

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

MINUTES OF MONDAY, NOVEMBER 1, 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; and Kathleen Bergan-Schmidt. Bob Bless arrived at 8:35a.m. Also in attendance: Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator-Finance; John Labaj, Deputy County Administrator; Dr. Joe Williams, Regional Office of Education; Dan Wallis, Court Administration; Bob Ellsworth, EMA; Angela Wood-Zuzevich, Undersheriff Andrew Zinke, Sheriff's Department; Judge Michael Sullivan; Tiki Carlson, E911; and Mary McCann, County Board Member.

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

MINUTES

Committee members reviewed the minutes from October 4, 2010. Mr. Heisler made a motion, seconded by Ms. Draffkorn, 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.

Mr. Bob Bless arrived at 8:35a.m.

PRESENTATION

McHenry County Compulsory Attendance Program; Dr. Joe Williams: Dr. Joe Williams, the Assistant Superintendent of Schools, joined Committee Members to provide an update on the McHenry County Compulsory Attendance Program. He stated when he started in this position, approximately 5 years ago, his first responsibility was to address at risk students. These students are generally kids that need people to intervene on their behalf. If a school has done everything they can to address a truancy issue, the Superintendent of Schools office gets involved. One of his main objectives was to keep kids out of courts. Most of the kids involved with truancy issues live in poverty. Once a child is placed in this program, the office follows the case for the whole school year. Fines do not help in keeping kids in school as most of the families being fined are already living in poverty. Their goal is to keep kids in schools with outreach programs and keep them out of the Court system. A letter is sent to the student's parents informing them of the truancy issues. Most of the kids want to go to school. Poverty in the county is rising so truancy is rising as well as these issues go hand in hand. If these kids cannot work within the system, they become a part of the court system. The department is also involved in homeless education. Homelessness in the County is increasing as well. In the past they had identified 47 homeless families. Within the past 5 years this number has increased to 450 homeless families. They have also seen an increase of multi-families living together. Intervention in these programs is different if they deal with little kids versus older children. Sometimes it is necessary to get help for the families before they are able to get help for the kids. The Superintendent of Schools office is responsible to mobilize services to help these truant kids. They are trying to change the thought process for truancy. Illinois has an "interactive" report card where you can see the health of each school. The data is from every district and every school in each district. The biggest impact to schools is the parents, as they are the primary teachers of children. One of the duties of the office is to enforce the legal codes and make sure the schools are meeting the State minimums. Programs cannot be threatened as they must meet the State mandates. Committee members stated they would like to see this presentation in front of the County Board, after the new County Board Members take office in January as economics play a huge roll in how some of these programs are run. Committee members thanked Dr. Williams for his presentation.

NEW BUSINESS: Approve Appointments to the McHenry County Emergency Telephone System Board:

Committee members reviewed the appointments of Arthur Weber, Algonquin Police Department; Deborah A. Palmsiano, Crystal Lake Police Department; Richard Solarz, Marengo Police Department; James A. Molnar, McHenry Police Department; Mark Kuhlman, Lake in the Hills Police Department; Richard M. Johns, Woodstock

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Police Department; Barry Valentine, Director, Emergency Management; Thomas Sanders, McHenry County Chiefs of Police Association; Jim Saletta, McHenry County Fire Chiefs Association; John Shay, private citizen; Geoffrey Cooker, Cary Police Department; Michael Vest, Harvard Police Department; and Brian Knop, McHenry County Sheriff's Department, to the McHenry County Emergency Telephone System Board. Ms. Draffkorn made a motion, seconded by Ms. Schmidt to recommend approval of the above appointments to the McHenry County Emergency Telephone System Board with terms to expire on November 30, 2013. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Kennedy, Schmidt, Barnes)

Resolution approving the 2011 McHenry County Emergency Operations Plan: Committee members reviewed a Resolution approving the 2011 McHenry County Emergency Operations Plan. Mr. Ellsworth from the Emergency Management Agency (EMA) joined Committee members and stated that the department is required to update the Emergency Action Plan (EAP) biennially for submission to the State of Illinois. This is a requirement in order to receive Federal and State Funding. The update included the addition of a technical communications plan. Mr. Bless 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) Committee members were informed that the above plan will be placed in the County Board office for review.

