

AGENDA
LAW AND JUSTICE COMMITTEE
MONDAY, NOVEMBER 7, 2011 – 8:15 a.m.
McHenry County Government Center – Administration Building
667 Ware Road – County Board Conference Room
Woodstock, IL 60098

- 1.0 Call to Order
- 2.0 Minute Approval
- 3.0 Public Comment
- 4.0 Presentation
- 5.0 New Business
 - 5.05 Appointment – Emergency Telephone System Board – Andrew Zinke
 - 5.10 Resolution Authorizing the Designation of the Office of the State’s Attorneys Appellate Prosecutor
 - 5.15 Resolution Authorizing Entering Into a Contract with SourceHOV for Scanning, Microfilming and Destruction of Divorce Case Files Held by the Circuit Clerk’s Office
 - 5.20 Resolution Authorizing the Acceptance of a Bureau of Justice (BJA) Drug Court Implementation Grant and a Budget Adjustment to the Fiscal Year 2012 Special Courts Budget
 - 5.25 Resolution Authorizing Budget Line Item Transfers in the Law Library Fiscal Year 2011 Budget
 - 5.30 Ordinance Setting Juror Pay and Mileage Reimbursement Rate
 - 5.35 Resolution Authorizing a Budget Line Item Transfer in the Emergency Management Agency’s FY 2011 Budget
- 6.0 Old Business
- 7.0 Reports/Updates:
- 8.0 Executive Session (as necessary)
- 9.0 Adjournment

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

MINUTES OF MONDAY, OCTOBER 3, 2011

Chairman Provenzano called the meeting to order at 8:180 a.m. The following Committee members were present: Chairman Nick Provenzano; Jim Heisler; Sue Draffkorn; John Jung and Randy Donley. Bob Nowak and Bob Bless were absent. Also in attendance: Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Undersheriff Andy Zinke and Angela Wood-Zuzevich, Sheriff's Department; Dave Christensen, EMA; Kathy Keefe and Robin Shetley, Circuit Clerk; Judge Michael Sullivan; Dan Wallis, Court Administration; Lou Bianchi, Karen Rhodes; Andy Miller and Phil Hiscock, State's Attorney; Tom Sullivan, Tina Sheldon and Carol Weger, Information Technology.

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

PUBLIC COMMENT

None

MINUTES

Committee members reviewed the minutes from August 15, 2011 and joint minutes of Law and Justice and Finance and Audit Committees of September 20, 2011. Mr. Donley made a motion, seconded by Mr. Jung, to recommend approval of the above minutes as presented. The minutes were approved with all members present voting aye on a voice vote.

PRESENTATION

Dan Wallis: Mr. Wallis joined committee members to inform the committee members of his appreciation of Mr. Scott Block. Mr. Wallis noted that he has worked in the public sector for over 22 years. He stated that since joining McHenry County he has had the pleasure of working with the best individuals in the industry. One of these individuals is Mr. Scott Block. Mr. Block has been the coordinator for the specialty courts, first with the Mental Health Court and now with the new Drug Court. Mr. Block was instrumental in the County's obtaining a grant in the amount of \$304,717 will result in the successful launching of the Drug Court program. A gift certificate and certificate of appreciation were presented to Mr. Block for his service to the County.

Next Steps on the Integrated Justice Project: Mr. Tom Sullivan, Mr. Wallis and Judge Michael Sullivan joined committee members for a presentation surrounding the Integrated Justice Project and how to move forward with the suggested project. This is a follow-up from a discussion that took place at the committee in April/May of this year. Committee members at that time had discussed concerns regarding the implementation and continued on-going costs of this program. Mr. Sullivan stated that he then attended a governing board meeting to prioritize the next steps in this process. Committee members questioned who serves on this board. Mr. Sullivan stated that the board consists of himself, the Chief Judge, the Court Administrator, the Circuit Clerk, the Sheriff, E911, Court Services, the Public Defender and the State's Attorney.

