

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

MINUTES OF MONDAY, OCTOBER 4, 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; Jim Heisler; Bob Bless and Kathleen Bergan-Schmidt. Also in attendance: Ken Koehler, Chairman, McHenry County Board; Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator-Finance; John Labaj, Deputy County Administrator; Dan Wallis, Court Administration; Barry Valentine and Bob Ellsworth, EMA; Angela Wood-Zuzevich, Undersheriff Andrew Zinke, Lt. Duane Cedergren and Sgt. Carolyn Hubbard, Sheriff's Department and Ed Markison, Division of Transportation.

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

MINUTES

Committee members reviewed the minutes from August 16, 2010. Mr. Heisler made a motion, seconded by Ms. Schmidt, to recommend approval of the above minutes as presented. The minutes were approved with all members present voting aye on a voice vote.

PUBLIC COMMENT

None.

PRESENTATION

None.

NEW BUSINESS:

*Resolution Authorizing Entering into the Illinois Public Works Mutual Aid Network:* Committee members reviewed a Resolution authorizing entering into the Illinois Public Works Mutual Aid Network. Mr. Markison from the Division of Transportation joined Committee members and stated that the purpose of this agreement is to coordinate agencies in the County if it should be needed. This agreement addresses the Division of Transportation and Public Works. This is a fairly new agreement that has been modeled after previous agreements. Mr. Donley made a motion, seconded by Mr. Kennedy, to recommend approval of the 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 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. Ellsworth noted that this is the annual lease agreement to allow for storage of the large communications vehicle. The department has leased space for this vehicle for several years. Because of the vehicles size it is hard to find space to store this vehicle. One of the volunteers of the department stores this vehicle. Mr. Bless 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 2010 intergovernmental agreement (IGA) between the Fox Waterway Agency, County of McHenry and McHenry County Sheriff's Department for Marine Patrol Services:* Committee members reviewed a Resolution authorizing a 2010 intergovernmental agreement (IGA) between the Fox Waterway Agency, County of McHenry and McHenry County Sheriff's Department for Marine Patrol Services. Earlier this year the County received a contract that included a 0% increase. The County reviewed the contract with Lake County, who received a similar contract. It was decided that since there had not been an increase for services the past couple of years, both counties would request a 5% increase to their contract. The Fox Waterway Agency, as well as many others, including State Representatives entered discussions regarding this issue. The County has received a one year contract, with a 3% increase for this past summer's services already provided. A "verbal" agreement has been obtained agreeing to a 3% increase in their contract for the next two years,

though the Fox Waterway Agency would not put this agreed upon increase in writing. Committee members questioned what good a contract was without any guarantees for future increases. Committee members were informed that this one year contract is for the current year, which has already been completed. Committee members were informed that there are varying opinions on what services are being provided as the Fox Waterway Agency believes that the Sheriff's Department should be providing these services as part of their regular duties. The County feels that since they are enforcing the Fox Waterway Agencies ordinances these are services up and above their regular duties. Committee members voiced concern that we are approving a contract after services have been provided. Mr. Kennedy made a motion, seconded by Ms. Draffkorn, to recommend approval of the above Resolution as presented. Committee members questioned why we don't bill the Fox Waterway Agency for services rendered, instead of signing an agreement, since this agreement is already outdated. Mr. Austin reminded committee members that an agreement was sent over prior to the Sheriff's Marine Patrol providing services but, we declined to sign the agreement that came back to us since it did not include any type of increase for these services, even though the cost of these services have increased. This would have been the third year in a row without an increase. The Marine Patrol Activities cost approximately \$220,000 to \$230,000 per year and the agreement for the Fox Waterway Agency is a small cost for the services provided to the Fox Waterway Agency. For public safety reasons the Sheriff's Department already monitors activities on the Fox River, this contract allows the Sheriff's Department to enforce the Fox Waterway Agency Ordinances in addition to providing required services of the Sheriff's Department. Committee members noted that in the future they would like to see these contracts prior to providing these services. 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 an IDOT Sustained Traffic Enforcement Program (STEP) Grant Award and an Emergency Appropriation to the Sheriff's FY10 Budget:* Committee members reviewed a Resolution authorizing Acceptance of an IDOT Sustained Traffic Enforcement Program (STEP) Grant Award and an Emergency Appropriation to the Sheriff's FY10 Budget. Committee members were informed that the department has been fortunate to receive this grant from the Illinois Department of Transportation. The funds will allow the Sheriff's Department to conduct special enforcement for impaired driving mobilizations and/or occupant protection mobilizations. This grant is in the amount of \$65,187.62 which requires no local match. Mr. Kennedy made a motion, seconded by Mr. Donley 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 the Termination of a Lease between the City of Woodstock and McHenry County for the Lease of a Radio Tower, related Equipment and Building in Emricson Park:* Committee members reviewed a Resolution authorizing the termination of a lease between the City of Woodstock and McHenry County for the lease of a radio tower, related equipment and building in Emricson Park. This request is part of the program to shut down the old radio system. The County is no longer paying to use this equipment, but, does pay Woodstock to keep the equipment up and running. Woodstock will take over this tower. Since the new equipment was too heavy for this location, the new equipment was installed on a tower at the IDOT facility. Mr. Heisler 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)