Resolution approving The McHenry County Natural Hazards Mitigation Plan and Continuation of the Hazard Mitigation Planning Committee: Committee members reviewed a Resolution approving The McHenry County Natural Hazards Mitigation Plan and Continuation of the Hazard Mitigation Planning Committee. Mr. Ellsworth reminded committee members that this plan was developed as a multijurisdictional plan and has been submitted and approved by Illinois Emergency Management Agency (IEMA) and the Federal Emergency Management Agency (FEMA). The plan was widely circulated for review by residents, federal and state agencies and has been supported by those reviewers. Municipalities will have to adopt this plan in order to qualify for Federal funding. They wanted to thank Ms. McCann for getting Municipality involvement in this plan. There has been very good attendance throughout this process. The County can now apply for grants and are in a position to get additional funding. Ms. Schmidt 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)

Resolution Authorizing a One Year Extension for the Temporary CALEA Manager Position within the Sheriff's Office Roster for FY2011: Committee members reviewed a Resolution Authorizing a One Year Extension for the Temporary CALEA Manager Position within the Sheriff's Office Roster for FY2011. This position is crucial in order for the Sheriff's Department to modify or establish guidelines to become CALEA certified. This certification is highly sought after and the Department is very close to becoming certified. It is hopeful that this process will be completed by March of 2011. Once they are certified, the department will reduce liability and associated costs to the department. The department will be required to be recertified every three years. Committee members asked if once the department is certified will this position go away. Undersheriff Zinke stated that he was not sure as the department must be recertified every three years in order to maintain their accreditation. They stated they are not sure if this position will be continued as their goal has been to become accredited. They are not sure if this position would continued beyond when they get certified as they want to be fiscally responsible, but, they are unsure how much longer she will be required. The department will be required to continue to build "proof" to continue with the accreditations as well. They will need to see if there is anyone on staff that could handle these requirements. It is hard to get a person who is trained on this accreditation process so she is a highly sought after employee. This contract employee has helped tremendously with the accreditation process. The department will continue to provide updates to the committee on this process. 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)

Discussion on Courtroom Space and Utilization: Committee members entered into a discussion with Judge Michael Sullivan and Mr. Dan Wallis regarding courtroom space and how the department utilizes this space. It is up to the Chief Judge to assign judges to a case. Scheduling is complicated. Associate Judges cannot hear

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cases from where they previously worked, be it a City, Municipality or Law firm. In other words, if a judge was previously the attorney for Crystal Lake, they cannot hear a case that comes from Crystal Lake for seven years. A Matrix Board is set up in the Court Administration Offices that highlights every Judge and what type of cases they can and cannot hear. The rules surrounding judges is very complicated. Criminal cases all have a "trial" call and status call (which are those cases not set for trial). These cases are held on Monday, which usually consist of at least 200 cases. Trials are set based on what took place earlier in the week. On the family side it is more complicated. They need to be able to dispose of these cases as soon as possible as people do not want courts involved in their lives. Judge Sullivan informed committee members the department will be reviewing internal processes to see if any changes could be made in order to make this process more efficient. Chancery cases have increased by more than 28% in the past year. They are now hearing foreclosure cases four (4) days a week. Judge Sullivan stated he needs to make decisions based on these increases as he has a responsibility to meet these needs. They currently have 16 judges on staff and will have 18 by the end of next year. One judge will be obtained through the election and one will be based on the census. They are entitled to one additional Associate Judge as well. They currently have 16 courtrooms and one small juvenile courtroom. Once they get the one additional courtroom completed there will be 17 courtrooms within the government center and they will have to make do with this space as there will be no other place available to put a new courtroom. Judge Sullivan stated he reviews the court calls on a continuous basis. In the past, the courts were hearing approximately 3,000 cases per year. This has increased to over 6,000 cases per year. Foreclosure cases have increased from 600-800 per year to over 3,600 per year. This is the most painful courtroom to serve in as these involve people you don't typically see in court. The judges are imposed with time limits to handle cases. They also see more cases where people are representing themselves because they are unable to afford attorney's so these cases take more time. Committee members asked if night court would be a feasible option. It was stated that night court involves various departments, including the Circuit Clerks office, Public Defender, States Attorney, Bailiffs, and Security for the entrances. Other Counties have found that night court is not worth the costs, though this option may be needed in the future. Committee members questioned if Administrative Adjudication would help relieve the courts in any way. Judge Sullivan stated that this is not a part of the Court System so he is unable to state whether this would save any money. He stated that he understands that it is a time consuming and costly process to start. He is unsure whether this would lessen the burden on the courts. The way the current legislation is set up is how the courts are run. Judge Sullivan and Mr. Wallis were informed that at the last committee meeting there was concern voiced on how much it is costing the County to build courtroom 104, the holding cells and judge's chambers. Constituents have voiced concern over the addition of courtrooms when they see empty courtrooms while visiting the Courthouse. Committee members want to make sure each courtroom is being used to its full potential. Judge Sullivan stated that they cannot determine how long a courtroom will be needed and they continually overbook these rooms. Even though they overbook the rooms there will be some times some of the courtrooms will be empty. Traffic Court is full continuously. Schedules for these rooms are created two to three months in advance. The department does try to make this process as efficiently as possible. Currently they have 16 criminal cases scheduled for one courtroom, if and when they settle, these rooms could become empty. This may not be the most efficient way to handle the booking of the rooms but at this time that is how the process works. Committee members questioned if additional satellite courts could be created similar to what is being done in McHenry. Judge Sullivan stated that if this is being considered they would like to have a permanent facility and this would be a big expense for the County. They questioned if a special "court" could be created to handle Veteran issues. Judge Sullivan responded that in 2012 a drug court will be created. They will have 18 judges at that time. Part of the drug court will be handle Veteran issues. He stated that manpower and space has always been an issue. Mental Health Court could be used to address some of the Veteran cases as well. Committee members voiced concern as a Veteran issue isn't always a Mental Health or Drug issue and they feel these cases should be handled by people trained on post traumatic stress syndrome. Judge Sullivan stated that he feels, at this time, these Veterans can be helped with the drug and mental health courts. They stated they have not seen an increase in Veteran issues but will stay on top of this issue to address this in the future, if needed. They have had discussions about creating branch courts in different locations, and at some point this may need to be done as we will outgrow the current space. Parking is an issue as well and the County Board will need to continue to look at space issues at the courthouse. The County needs to complete current projects and then review future needs. Based on population growth it is feasible that the county could add 2 additional judges by 2020. The realities for the courts are when the economy gets bad, the courts business increases. Committee members questioned who is reviewing the contracts for the courtroom build-out. Right now the only portion of the funding spent has been for architectural drawings. Bids will be sent out for all portions of the project and they will review