It was stated that there are a number of advantages to getting a case management system. It was stated that functions would be more efficient and more cost effective. This system will help the attorneys to better manage their cases. Over the years the County has worked to bring the technology up to speed for these processes. This process is the next part of this system.

Approximately five years ago, staff went to Georgia to learn about case management. At that time the board in Georgia was already paperless. It highlighted how far behind McHenry County is. At that time they stated they were doubly concerned about the potential liability for the county. The system would also address redundancy issues.

The governing board would have to decide who has access, to which data. There would be controls on how this data is shared. The only issue for this project would be what the true costs would be and where would the costs end. Chairman Provenzano stated that he has met with Mr. Austin and Mr. Sullivan numerous times on this issue. He stated he did not want to bring this project forward until questions surrounding the costs could be answered for the committee. He stated now the committee needs to decide if there is enough information in order to make a decision on this project.

In May of 2009, the County Board adopted a Strategic Plan that included this project as part of their goals. The Courts have had a case management system since 1990. Imaging began in 1991, ICIS R1 went live in 2009 and Court Services went live in February of 2010. The Sheriff's Department has been issuing electronic tickets since 2004

LAW AND JUSTICE COMMITTEE

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and the Specialty Courts are due to go live in October 2011. Currently the electronic tickets are electronically sent to the database. The ticket information is then stored and indexed electronically in On Base. An electronic picture of the actual ticket is entered into the system as well. Committee members were informed that data entry has been reduced by 98%. The various departments are now able to access certain information immediately. Sharing of this information is occurring. Information is accessed through the Courts Case Management System (CMS). Arrests or incidents in the system may reference the tickets. The Courts Case Management System, ICIS, was funded from the Court Automation Fund at a cost of \$4.5 million dollars. The Public Safety Case Management system, VisionAir, was funded by the ETSB 911 board at a cost of \$4.038 million dollars. These systems include 26 police agencies and the Sheriff's Department. Integrated Justice is a work in progress. This brings forward the request for funding for the Case Management System for the Public Defender and State's Attorney's offices. These offices do not have any type of case management system in place at this time.

In July of 2010 an RFP was sent out for a system for these offices, which fits the needs of the County and the pricing is still good. Systems through these offices have been created by using Access, Excel and Word documents. These products are inefficient to fit the needs of the departments. A case management system is needed to eliminate duplicate data entry and automate business rules. The implementation costs for a Case Management System for the States Attorney would be \$1,153,750, with an annual cost of \$116,250. The timeframe would be 18 months. The implementation costs for a Case Management System for the Public Defender would be \$391,250 with an annual cost of \$34,750. Annual costs will grow as information exchanges are added. Annual costs for the current systems are; IFMS-\$50,000 (funded by the General Fund), OnBase Document Management - \$75,000 (funded by the General Fund and Court Automation Fund), Microsoft Software - \$100,000 (funded by the General Fund), Proposed New Dawn - \$151,000 (funded by the General Fund), ICIS CMS \$240,000 (funded by the Court Automation Fund) and VisionAIR Public Safety - \$400,000 (funded by ETSB 911). Committee members were informed that the software for the CMS for the State's Attorney and Public Defender would come from New Dawn Technologies JustWare Software. This company has been implementing case management since 1996. They have completed 300 client installations and have seven state wide contracts. Their largest installation has 850 clients and the system will integrate VisionAIR and OnBase.

The project payouts for the States Attorney/Public Defender Case Management System includes \$910,000 for service fees. Billing will be based on milestones per the project plan. Signoffs will be required by the department, IT, Administration and the Law and Justice Committee. The \$640,000 license fees will be billed at 10% of the total over a 5 month period. This equates to \$130,000 per month.

The consensus of the Internal Justice Governance Committee is to move forward. They are requesting funding for the case management system. Enhanced integration will provide information consolidation, automates document management and includes integration with current and future systems. Initial Integration is part of the States Attorney and Public Defender Case Management System. This moves the Courts CMS data and Public Safety CMS data to the States Attorney's and the Public Defenders offices as well and the enhanced integration of the 259 data exchanges. New Dawn will partner with URL for the Integration.

