

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

MINUTES OF MONDAY, FEBRUARY 7, 2011

Chairman Provenzano called the meeting to order at 8:15 a.m. The following Committee members were present: Chairman Nick Provenzano; Sue Draffkorn. Bob Bless arrived at 8:16a.m. Bob Nowak arrived at 8:17a.m. Randy Donley arrived at 8:19a.m. Jim Heisler and John Jung were absent. Also in attendance: Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator-Finance; John Labaj, Deputy County Administrator; Phil Dailing, Court Services; Ken Koehler, Chairman, McHenry County Board; interested public and the press.

Nick Provenzano, Chairman	
Robert "Bob" Bless	Randy Donley
Sue Draffkorn	Jim Heisler
John Jung	Robert "Bob" Nowak

PUBLIC COMMENT

Mr. Gus Philpott, from Woodstock, IL joined committee members to ask if there was any succession planning for the Sheriff's Department. He stated that a plan should be in place when and if a vacancy should occur in this department. He informed committee members that Sheriff Nygren was re-elected in November and sworn in again in December 2010. He stated that to serve as Sheriff, you must live in McHenry County. The Sheriff has sold his residence, though he still claims to live in the same house. His wife claims Florida as her residence. Mr. Philpott stated there was a court case filed against the Sheriff on December 15th, which alleges criminal activity by the Sheriff. If the office is vacated, it will be up to the County Board to appoint a new Sheriff, who must be a Republican Resident of McHenry County. He asked how they create this list and requested the County Board consider creating a short list, in case there is a vacancy in this position.

Mr. Bless arrived at 8:16a.m.
Mr. Nowak arrived at 8:17a.m.
Mr. Donley arrived at 8:19a.m.

MINUTES

Committee members reviewed the minutes from January 10, 2011. Mr. Bless 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.

PRESENTATION

None.

NEW BUSINESS

Approve Appointment to the McHenry County Emergency Telephone System Board: Suzanne Artinghelli, Lake in the Hills Police Department: Committee members reviewed the appointment of Suzanne Artinghelli from the Lake in the Hills Police Department. These appointments come before the committee with a recommendation from the organizations on the E911 Board. Mr. Bless made a motion, seconded by Mr. Donley to recommend the appointment of Suzanne Artinghelli, from the Lake in the Hills Police Department, to the McHenry County Emergency Telephone System Board. The motion carried with all members present voting aye on a voice vote.

Approval of a Resolution respecting the length of duration of the Special Prosecutor (not in packet): Committee members reviewed a Resolution respecting the length of duration of the Special Prosecutor. This resolution was created in response to concerns raised by the public and County Board Members who questioned the scope and duration of services for the Special Prosecutor. Committee members questioned why the resolution was not available in their packets. Committee members were reminded that the County Board Members, during their last County Board Meeting, requested this Resolution created for consideration at their next County Board meeting. The facilities were closed on Wednesday and Thursday, leaving limited time to get the Resolution created. The County's legal counsel reviewed the Resolution and forwarded it to the Administrator at the earliest time possible. If there are any changes that need to be made, they can be made on the floor during the County Board meeting. Committee members were reminded that this Resolution is the result of a County Board

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directive to clarify the subject matter and duration of the Special Prosecutor contract. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Nowak, Provenzano)

Update on EMA Director Recruitment Process: Committee members were provided an update on the recruitment process for the EMA Director's replacement. There have been 85 applications received so far, with the County accepting applications through the end of the week. There is a large pool of applicants to choose from. Applicants from the surrounding areas will be considered. There will be a focus on a joint background with both fire and rescue and Emergency Management. The County would like a cross response background. A group will meet to refine the list of applicants by the end of the month. A model used for the hiring of a recent department head will be used. A couple of interview groups will be created with Department Heads, the EMA Director, staff and a couple of County Board Members, if interested. If a member from this committee is interested in being involved with the interviews, please let Chairman Provenzano know so he can include you in the interview process. Hopefully the interviews will be scheduled for early May. Interview dates will be determined within the next week. There has been a lot of progress in Emergency Management in the past couple of years. This gives the County the opportunity to take a fresh look at the department and review how Emergency Management is handled. There is a move for more community involvement in this area and how to get the public more involved in planning for disasters. It is important to have an agency take a lead role in getting people trained for these events. 9-11 showed the need to have neighbors involved with helping neighbors. The technology for the department will be reviewed to make sure they have the equipment to do the job. Traditionally this position has been held by someone with a Fire or Police background. Emergency Preparedness has become a field unto itself and has become a chosen career path for many.

Courthouse Open House: Committee members were informed that the Court Administrator and Judge Sullivan have approached the County Administrator with a request to hold an open house for the County Board Members. This would allow the County Board Members to familiarize themselves with the offices and courtrooms located at the Government Facility as well as review the challenges and improvements made. It was suggested that this event be held on March 15th prior to the County Board meeting. The County Board Members will be informed of the event when officially scheduled.

