

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

MINUTES OF MONDAY, AUGUST 2, 2010

Chairman Barnes called the meeting to order at 8:30 a.m. The following Committee Members were present: Chairman, Yvonne Barnes; James Kennedy; Sue Draffkorn; Randy Donley; Bob Bless and Kathleen Bergan Schmidt. Jim Heisler arrived at 8:35a.m. Also in attendance: Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator-Finance; Cindy Kozlowski, Financial Analyst; Kathy Keefe, Circuit Clerk; Dan Wallis, Court Administration; Phil Ulmer, Phil Dailing, Court Services; Mark Cook, Public Defender; Bob Ellsworth, EMA; Marlene Lantz, Coroner; Sgt. Carolyn Hubbard and Lt. Duane Cedergren, Sheriff's Department; John Labaj, Deputy County Administrator; Phil Ulmer, Court Services; interested public.

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

MINUTES

Committee members reviewed committee minutes from July 6, 2010. Ms. Schmidt 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

Mr. Heisler arrived at 8:35a.m.

NEW BUSINESS

McHenry Township Fire Protection District Appointments: Joseph D. Doherty, Frederick E. Hult and Alan G. Weaver joined committee members to interview for an open position on the McHenry Township Fire Protection District. An open position occurred when one of the members resigned. This term will expire in May of 2011.

Resolution authorizing to enter into a Lease Agreement to install, maintain and operate Communications Equipment on the tower property of the Village of Spring Grove: Lt. Duane Cedergren joined committee members to review a Resolution authorizing to enter into a Lease Agreement to install, maintain and operate Communications Equipment on the tower property of the Village of Spring Grove. This is for placement of equipment as part of the radio star com 21 system. This will also help with coverage in this area of the County. Mr. Heisler 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 roll call vote. (Bless, Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

Resolution authorizing a four year Panasonic Toughbook Lease with HP Financial Services and an Emergency Appropriation and Budget Line Item transfer in the FY2010 non-departmental budget: Committee members reviewed a Resolution authorizing a four year Panasonic Toughbook Lease with HP Financial Services and an Emergency Appropriation and Budget Line Item transfer in the FY2010 non-departmental budget. This equipment is part of the lease program worked out by the Finance Committee. These are laptops for the Sheriff vehicles. Leases have worked out well for the County as equipment is upgraded on a continual basis, versus trying to save for purchase of the equipment. The equipment is recycled in as needed. Desk top computers are leased for 5 years and lap top computers are leased for 3 years. The leasing plan for the Sheriff's vehicles was established 3 years ago. If the laptops should malfunction, they are covered under the lease. Ms. Draffkorn 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 (Bless, Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

Resolution authorizing acceptance of the Department of Justice COPS Technology Grant Award for Equipment at a Remote Radio Transmission Site and Emergency Appropriation to the Sheriff's Fiscal Year 2009-2010 Budget: Committee members reviewed a Resolution authorizing acceptance of the Department of Justice COPS Technology Grant Award for Equipment at a Remote Radio Transmission Site and Emergency Appropriation to the Sheriff's Fiscal Year 2009-2010 Budget. This grant will be used to update equipment in the Sheriff's Department. This is a small grant that was received as part of our Federal Allocations. Ms. Schmidt made a motion, seconded by

LAW AND JUSTICE COMMITTEE

August 2, 2010

Page 2

Ms. Draffkorn 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)

Resolution Authorizing an increase in the Circuit Clerk's Court Automation Fee and Resolution authorizing an increase to the Circuit Clerk Document Storage Fee: Committee members asked that both Resolutions be considered at the same time. Committee members reviewed a Resolution authorizing an increase in the Circuit Clerk's Court Automation Fee and Resolution authorizing an increase to the Circuit Clerk Document Storage Fee. Ms. Keefe stated that these fees previously were not taken to the maximum amount. This request would allow an increase of those fees on tickets without a court appearance. The fees paid to the Circuit Clerk and State Police get taken off the top. Committee members were informed that McHenry County is not the highest court cost county in the State. Mr. Donley made a motion, seconded by Mr. Bless to recommend approval of the two above Resolutions as presented. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

Update on 22nd Judicial Circuit Emergency Continuity of Operations Plan: Mr. Wallis joined committee members and informed them that in December of 2008, the Supreme Court ruled that every court must have an Emergency Continuity of Operations Plan. He reported that the plan for the 22nd Judicial Circuit went further than what was required by the Supreme Court. This is a complete plan that has been forwarded to the Administrative Office of the Courts as well as EMA (Emergency Management Agency). Mr. Wallis stated they are very pleased with this document and he is hopeful this document never needs to be used. It is available if committee members are interested in reviewing its content. Mr. Wallis stated that one of the reasons this has been completed is that some court houses have burned so it is important that the Judges know where they are to go if something should happen to the Courthouse. The Judges have reviewed the document and provided input. The plan is posted on sharepoint for those interested.