The Internal Justice Governance Committee prioritized the exchange packages with a high level project plan. This plan prioritized the projects with the number of exchanges that would be affected. Mr. Sullivan stated that the costs are listed in today's dollars. The series will take time to finish and with this time, inflation occurs. The costs could go down as well.

\$8.6 million has been spent to date. None of these funds have come from the General Fund. Annual costs are \$640,000. The total cost to implement the States Attorney/Public Defender component would be \$1.6 million dollars, with an annual cost of \$150,000. Mr. Sullivan reminded committee members that this is a two part process. The first part is the Case Management Systems for both the States Attorney and Public Defender and the remaining project will be integration of the processes. There are 20 tasks that could be automated, which are not part of the total project. These include long term items that they would like to integrate. Before they can automate the process, they have to work through the process, this equates to manual labor. The human costs of this project cannot be taken for granted. The \$3.8 million dollar cost covers all 20 projects.

Committee members questioned why this information was not being presented during a COW meeting. They stated that this project involves a lot of money and this is a decision that will be needed by the whole County Board. Committee members were informed that the Integrated Justice Governance Committee felt it was important to bring this information to the Law and Justice Committee first as it will be up to that committee to work through the detail of the project first. They will need to make sure they understand all the costs involved, both now and in the future, and determine which items are needed versus wanted.

Committee members questioned if there would be any jobs affected by automating these systems. Ms. Keefe noted that each department will see some long term benefits by reducing the need to add additional staff. She stated that her office is down four staff members from 2008. The staff has been moved into other needed areas of the department. Judge Sullivan stated that if the Circuit Clerk had not automated their processes, they would need double the staff.

Judge Sullivan noted that when he started with the County, they had 6 judges on staff. By the end of the year, they will have 19. The Circuit Clerk has managed to maintain their staff and not grown, because of the automation. He stated that this process is the next logical step to take.

Committee members were reminded that when they were looking for a case management system for the Circuit Clerks office the committee was told that it would be cheaper to build a product for the County. They questioned if this vendor is still being used and if they would be "bidding" on the new system. Ms. Keefe noted at the time they were reviewing products, there wasn't a system available that fit their needs. Winnebago County purchased a product off the shelf that ended up costing more than our custom system. Now there is software available that addresses the needs. New Dawn would supply the software and URL would help with the integration. When the Circuit Clerk wrapped up their system in 2009, there was an offer by ISS (Integrated Software Specialist) to work on a case management system for the Public Defender and State's Attorney. ISS wanted \$100,000 a month to develop this system. This included an open ended contract that could have cost more than \$900,000. They thought it would be best to move ahead with hard numbers as they did not want an open ended project.

Chairman Provenzano stated that he would like to see this project moved out of this committee and forward the information to the Finance and Audit Committee and the County Board. Mr. Donley stated he would like to see a vote on this issue before it is moved out of the committee. This would show that this project has been reviewed by this committee. This could go before a COW (Committee of the Whole) but that would require that this be brought back to this committee for consideration. This project would normally be sent on to the Finance and Audit Committee and then to the County Board. This could be as early as the October evening meeting. This project would not compete with the supplemental requests and would come from the reserves. Committee members were reminded that this item has been included in the County's capital plan for many years.

NEW BUSINESS

Resolution Authorizing a Contract with New Dawn Technologies, Inc. for JustWare Case Management Software and an Emergency Appropriation to the Non-Departmental Fiscal Year 2011 Budget: Mr. Jung made a motion, seconded by Ms. Draffkorn recommending approval of the above Resolution as presented. The motion carried with four ayes (Draffkorn, Heisler, Jung, Provenzano) and one nay (Donley)