*Resolution Authorizing an Emergency Appropriation in the DUI Fund Fiscal Year 2009/2010 budget:* Committee members reviewed a Resolution authorizing an emergency appropriation in the DUI Fund Fiscal Year 2009/2010 budget. This fund was created in 1999 which added an additional fine of \$100 on DUI cases where the defendant received a judgment of conviction or supervision. The Circuit Clerks were directed to distribute the fine to the arresting police department to be used to buy law enforcement equipment related to DUI enforcement. The Sheriff is now requesting an emergency appropriation of \$6,000 from the DUI Fund reserve to allow for the full payment of video cameras purchased for the new squad cars acquired this summer. Mr. Kennedy 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 the Creation of a New Coroner's Fund and an Emergency Appropriation to the New Fund in the Fiscal Year 2009/2010 budget:* Committee members reviewed a Resolution authorizing the creation of a new Coroner's Fund and an Emergency Appropriation to the New Fund in Fiscal Year 2009/2010 budget. Earlier in the year the State of Illinois enacted Public Act 96-1161 which states that all fees under this section collected by or on behalf of the coroner's office shall be paid over to the county treasurer and deposited into a special account in the county treasury. Moneys in the special account shall be used solely for the purchase of electronic and forensic identification equipment or other related supplies or operating expenses of the Coroner's office. In order to meet the tracking requirement for the revenue and expenditures, a special account will be set up in the Auditor's office. The Coroner has collected \$10,603.19 in revenue, but, has no way to expend these funds, until the County Board appropriates said dollars through an emergency appropriation. The Coroner is requesting an emergency appropriation in the amount of \$5,000 that will allow her to purchase a new saw and blades and other supplies for the morgue. The remaining funds will stay in this coroner's fund. The Coroner will work with the County to determine what this fund will pay for. The County has a great relationship with the elected departments and they work as a team with the County to help with budget issues. Mr. Donley made a motion, seconded by Mr. Bless 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)

*Emergency Telephone System Board Appointment – Tom Sanders, McHenry County Chiefs of Police Association:* Committee members reviewed a request for an appointment of Chief Tom Sanders to the Emergency Telephone System Board. Chief Sanders will represent the McHenry County Chiefs of Police Association on this board. Chief Rydberg recently retired leaving a vacancy on this board. This is a short term appointment that will expire on November 30, 2010. The whole board is up for reappointment at that time. Ms. Draffkorn made a motion, seconded by Mr. Bless to recommend the appointment of Chief Tom Sanders to the Emergency Telephone System Board. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

#### REPORTS/UPDATES TO COMMITTEE

Committee members questioned if anyone had any information on "cable" for the government center. Mr. Wallis stated that when Comcast changed to digital they needed the converter boxes because tv's in the Courthouse would not work. The signal to the Judge's Chambers and the Jury Commission room needed to be changed in order to get service. This cost \$3.61 for this conversion. TV's are located in the Judge's Chambers and the Jury Commission room.

One of the committee members voiced concern that while serving on jury duty they were requested to fill out a questionnaire for the Jury Commission. He stated that while staff was reviewing the questions with the persons serving on the jury, they were told, "We already know the chairs are gross and groady, but, please let us know of any other issues you may have". He stated that he did not think this was the case and this statement was inappropriate. Mr. Wallis stated he would address staff and their presentation of these questionnaires.