FY10-11 Budget Reviews: Committee members were informed that this is the first kickoff meeting for budget reviews. No decision has been made regarding supplemental requests at this time as it is unknown if any funds will be available for these requests. Committee members were asked to read the highlights and goals for each department as this contains a wealth of information. Each department points out new and unique information about their department. The full time equivalents remain the same. Personnel will have natural growth. This amount will change based on insurance and IMRF contributions. These are subtracted out of expenditures. The committee members were informed that they will see the each fund as they are reflected for each department. Some departments have more than one fund.

Court Administration: Committee members reviewed the FY10/11 budget for Court Administration. With the new fee being set for the drug court, the budget will reflect this new money. The budget has not been set yet for the drug court. This department has forwarded a balanced budget. Some of the funds for the Mental Health Court have been reduced by \$56,450. These monies have been shifted to streamline business practices within the department. Mr. Block will be taking the lead on the drug court as well. The Law Library fees have seen an increase in revenue based on the increase use seen in the library. Interest income for all Departments' has been reduced based on decreased projections. Mr. Sarbaugh thanked Mr. Wallis and Judge Sullivan for working to make the budget for the Law Library fund strong. The Law Librarian has done a fantastic job in reducing costs in this area. West law has been a major cost for the department in the past. The department has done a great job in negotiating these costs down. Supplemental requests for this department include a request for an increase for Psychological services. This area is growing because of the types of cases that are being heard. This area is hard to project. The department continues to look for ways to reduce costs in this area. They are looking to increase the amount for Special Public Defenders. This area has not seen an increase since 2004. These Special Public Defenders are used extensively in Juvenile Court. If a parent is being represented by a Public Defender, the juvenile must be represented by a Public Defender as well. These Public Defenders are hired by Court Administration so there is no appearance of a conflict. Committee members were informed that Kane County has implemented a "second chance" program where a defendant may go through a panel, with the costs being paid by the defendant. This program reduces court costs with the program including a very intensive suspension program. Mr. Kennedy stated he is very impressed with this new program. This program has resulted in Kane County removing 150 cases from their court docket. McHenry County is looking to implement a similar program in the County. Mr. Sarbaugh reminded committee members that these budgets were reduced last year when the departments were asked to "give back" part of their budget because of the economic issues being faced in the County. These budgets continue to reflect these "give back" funds. Mr. Heisler made a motion, seconded by Mr. Kennedy to approve the preliminary FY 10/11 budget for Court Administration and move it forward to the Finance and Audit Committee. The motion carried with all members present voting aye on a voice vote.

LAW AND JUSTICE COMMITTEE

August 2, 2010

Page 3

Court Services: Committee members reviewed the FY10/11 budget for Court Services. Mr. Sarbaugh stated that Mr. Ulmer is great to work with and he does a fantastic job in managing probation costs within the department. Committee members questioned whether Mr. Ulmer has seen an increase in costs for juvenile probation since 17 year olds are now seen as being juveniles. He stated that they had expected these costs to increase but have been surprised that this is not the case. Salary reimbursements by the State will remain at last year's numbers. The Chief Justices have written a letter to the State asking that this fund be increased. The department has maintained a maintenance budget. This department does not compete for General Fund dollars. They have requested permission to purchase two new vehicles, which will be taken from their own funds. Ms. Schmidt made a motion, seconded by Ms. Draffkorn to recommend approval of the preliminary FY10/11 budget for Court Services and move it forward to the Finance and Audit Committee. The motion carried with all members present voting aye on a voice vote.

Public Defender: Committee members reviewed the FY10/11 budget for the Public Defender. This department will be getting ready to bring in new software as part of the Integrated Justice Project. They will be looking at various products in the Fall to see if there is anything available that could be bought off the shelf to address needs of the department. There has been funds budgeted in the Strategic Plan for this and next year for this process. It is hopeful that a product can be found that will have big savings from the previous discussions held regarding these products. Mr. Cook is requesting a new attorney when the County has received a new Judge. A new Judge is scheduled to start on December 1st and an Associate Judge is expected in the summer of 2011. Personnel needs may increase when this happens as well. Committee members were reminded that the County has been informed that the State will be paying only 40% of the reimbursement rates that is typically paid by the State. This is similar to what is being reimbursed for the Public Defender. Mr. Sarbaugh stated he has budget what is known as of right now. If these rates should change they would be included in the budget. The cost of the new Public Defender has been included in this budget. Mr. Sarbaugh stated the Public Defender has done a great job in keeping his costs under control. Ms. Draffkorn made a motion, seconded by Ms. Schmidt to recommend approval of the preliminary FY10/11 budget for the Public Defender and to move it forward to the Finance and Audit Committee. The motion carried with all members present voting aye on a voice vote.

