution authorizing acceptance of an IDOT Integrated Mini-Grant Enforcement Program Supplemental Award and an emergency appropriation in the Sheriff's FY 08 budget. Angela Wood-Zuzevich, Mr. Weinhandl's replacement, joined committee members for presentation of this Resolution. Committee members thanked the Sheriff's Department for their stepping up to find grants for the integrated justice program. After review, the motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Kennedy, Shea, Provenzano)

Resolution authorizing a budget line item transfer in the speed Enforcement Program Grant budget: Mr. Shea made a motion, seconded by Mr. Kennedy, to recommend the County Board approve a Resolution authorizing a budget line item transfer in the speed Enforcement Program Grant budget. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Kennedy, Shea, Provenzano)

Discussion of a hazard mitigation plan: Mr. Valentine joined committee members to discuss the need to develop a local hazard mitigation plan. A lot of concern has been raised since going through the third flood in a short period of time. Hazard mitigation refers to long-term or permanent measures to reduce disaster damages through avoiding the hazard risk or reducing the vulnerability. By reducing potential damages communities increase their safety and economic stability. Mr. Valentine noted that these plans include all hazards, not just flooding. URS, a company that creates these types of plan, has proposed the county create a mitigation plan. McHenry County is the last of the collar counties to create a mitigation plan. Mr. Valentine noted that there may be some small grants available, with a match requirement for development of the plan. URS, can help to determine the value of matched services. Mr. Valentine noted that the problem with these plans is determining what to do with properties that are obtained. Additional funding may be needed to buyout these properties. Mr. Valentine noted there are some controls in place with the flood plans. He noted that the plan is to bring in all government agencies, including but not limited to, the MCCD, Fox Waterway Agency, Villages and Municipalities. Mr. Valentine stated he would provide updates to the committee as they occur. He reminded committee members that this is for hazard planning and is not an emergency plan.

Discussion – County Regulation of Door-to-Door Solicitors: This issue has been pulled from the agenda for discussion at a future meeting.

Discussion – New Quarter Cent Sales Tax Policy: Sheriff Nygren joined committee members to voice his concern about a Resolution scheduled to go before the County Board at their next meeting. The County Board members are to consider a policy for the utilization of the new quarter cent sales tax increase slated to be used for transportation and transit improvements. He stated that Public Safety initiatives have been left off of the County Resolution and he stated that this should be included in the County policy. He stated he does not have any specific programs to fund, but, he does not want to limit the options for these funds. He noted that one issue that comes to mind is the need for additional truck enforcement issues within the County. He stated he is just trying to insure that the County investments are being taken care of and law enforcement is a critical component for these funds. Some committee members agreed stated that a lot of funding is going into the roads and enforcement on these roads would help to maintain these roads. Enforcement does bring in additional funding as well from fines from the truckers. It was noted that language should be included in the policy so the funds could be used if needed. Committee members were informed that a stern letter was received from CMAP in support of the use of these funds for transportation purposes and they do not feel that Public Safety should be included as part of these funds. Mr. Austin reminded committee members that a Resolution is just a planning tool and is used to have an idea of where these additional funds are to be spent, especially for multi-million dollar projects. He noted this is a way for staff to know where to place the funds. Resolutions can be “undone” if needed and can the County Board members can review this issue and reconsider funding annually. Sheriff Nygren noted that he is not asking for funding but he wanted to make sure that Public Safety remains a part of this funding. Committee members were informed that the State Statute addressing these funds already made this as a component of these funds and the current resolution allows for annual review so this can be changed as the intent is not to lock in the terms of these funds forever. Chairman Provenzano noted his disappointment on the County’s decision to alter the States intent and not include Public Safety as a component of these funds and this issue should have been brought to this committee for consideration and discussion. Sheriff Nygren noted that he is not trying to get some of these funds for any programs at this time, he just wanted to make sure that Public Safety remains as a component to this Resolution and does not want to limit what the funds could be used for.

OLD BUSINESS
None

EXECUTIVE SESSION
None

ADJOURNMENT

Mr. Kennedy made a motion, seconded by Ms. Draffkorn to adjourn the meeting at 9:32 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION:

Resolution authorizing acceptance of an IDOT Integrated Mini-Grant Enforcement Program Supplemental Award and an emergency appropriation in the Sheriff’s FY 08 budget

Resolution authorizing a budget line item transfer in the speed Enforcement Program Grant budget

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