Branch Court Discussion: Chairman Provenzano informed committee members that they would bring the Branch Court Discussion forward to allow Judge Sullivan to return to the Courtroom. Judge Sullivan and Mr. Wallis joined the committee for discussion of the above. It was noted that this issue has been discussed with the Management Services Committee. This is a process to see what the sentiment is regarding the plan for the arrival of new judges to the County. Courtroom 104 has been opened and is available for use. Upgrades to courtrooms 101, 102 and 103 should be completed within the next six to seven weeks. They will have 17 courtrooms for the current 17 judges. They have just been notified that as of December 1st, the County will receive two additional judges. When the County learned they would be obtaining two additional judges, Court Administration initiated conversations with County Administration regarding the possibility of creating a branch court for the County. This branch court would be located in the southeastern section of the County. The high volume traffic cases would be heard by this branch court. This would bring the "courts" to the people. This would delay the need to construct the public safety building or another facility at this time. This would also help to serve the municipalities that are located in this area. They are looking to lease for a three to five year period. This is similar to programs currently being run in our surrounding counties. The two new judges were obtained because of the census count of the County. This type of allocation will not happen for another 10 years. It is believed that the State will not create additional judgeships for at least four or five years.

In the past there have been discussions about the creation of an annex/branch court. At that time they did not have the ability to create this. This now opens up this idea for consideration. This would allow the County to bring the courts to the people. Committee members were reminded that the Courthouse is out of space. They will have 17 full courtrooms and a small room that would seat 15 to 18 individuals, instead of the usual 30+ spaces. Parking is an issue at the facility as well. Judge Sullivan stated that he thinks this is a good idea. This address the courtroom needs and the parking issues at the facility. He stated that he knows this is an expense but they will use all the courtrooms in the County facility as much as possible, but there is still a need for additional space. Committee members questioned what the staffing for a branch court would be. They were informed that there would be security

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needs and well as an additional support person. The Circuit Clerk would require additional staff as well. Committee members were reminded that an Arbitration State employee will be housed in the County as well. This is a cost of the State. Judge Sullivan stated that these two new judges would create the need for additional staff, whether here or in a branch court. Mr. Donley questioned if the County is required to "accept" these judges. Judge Sullivan stated that McHenry County will be accepting these judges. It is unknown if the County will have an opportunity in the future to receive additional judges.

The vision of the department is to move the traffic cases from the County facility to the branch court in the southeast portion of the County. Any traffic offenses from Route 47 east would go to the branch court. They currently use one full courtroom and one other courtroom part time to address these needs. Committee members were informed that there are issues with parking at the McHenry Traffic Court as well.

Committee members questioned if properties were looked at and being considered for this space. They were informed that properties have been viewed with one facility found that would serve the needs of the Courts. The Home Depot Shopping Center, located at Route 14 and Route 31 has sufficient parking and facility space to meet the needs of the Courts. This addresses location, parking and court space needs. The market is currently good to obtain space at a fair market price. Monday's and Tuesday's there are parking issues at the Courthouse.

Committee members questioned the timeline for this process. They were informed that the new judges are expected December 1st. They stated they are looking for a decision so the process could be completed next year, midyear. It was stated they need to address these needs to place needed funds within the budget for next year. Mr. Wallis stated they do have some estimates for some of these costs.

Judge Sullivan stated that they have a lot of issues that are coming up because of the space issues of the facility. He stated that now is a good time to consider this option. They will have a Judge to staff the facility and it addresses other issues at the current facility. In the past the County Board has shown an interest in this consideration. This would put off pressure to build a new building at this time. Committee members were reminded that this consideration has been a part of the County's long term strategy. It was stated that if they have a consensus from the committee they would like to bring some preliminary numbers forward for consideration. Mr. Jung, Ms. Draffkorn, Mr. Heisler and Chairman Provenzano provided a consensus to bring some preliminary numbers forward for consideration. Mr. Donley stated that he is against this issue and feels they should look for space in Woodstock to address these needs, based on the campus plan that has been adopted by the County. He stated that the facility next to the unemployment office should be looked at for consideration before moving forward with this process. He stated that the only advantage will be to the municipalities and he does not feel it is necessary to bring the courts to them. He stated that the law breakers should be brought to Woodstock.

Mr. Austin noted that the facility on Russel Court has opened up for consideration, though this is not a good facility and needs a lot of work.