Merit Commission: Committee members reviewed the FY10/11 budget for the Merit Commission. This budget has remained the same for the past couple of years. If they need to have more testing for merited personnel, they could come before the Finance and Audit Committee for this request. This has been the standard procedure for the past couple of years. Mr. Heisler made a motion, seconded by Mr. Kennedy to recommend approval of the preliminary FY10/11 budget for the Merit Commission and to move it forward to the Finance and Audit Committee. The motion carried with all members present voting aye on a voice vote.

Coroner: Committee members reviewed the FY10/11 budget for the Coroner. Ms. Lantz reported that fees have increased in their department by State Statute. She stated that they are hopeful that they will see less indigent burials for the County as families are now allowed to have bodies sent to a facility for research. The research facility would pay for this expense. Indigent burials can cost between \$5,000 and \$6,000 and they are then buried in the Valley Hi Cemetery and must have a headstone placed on the grave. Committee members questioned if the Townships are aware of the new rule regarding indigents and the new service of the research facilities. Ms. Lantz stated she would be happy to send out a letter informing them of this service if they would like. Ms. Lantz stated that the only request on her supplemental request would be for a back up vehicle in the department. She stated that this vehicle does not have to be new but they only have one car in their fleet and if possible they really need another vehicle for backup. After discussion, Mr. Bless made a motion, seconded by Mr. Donley to recommend approval of the preliminary FY10/11 budget for the Coroner and to move it forward to the Finance and Audit Committee. The motion carried with all members present voting aye on a voice vote.

OLD BUSINESS

None

REPORTS/UPDATES TO COMMITTEE

Committee members questioned if an agreement has been reached with the Fox Waterway Agency on the recommended contract increase with the Sheriff's Department. The County has requested a 5% increase. Lake County is seeking a similar request. McHenry County has asked that the executive director reach out to McHenry County for discussion on the issue. The Fox Waterway Agency would like to evaluate the contracts separately. Lake County is requesting an enforcement fee to be added to the price of stickers which the Fox Waterway Agency is reluctant to do since fees for these stickers were recently increased. The group is involving the State Legislators to

find out what can be done regarding the contracts. They are looking at a long term solution to the issue through the State. Law enforcement is currently 10% of the Fox Waterway budget.

NEW BUSINESS CON'T

Committee members entered into discussion regarding the McHenry Township Fire Protection District Appointments. Committee members agreed that all of the applicants were good. Committee members discussed the letters of support that were received for the applicants. After a lengthy discussion, Mr. Kennedy made a motion, seconded by Mr. Bless to recommend the appointment of Alan G. Weaver to the McHenry Township Fire Protection District for a term to expire in May of 2011. The motion carried with five ayes (Bless Heisler, Kennedy, Schmidt, Barnes) and two nays (Donley, Draffkorn)

Committee members reviewed a pamphlet that is given out to potential jurors that are called for jury duty. Committee members were informed that the Court Administrator is looking at ways to streamline the jury process. One of the suggested changes would be to require attorneys to reach a decision prior to the court day. This would require the attorneys to indicate whether they would need a jury trial prior to their court date. This would be deadline driven. Committee members questioned how a jury list is chosen.

Committee members were informed that Jane Farmer of Turning Point would like to come in to discuss an email that she sent to County Board members regarding the space issue in the Government Center and where the new office for Turning Point will be placed. Mr. Austin stated that he believes this issue has been addressed with no investment of money.

EXECUTIVE SESSION:

None

ADJOURNMENT

Noting no further business, Mr. Kennedy made a motion, seconded by Ms. Draffkorn to adjourn the meeting at 11:05a.m. The motion carried with a unanimous voice vote.

* * * * *

RECOMMENDED FOR BOARD ACTION:

- Recommend the appointment of Alan G. Weaver to the McHenry Township Fire Protection District
- Resolution authorizing to enter into a lease agreement to install, maintain and operate communications equipment on the tower property of the Village of Spring Grove, Illinois
- Resolution authorizing a four year Panasonic Toughbook lease with HP Financial Services and an Emergency Appropriation and budget line item transfer in the FY2010 non-departmental budget
- Resolution authorizing acceptance of the Department of Justice COPS Technology Grant Award for Equipment at a Remote Radio Transmission Site and an Emergency Appropriation to the Sheriff's Fiscal Year 2009-2010 budget
- Resolution authorizing an increase in the Circuit Clerk's Court Automation Fee
- Resolution authorizing an increase in the Circuit Clerk's Document Storage Fee