OLD BUSINESS

None

REPORTS/UPDATES TO COMMITTEE

Fox Waterway Agency: Committee members were reminded that they had requested standing reports on the Fox Waterway Agency. The Fox Waterway Agency has been provided with a proposed contract from the Sheriff's Department for 2011. Last year's agreement was not signed until September of 2010. They had agreed at that time to include a 3% increase in the contract for years 2010, 2011 and 2012. The contract has included some changes, with a single payment being due by June 1, 2011, prior to the boating season. The County just received the payment for 2010. Some modifications have been requested, including the request to have reports provided that includes accidents and their costs. Each Board passes a different agreement and the county cannot approve their agreement, until the Fox Waterway Board has approved the proposed agreement. It is hopeful to have the contracts signed by May 1st. Committee members requested copies of the agreement for review, with the suggested changes. Committee members asked what the role of the County is with the Fox Waterway Agency. Committee members were informed that there are a lot of gray areas on this issue. McHenry and Lake Counties are charged with patrolling the "fresh waterways" in the Counties. Each of the Sheriff's Departments has a responsibility to answer 911 calls on the waterway. For over a decade each county has provided enforcement of the Fox Waterway Agencies ordinances. These ordinances are not public safety related. We don't have to enforce these ordinances, but, it is a win/win for both groups as they are able to recoup some of the costs associated with these services. It cost McHenry County approximately \$250,000 per year to patrol the waterways of the County. The Fox Waterway pays the County approximately \$36,000 to help offset the costs to cover the ordinance violations. The Fox Waterway Agencies funding has been cut, putting the agency under a financial burden. McHenry County is generally in charge of the Fox River and Lake County handles the patrols for the Chain of Lakes. Some of the issues are also handled by the State Police and Coast Guard. One of the solutions being offered by Lake County is to impose a separate public safety fee which would allow for the collecting of funds for Public Safety Services. There have been discussions with Senator Althoff, Representative Osmond and Representative Schmidt regarding this issue who agree this may be a remedy to this issue. It is important that all the agencies work together to come to a common

understanding. Agreement would be needed of who would collect the fees, which could be as high as \$30, on top of the cost of the sticker fee. If this type of fee was passed, the agreements with the agencies would not be needed. This type of fee would also allow the County's to capture revenues from non-residents. It is estimated that 60% of the users of the waterways are not county residents. Our county residents are bearing the burden for the use by the outside users of the waterways.

The agreement costs cut into the Fox Waterway budgets and they are unable to complete dredging that is assigned to their agency. About 18 months ago the Fox Waterway Agency increased the cost of their sticker fees and did not want to provide an increase for the services being provided by Lake and McHenry Counties. The Public Safety fees would be split between the two counties. It would be most efficient to collect these fees at the same time as collecting for the sticker fees since most of the users are not from either of these counties. Dialogue will continue for the next year. No change is expected for the coming year. Committee members will be updated as information is brought forward.

Committee members were informed that the jail has received \$1 million each for services provided during December and January. If these amounts remain steady, the county is on the way to exceeding what has been budgeted for income for the jail. The jail has 604 beds, but all of these beds cannot be filled unless they are filled with the right mix of prisoners. The Federal detainees are not mixed with County detainees. Committee members questioned if the County losses money from the Federal detainee program. Mr. Austin reported that this is an area that gets continued review and it is difficult to look at the hard measure costs as they are harder to document. The major benefit has been the completion of the jail. The County detainees have not increased within the past few years. The County has 4 1/2 years left on the current agreement. This time left will go fast and the County may want to think about what they want to do after the completion of this contract. Does the County want to extend the contract, expand the contract, or even continue with the contract? A study may be needed to help build a cost model in order to put the true costs on paper to answer this question. The jail has added quite a few personnel which have added a tremendous expense to the Sheriff's budget. Some of the added costs are hard to put numbers to. It was noted that 4 years is a long time to determine if the County is making money or not. They questioned if we had to continue to accept the detainees if the costs are more than what it cost to house these detainees? They also asked what the repercussions to the County would be if we should break the contract. Committee members were informed that the County may be required to pay back the costs that were incurred to finish the jail. Committee members requested an update on this issue. They stated that they need to know if this contract was a good or bad deal. It was stated that now that the jail is built out, we need to measure the return of renting beds versus the cost per detainee. It was noted that this is a difficult model to build and a third party may be needed to look at this issue.

EXECUTIVE SESSION

None.

ADJOURNMENT

Noting no further business, Mr. Donley made a motion, seconded by Mr. Heisler, to adjourn the meeting at 9:55 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

Appointment of Suzanne Artinghelli, McHenry County Emergency Telephone System Board
Resolution requesting a Clarification of the Orders Appointing the Special Prosecutor

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