

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

MINUTES OF MONDAY, JUNE 7, 2010

Chairman Barnes called the meeting to order at 8:32 a.m. The following Committee Members were present: Chairman, Yvonne Barnes; Jim Heisler; James Kennedy; Randy Donley; Sue Draffkorn; Bob Bless and Kathleen Bergan Schmidt. Also in attendance: Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator-Finance; Undersheriff Zinke and Angela Wood-Zuzevich, Sheriff's Department; Dan Wallis, Court Administration; John Labaj, Deputy County Administrator; Tiki Carlson, E-911; John Hadley, Facilities Management; and Bob Ivetic, Human Resources.

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

MINUTES

Committee members reviewed committee minutes from April 5, 2010. Mr. Heisler made a motion, seconded by Mr. Donley to recommend approval of the above minutes as presented. The minutes were approved on a unanimous voice vote.

PUBLIC COMMENT

None

PRESENTATION

None

NEW BUSINESS

*Merit Commission:* Committee members reviewed a resolution for the reappointment of Mr. Patrick McAndrews to the Sheriff's Merit Commission. Ms. Schmidt made a motion, seconded by Mr. Donley to recommend the reappointment of Patrick McAndrews to the Sheriff's Merit Commission with a term to expire on April 30, 2016. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

*Resolution authorizing a 2010 Intergovernmental Agreement between the Fox Waterway Agency, County of McHenry and the McHenry County Sheriff's Department for Marine Patrol Services:* Committee members were reminded that the Sheriff's department provides their ordinance patrol to help with noise, sticker violations and law enforcement issues on the waterways. In the past the contracts increased every two years. There has been no mention of an increase for this year, which would have been the 3<sup>rd</sup> year without an increase. McHenry County is proposing a 5% increase for this year's agreement. Mr. Austin noted that discussions have been held on this issue beginning last fall and when the contract was received there was not an increase included. These contracts are approved yearly. Mr. Austin stated that he has had a conversation regarding these contracts with the Sheriff and suggested the negotiations of the contracts should be taken care of by the Administration Department. After a lengthy discussion, Mr. Donley made a motion, seconded by Mr. Bless recommending approval of the Resolution authorizing a 2010 Intergovernmental Agreement between Fox Waterway Agency, County of McHenry and McHenry County Sheriff's Department for Marine Patrol Services. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

*Resolution authorizing the creation of a ESTB 9-1-1 Specialist position in the Emergency Telephone System Board Department and a Budget line item transfer in their FY2010 Budget:* Committee members reviewed a Resolution authorizing the creation of a ETSB 9-1-1 Specialist Position in the Emergency Telephone System Board Department and a budget line item transfer in their FY2010 budget. Ms. Carlson stated that because of changes in their software the system needs to have staff available to assist in first level support. In the past this service was handled by outside consultants, which became too costly. Ms. Draffkorn made a motion, seconded by Ms. Schmidt to recommend approval of the above Resolution as presented. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes) Ms. Carlson stated that because of the smaller agencies cutting their IT staff, it has increased the demand for services from E-9-1-1.

OLD BUSINESS

None

REPORTS/UPDATES TO COMMITTEE

*Update on the labor negotiations with the SEIU/Coroner – Robert Ivetic:* Mr. Ivetic joined committee members to provide an update on the negotiations for the SEIU/Coroner’s staff. He stated that a letter has been received from the Executive Director of the Illinois Labor Relations Board. There were two parts to this letter. The first portion confirms the ruling that this group is not eligible for interest arbitration. The group had previously stated they should be included as part of “peace officers” groups, entitling them to interest arbitration. The other part of the letter received stated that the Illinois Legislation passed a rule where any public sector employers that have a new bargaining unit, if during the initial contract cannot agree, can go to interest arbitration. This affects the first contract only. This brings up an issue as to whether they would be entitled to retroactivity. The Act is silent on this issue. The Illinois Labor Relations Board has stated they are not to interpret these laws and if there is an issue it would have to be addressed in court to find out what the intention of the Act is. This could go on for years. During the process the terms and conditions of employment must remain status quo, meaning no changes can be made within a department. The County has tendered its last, best and final offer to both the coroners unit and animal control. This normally would mean the contract would be taken to the membership for a vote. The SIEU has stated they will not send these contracts to their membership for a vote. This means two things for the County, 1) the County can remain in limbo under the status quo or impose the contract. Mr. Ivetic stated he would speak to the County’s legal counsel and see the best option for the Coroner regarding the issue and where to go from here. Committee members questioned, if a department is to remain in “status quo”, how can a department change staff? Mr. Ivetic stated that the department head has been advised they cannot make changes while in negotiations. It was noted that both of the Department Heads working with these unions just want closure to these contracts.

*Update on Courthouse projects: Courtroom 365:* Committee members entered into discussion regarding updates on the Courthouse projects. When the County borrowed money in February, the needs of the Courthouse were reviewed and discussions were held on how soon renovations would need to begin to accommodate the needs of the Judges. A new Circuit Court Judge as well as a new Associate Judge will be joining the County so Courtroom 104 needs to be completed to accommodate the additions. Turning Point has used some of these areas on a temporary basis so space would need to be found to house them. Chairman Barnes noted that there are other groups in the County that can provide the same services as Turning Point if needed. Mr. Austin noted that a detention area will be created to detain prisoners waiting to go before a judge. Discussions were held in 2008 to create a detention area but the project was put on hold because of the costs. This detention area is needed at this time. There have only been small pockets of space found to house Turning Point so they are not sure if this will be a solution or not. These “closets” would be modified to serve as an office, though this could be expensive for a short term solution. It was stated that Turning Point provides the County with important services and if this service isn’t provided by Turning Point, The Act states that the Circuit Clerk is to assist individuals with their orders of protection. County Staff would be required to fill these duties. Chairman Barnes again noted that these services could be provided by other groups if needed. Mr. Austin noted that space is the only issue. Committee members questioned if the remodel expenses should be a cost to the County or if Turning Point should assume the expense of the remodel to create offices for them. It was stated that the County should not have to spend funds to create offices for an outside vendor for a project that would not be a long term solution. Committee members were reminded that the County does benefit from having Turning Point’s presence in the Courthouse so we need to be aware of the costs of the County as well. Turning Point has been involved in the discussions and have been asked to come up with ideas in order to remain as a presence in the courthouse. It was stated that the County Board members need to be advised of the projects going on in the Courthouse and the expenses involved for these proposed ideas.

EXECUTIVE SESSION:

None

ADJOURNMENT

Noting no further business, Mr. Kennedy made a motion, seconded by Mr. Donley to adjourn the meeting at 9:18 a.m. The motion carried with a unanimous voice vote.

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**RECOMMENDED FOR BOARD ACTION:**

- Reappointment of Patrick McAndrews to the Sheriff’s Merit Commission
- Resolution authorizing a 2010 Intergovernmental Agreement between the Fox Waterway Agency, County of McHenry and the McHenry County Sheriff’s Department for Marine Patrol Services
- Resolution authorizing the creation of a ETSB 9-1-1 PC Specialist Position in the Emergency Telephone System Board Department and a Budget Line item transfer in their FY2010 budget