Resolution Authorizing the Purchase of One (1) New Vehicle and an Emergency Appropriation and Budget Line Item Transfer in the Coroner's Fund Fiscal Year 2011 Budget: Ms. Draffkorn made a motion, seconded by Mr. Jung to recommend approval of the above Resolution as presented. It was stated that this purchase will come from the Coroner's Fees. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Heisler, Jung, Provenzano)

Appointment – Emergency Telephone System Board – City of McHenry: Committee members reviewed a request for the appointment of Deputy Chief Dan Kreassig to the McHenry County Emergency Telephone System Board. This appointment will replace the previous appointee Jim Molnar. Mr. Donley made a motion, seconded by Mr. Heisler to recommend the appointment of Deputy Chief Dan Kreassig to the McHenry County Emergency Telephone System Board for a term to expire November 30, 2013. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Heisler, Jung, Provenzano)

Resolution Authorizing Payment of Special Prosecutor Fees and Consultant Fees from the General Fund Fiscal Year 2011 Contingency: Ms. Draffkorn made a motion, seconded by Mr. Jung to table the above Resolution until the December 1, 2011 meeting. The motion carried with all members present voting aye on a voice vote.

Resolution Requesting the Establishment and Recognition of the McHenry County Citizen Corps Council: Mr. Christensen joined committee members to obtain approval to form the McHenry County Citizen Corps Council. This Council will train citizens to be educated on actions related to disaster preparedness. They will provide a coordinated and planned process of volunteer and citizen training. The application and bylaws were presented for review by the

committee. Mr. Heisler made a motion, seconded by Mr. Jung to recommend approval of the above Resolution as presented. The motion carried with all members present voting aye on a voice vote.

Resolution Authorizing Nunc Pro Tunc the Acceptance of the Illinois Department of Transportation IL Child Passenger Safety Program Grant and an Emergency Appropriation to the Sheriff's Fiscal Year 2011 Budget: Mr. Donley made a motion, seconded by Ms. Draffkorn recommending approval of the above Resolution as presented. The Sheriff's Department was awarded the above grant from the Illinois Department of Transportation in the amount of \$10,810. A resolution was never brought forward accepting this grant and adjusting the Sheriff's budget in order to expend these funds. This resolution now accepts these funds so they can be expended in the time frame allowed in the grant award. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Heisler, Jung, Provenzano)

Resolution Authorizing Acceptance of an IDOT Sustained Traffic Enforcement Program (STEP) Grant Award and an Emergency Appropriation to the Sheriff's FY11 Budget: Mr. Donley made a motion, seconded by Ms. Draffkorn recommending approval of the above Resolution as presented. Committee members were informed that this is grant the department has received for a number of years. These funds are used to conduct special enforcement for impaired driving mobilizations and/or occupant protection mobilizations. The motion carried with all members present voting aye on a roll call vote (Donley, Draffkorn, Heisler, Jung, Provenzano)

REPORTS/UPDATES

None.

EXECUTIVE SESSION

None.

ADJOURNMENT

Noting no further business, Mr. Heisler made a motion, seconded by Mr. Donley, to adjourn the meeting at 10:00 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

- Resolution Authorizing a Contract with New Dawn Technologies, Inc. for JustWare Case Management Software and an Emergency Appropriation to the Non-Departmental Fiscal Year 2011 Budget
- Resolution Authorizing the Purchase of One (1) New Vehicle and an Emergency Appropriation and Budget Line Item Transfer in the Coroner's Fund Fiscal Year 2011 Budget
- Recommend the Appointment of Deputy Chief Dan Kreassig to the McHenry County Emergency Telephone System Board
- Resolution Requesting the Establishment and Recognition of the McHenry County Citizen Corps Council
- Resolution Authorizing Nunc Pro Tunc the Acceptance of the Illinois Department of Transportation IL Child Passenger Safety Program Grant and an Emergency Appropriation to the Sheriff's Fiscal Year 2011 Budget
- Resolution Authorizing Acceptance of an IDOT Sustained Traffic Enforcement Program (STEP) Grant Award and an Emergency Appropriation to the Sheriff's FY11 Budget