Committee members were informed that one of the elevators in the Courthouse needs replacement. This will cost \$35,000 to \$50,000.

Chairman Barnes questioned if the County is required to provide a new courtroom for every judge. She noted that she has been receiving questions from constituents and did not know if this was a statutory requirement. It was stated that not all courtrooms are used at the same time, but, they need to have them available when needed to address efficiencies within the office. Mr. Wallis addressed this issue by noting that there are standards that must be met and if courtrooms were not available for each judge, the court calls would double up and would create a long court calendar. There are certain requirements for each judge and judges resist night schedules. He stated that case management is handled by settling cases in the courtrooms. If judges did not have their own courtrooms it would require additional court calls that would double the budgets in some departments and it would increase expenses for States Attorneys, Public Defenders, Circuit Clerks and staff.

Committee members were provided with an update on the cost of the special prosecutors that have been hired to investigate various issues at the County. Court Orders have been forwarded to pay for these costs. It is anticipated that these costs will continue to increase. \$34,000 was paid at the end of January when the first order was received. The County took this issue to the Finance and Audit Committee who authorized \$100,000 set aside to handle these court ordered expenses. Additional court orders were not received until early August, which included expenses through June for \$73,000. This fund was depleted requiring an additional set aside of \$100,000. Funds have been set aside for future costs for services provided in July, August and September. These expenses have not been paid yet. It looks like additional funds may be needed in order to pay the bills that come from these court orders. There have been questions in the media asking "who is looking at these bills"? The courts are the ones looking at these expenses. It is a judge that must sign off on these court orders. The Dalby case cost approximately \$68,000 and there will be expenses for the Bianchi case as well. This litigation could cost up to \$250,000 without paying for any costs for the current State's Attorney and staff. If the State's Attorney prevails in the case, the County could be required to pick of the cost for his and his staff's expenses as well. Committee members were informed that the County does not have any billing rates and has no control of these costs. This could be a very expensive process. The State's Attorney can serve until he steps down or convicted. If convicted the County Board would be responsible to appoint a new State's Attorney for the remaining term. A committee would be formed to interview attorneys for this process. Since the current State's Attorney is a Republican, a new State's Attorney would have to be a Republican as well. If the remaining term is less than a year the Judges would decide who to appoint to the remaining term. Committee members were reminded that there have been two court orders received to pay for the special prosecuting services. They are not detailed bills or itemizations on the bills. The Court Orders are part of the investigation so these bills are sealed by the Court. Committee members were informed they, as well as the remaining County Board members will be updated as expenses are brought forward. Details will not be provided as the information is sealed by the Court. Mr. Labaj noted that as a case is settled it becomes public record so, as in the Dalby case, the documents have now been unsealed and have become an open public record.

Mr. Austin informed committee members that Mr. Williams, the current Assistant Regional Superintendent of Schools has been actively involved in truancy issues in the schools and works to keeps these cases out of the courts. A report has been provided that he would like to present to the committee at a future meeting. Committee members agreed this would be a good report to review with Mr. Williams.

EXECUTIVE SESSION

None.

ADJOURNMENT

Noting no further business, Ms. Schmidt made a motion, seconded by Ms. Draffkorn, to adjourn the meeting at 9:43 a.m. The motion carried with a unanimous voice vote.

\* \* \* \* \*

**RECOMMENDED FOR BOARD ACTION:**

- Resolution authorizing entering into the Illinois Public Works Mutual Aid Network
- Resolution authorizing a Garage Lease Agreement between McHenry County and James Bryan, Jr.
- Resolution authorizing a 2010 intergovernmental agreement (IGA) between the Fox Waterway Agency, County of McHenry and McHenry County Sheriff's Department for Marine Patrol Services
- Resolution authorizing Acceptance of an IDOT Sustained Traffic Enforcement Program (STEP) Grant Award and an Emergency Appropriation to the Sheriff's FY10 Budget
- Resolution authorizing the termination of a lease between the City of Woodstock and McHenry County for the lease of a radio tower, related equipment and building in Emricson Park
- Resolution authorizing an emergency appropriation in the DUI Fund Fiscal Year 2009/2010 budget
- Resolution authorizing the creation of a new Coroner's Fund and an Emergency Appropriation to the New Fund in Fiscal Year 2009/2010 budget
- Appointment of Chief Tom Sanders to the Emergency Telephone System Board

ksf