“wants” with needs for the project to make sure this project comes within the projected budget. The Building Projects Committee may be implemented for this project with a determination at a later date.

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Discussion on Judicial Review and Expenses: Judge Sullivan stated that he is bound by code 63A that states that a Judge must abstain from talking about any pending proceeding. They cannot practice law but can talk about the process. If there are any questions about the County having to pay large bills for Special Prosecution, he can't talk about specifics. He can talk about the process but can't answer any questions about specific case or matters. Committee members thanked Judge Sullivan for his input.

Committee members questioned why the budget was raised for certification costs in the State's Attorney's office. Budgets have all been reduced where they can be. It is not fair to review these budget costs when each department has decreased their budgets over the past couple of years. Some line items have to be increased to accommodate these increases. The Court Administration department needed an increase to pay for the West Law costs. This is a cost that was previously handled by another department. There is a new law that requires that all attorneys must maintain their legal education (hour requirement) and based on this requirement, training costs have increased. It was noted that that constituents feel the attorneys should be paying for their own personal growth, the same as what teachers are required to do. Teachers enhance personal growth, whereas the attorneys must maintain their hours in order to keep their law license. Training can now be handled in house to combat some of these costs.

REPORTS/UPDATES TO COMMITTEE

Mr. Austin reported that he as well as Undersheriff Andy Zinke and Angela Wood-Zuzevich have a meeting scheduled with the Fox Waterway Agency on November 9th to discuss their next contract. Updates will be provided to the committee members at their next committee meeting.

A meeting has been scheduled today with the Vice President and President of the McHenry Fire Chiefs Association regarding a request to put a signal on a light pole on Rakow Road.

Mr. Wallis was thanked for trying to keep the court budget in line.

Committee members thanked Ms. Barnes for her service to the Law and Justice Committee and for serving on the County Board. She will be missed.

Ms. McCann voiced concern that as things come up this time year she is having a difficult time obtaining information. She requested information on how to handle identity theft and she has not has a favorable response from the Sheriff.

Administrative Adjudication went through Planning and Development and the space argument was not used. The Health Department is reviewing whether this would be a viable option for Animal Control issues.

EXECUTIVE SESSION: None.

ADJOURNMENT

Noting no further business, Ms. Barnes made a motion, seconded by Mr. Kennedy, to adjourn the meeting at 10:28 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

- Resolution authorizing appointments to the McHenry County Emergency Telephone System Board
- Resolution approving the 2011 McHenry County Emergency Operations Plan
- Resolution approving the McHenry County Natural Hazard Mitigation Plan and Continuation of the Hazard Mitigation Planning Committee
- Resolution authorizing a one year extension for the Temporary CALEA Manager Position within the Sheriff's Office Roster for FY2011

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