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RESOLUTION**AUTHORIZING THE DESIGNATION OF THE OFFICE OF THE STATE'S ATTORNEYS APPELLATE PROSECUTOR**

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor was created to provide services to State's Attorneys in Judicial Districts containing less than 3,000,000 inhabitants; and

WHEREAS, the powers and duties of the Office of the State's Attorneys Appellate Prosecutor are defined and enumerated in the "State's Attorneys Appellate Prosecutor's Act", 725 ILCS 210/1 et. seq., as amended; and

WHEREAS, the Illinois General Assembly appropriates monies for the ordinary and contingent expenses of the Office of the State's Attorneys Appellate Prosecutor, one-third from the State's Attorneys Appellate Prosecutor's County Fund and two-thirds from the General Revenue Fund, provided that such funding receives county approval and support from within the respective Judicial Districts eligible to apply; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State's Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor and the Illinois General Assembly have reviewed and approved a budget for Fiscal Year 2012, which funds will provide for the continued operation of the Office of the State's Attorneys Appellate Prosecutor.

NOW, THEREFORE, BE IT RESOLVED, that the McHenry County Board, in regular session, this 15th day of November, 2011 does hereby support the continued operation of the Office of the State's Attorneys Appellate Prosecutor, and designates the Office of the State's Attorneys Appellate Prosecutor as its Agent to administer the operation of the appellate offices and process said appellate court cases for this County; and

BE IT FURTHER RESOLVED, that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State's Attorneys on behalf of the State's Attorneys of this County in the appeal of all cases, when requested to do so by the State's Attorney, and with the advice and consent of the State's Attorney prepare, file, and argue appellate briefs for those cases; and also, as may be requested by the State's Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act and the Narcotics Profit Forfeiture Act. Such attorneys are further authorized to assist the State's Attorney in the State's Attorney's duties under the Illinois Public Labor Relations Act, including negotiations thereunder, as well as in the trial and appeal of tax objections; and

BE IT FURTHER RESOLVED, that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor may also assist State's Attorneys in the discharge of their duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction; and

BE IT FURTHER RESOLVED, that the McHenry County Board hereby agrees to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor for Fiscal Year 2012, commencing December 1, 2011 and ending November 30, 2012, by hereby appropriating the sum of \$30,000.00 to OCA 450030-4372 (State's Attorney-Appellate Prosecutor) as consideration for the express purpose of providing a portion of the funds required for financing the operation of the Office of the State's Attorneys Appellate Prosecutor, and agrees to deliver the same to the Office of the State's Attorneys Appellate Prosecutor on request during the Fiscal Year 2012; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the State's Attorney; the Human Resources Director; the Associate County Administrator-Finance; the County Auditor; the Treasurer; and the County Administrator.

DATED at Woodstock, Illinois this 15th day of November, A.D., 2012.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ, County Clerk

RESOLUTION
**AUTHORIZING ENTERING INTO A CONTRACT WITH SOURCEHOV FOR SCANNING,
MICROFILMING AND DESTRUCTION OF DIVORCE CASE FILES HELD BY THE CIRCUIT
CLERK'S OFFICE**

WHEREAS, the Circuit Clerk has a large volume of older court files that are not eligible for destruction due to Illinois Supreme Court requirement that specific case types must be microfilmed before destruction; and

WHEREAS, older divorce records are the most frequently requested court files from the Archives facility due to certified judgments of dissolution commonly being required at the time of retirement; and

WHEREAS, the Circuit Clerk has a long-range plan to begin the microfilming of older court files to allow for their destruction and free up some limited space in the County's archive facility; and

WHEREAS, the first step in this long-range plan is to scan and microfilm divorce records that pre-date the Circuit Clerk's 20+ years of document imaging; and

WHEREAS, the Court Document Storage Fund, which is funded by a fee charged on all court case filings, is statutorily designated to "defray the expense in any county that elects to establish a document storage system and convert the records of the circuit court clerk to electronic or micrographic storage" (705 ILCS 105/27.3c); and

