

LAW AND JUSTICE COMMITTEE
McHenry County Government Center – Administration Building
667 Ware Road
Woodstock IL 60098

MINUTES OF MONDAY, NOVEMBER 2, 2009

Chairman Yvonne Barnes called the meeting to order at 8:30 a.m. The following Committee Members were present: Yvonne Barnes, Chairman; Sue Draffkorn; Jim Heisler; Randy Donley; James Kennedy and Kathleen Bergan Schmidt. Bob Bless was absent. Also in attendance: Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator-Finance; Dan Wallis, Court Administrator; Under Sheriff Gene Lowery and Angela Wood-Zuzevich, Sheriff's Department; Tom Carroll, States Attorney; Bob Ivetic, Human Resources; Barry Valentine, EMA; and Tiki Carlson, E911.

Yvonne Barnes, Chairman	
Robert "Bob" Bless	Randy Donley
Sue Draffkorn	Jim Heisler
James Kennedy	Kathleen Bergan Schmidt

MINUTES

Committee members reviewed committee minutes from the October 5, 2009. Mr. Heisler made a motion, seconded by Mr. Kennedy to recommend approval of the above minutes as submitted. The minutes were approved on a unanimous voice vote.

PUBLIC COMMENT

None

PRESENTATION

None

NEW BUSINESS

Resolution approving the McHenry County Continuity of Operations Plan: Committee members reviewed a Resolution approving the McHenry County Continuity of Operations Plan. This plan is available on the shared drive for review. The Court System has not been included in this plan yet as the department is working with the Supreme Court of Illinois to include the basic information as needed. Mr. Donley made a motion, seconded by Ms. Draffkorn to recommend approval of the above Resolution as presented. The motion carried with all members present voting aye on a voice vote. Mr. Valentine stated there are some additional items that need to be addressed to be included within the plan. One question would be how to address sick leave and how it is used during a pandemic and still meet the needs of each department as well as how to run the County in the . The Board would also need to address how to run the county if a department should become short staffed because of illness. A data base of skills will be available for the offices so personnel could be shifted to maintain the essential functions of each department.

Resolution authorizing a garage lease agreement between McHenry County and James Bryan, Jr.: Committee members reviewed a Resolution authorizing a garage lease agreement between McHenry County and James Bryan Jr. Mr. Valentine stated this is the yearly lease for storage of the communications vehicle within a heated facility. Ms. Schmidt 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 (Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes).

Mr. Valentine provided committee members with an update on two grants that were accepted and approved by the County. The first meeting has been held with the contractor that will be developing the plan for the interoperability communications grant. The second grant is for the Federal Mitigation Grant. The first meeting has been scheduled for November 16th at 10:30a.m., in Conference rooms A/B for those interested in attending. This project is expected to take approximately 1 year to complete.

Resolution authorizing the designation of the Office of the State's Attorneys Appellate Prosecutor: Committee members reviewed a Resolution the designation of the Office of the State's Attorneys Appellate Prosecutor. The appeals are handled by this prosecutor. Mr. Donley made a motion, seconded by Mr. Heisler to recommend approval of the above Resolution as presented. Committee members were informed that this is the same amount approved for the past three years. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

OLD BUSINESS

None

REPORTS TO COMMITTEE

Mr. Ivetic joined committee members and provided an update to the status of the negotiations for the Coroner's Office Deputy Coroners. A second mediation session was held on October 8th. They were at an impasse so the County tendered its last, best and final offer. The labor group now must take this offer to its membership for a vote. They have 21 business days to hold the vote. The labor group has filed a petition asking for a declaratory ruling as to whether the deputy coroners are covered as protective service employees. Protective service employees are fire fighters and law enforcement personnel. These individuals are not allowed to strike. The County states that these employees are not protective service employees. The county had a good attorney take a serious look at this issue. We now wait for an answer from the labor board which could take from 8 weeks to 1 year for an answer. Mr. Ivetic stated that it appears that the SEIU (Service Employees International Union) is using our Coroner's office to set new rules for Illinois. There currently is no Coroner's protected by protective services and this would set precedence for the State. They are trying to say that the Coroner's have "arresting" authority. Updates will be provided as they are received.

EXECUTIVE SESSION

Ms. Schmidt made a motion, seconded by Mr. Donley to recommend the committee enter into executive session at 8:50a.m. to discuss possible litigation. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes).

Mr. Kennedy made a motion, seconded by Mr. Heisler to return to regular session at 9:15a.m. The motion carried with all members present voting aye on a roll call vote. (Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

Mr. Donley informed committee members that he has an issue in his district involving the INS and he is uncertain how to address these concerns. He questioned if the County could "sue" the INS for causing harm to an industry in our county. He stated that there is a company within his district that was recently involved in an INS sting. INS removed 140 of this company's employees from the facility, but, did not deport these individuals. Some of these individuals have worked for the company for 15 years. This business has had to turn down as well as give away contracts worth millions of dollars because they do not have the personnel available to complete these contracts. These individuals are now working at other businesses within the County most with this company's competitors. Immigration has not done anything with these employees. Mr. Donley stated that they see a lot of Hispanic workers within the restaurant industry and with any business they fill out the necessary documents, but, it takes INS up to 2 years before anyone will hear there are questions are being asked by INS regarding their social security cards. One INS worker stated that they really don't want to "catch" undocumented persons because they are paying into the system but are unable to make any claims for benefits. INS seems to be saying these employees are not good enough to work for business A, but they are okay to work for business B. He questioned if there was any way to ask the INS to explain what is going on if they have no intention of deporting these individuals. He questioned if the County could "sue" the INS for what is happening within the County? Or, can the County object to the actions being taken by INS. Mr. Donley reminded committee members that this company has recently received a revolving loan through the Finance and Audit Committee for \$250,000 to train workers for this facility. He questioned how the INS can remove employees from a business but not remove them from the country. Mr. Carroll stated he did not think the County would have any claim against INS. Committee members stated that our US Legislators should be approached regarding this issue especially since Congressman Manzullo is a proponent for small business. Committee members requested staff to find out information on this issue and report back to the committee.

Ms. Schmidt questioned why a large number of warrants remain sealed in McHenry County. She stated that the newspaper reported that both the Attorney General and Courts within the State have stated that these documents are allowed to be released, but, within McHenry County 76-86% of the warrants remain sealed. As a matter of open government and the need for our judicial system to be held accountable by the public, it's a practice that has to end. Committee members requested that search warrant procedures placed on the committees next agenda for discussion.

ADJOURNMENT

Noting no further business, Mr. Heisler made a motion, seconded by Ms. Draffkorn to adjourn the meeting at 9:31 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

- Resolution approving the McHenry County Continuity of Operations Plan
- Resolution authorizing a garage lease agreement between McHenry County and James Bryan, Jr.
- Resolution authorizing the designation of the Office of the State's Attorneys Appellate Prosecutor