WHEREAS, during the fiscal year 2010-11 budget process, budget was created in the Contractual Services budget line item in the Court Document Storage Fund to fund the scanning, microfilming and destruction of older case files, and therefore, no budget adjustment is necessary.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois, that the Chairman of the Board is hereby authorized to enter into the attached agreement with SourceHOV (attached hereto and made part of) for the scanning, microfilming and destruction of the 1979 through 1989 divorce case files at a cost not to exceed \$72,581.67; and

BE IT FURTHER RESOLVED, by this County Board of McHenry County, Illinois, that said costs will be covered by budgeted funds in the Court Document Storage Fund and will be paid upon completion of the scanning, microfilming and destruction project; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Clerk of the Circuit Court; the Presiding Judge; the Auditor; the Treasurer; the Associate County Administrator – Finance; and the County Administrator.

DATED at Woodstock, Illinois, this 15th day of November, A.D., 2011.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ, County Clerk



KATHERINE M. KEEFE
Clerk of the Circuit Court
22nd JUDICIAL CIRCUIT MCHENRY COUNTY
2200 N. Seminary Avenue
Woodstock, IL 60098
www.mchenrycircuitclerk.org

Civil Division
815.334.4310
Criminal/Traffic Division
815.334.4190
Felony/Juvenile Division
815.334.4313
Fax
815.338.8583

MEMORANDUM

DATE: October 19, 2011

TO: Nick Provenzano
Chairman Law & Justice Committee

FROM: Katherine Keefe
Circuit Clerk

SUBJECT: **Agreement with Source HOV to Scan, Microfilm & Destroy Court Files**

Board/Committee Action Requested:

The attached Resolution is for a project to scan, microfilm and destroy divorce case files from 1979 through 1989. The Resolution specifies that the project will be paid for through the Court Document Storage Fund, which is funded by a fee charged on all case filings specifically created to “defray the expense in any county that elects to establish a document storage system and convert the records of the circuit court clerk to electronic and/or micrographic storage.” (705 ILCS 105/27.3c)

Background:

Currently we have never microfilmed closed court files in McHenry County, instead focusing our Court Document Storage Fund dollars on our document imaging system. We have been scanning court files for over 20 years and our document imaging efforts have added efficiencies to the court system that could not exist without the availability of the scanned court files. Unfortunately the Illinois Supreme Court does not recognize document imaging as an approved method for long-term document retention. Very few case types (Traffic, Ordinance, Conservation and Small Claims) are allowed to be destroyed without the microfilming of those cases. (*Illinois Supreme Court General Administrative Order on Recordkeeping in the Circuit Courts*)

Discussion:

The fact that we have never been able to destroy court records, with the exception of Traffic, Ordinance, Conservation and Small Claims files, has created an extremely large storage need for what amounts to over 100 years of court case files. This project is only the beginning of our plans for microfilming older case records. Our 20 years of document imaging will make the microfilming of those case years much more cost effective due to the fact that the electronic scans of the case documents can be converted by the vendor into microfilm without the handling of the paper files. This initial project of case files that pre-date our document imaging program is more

expensive due to the need to handle the case files. The vendor will also handle the destruction of the records after we have received the necessary Supreme Court approval.

The reason divorce files were selected for this initial scanning/microfilming project is due to the amount of handling that older divorce case files receive. Older divorce files are the most commonly requested older files due to the need for certified copies of Judgments of Dissolution as older residents are retiring or handling estates. As part of this project we will receive pdf files of the divorce cases which will improve the customer service we can offer to those who request certified copies of older divorce records.

We are also in discussions with the Illinois State Archives IRAD facility at Northern Illinois University to take possession of some of our older case files that have historical significance. The advantage of transferring those older files to IRAD is that we do not need Supreme Court approval to destroy the records because they are considered “stored” by the Illinois State Archives in the eyes of the Supreme Court. IRAD currently “stores” the records of many courts from northern Illinois and we hope to soon transfer some McHenry County files to IRAD in DeKalb.

Impact on Human Resources:

None

Impact on Budget (Revenue, Expenses, Fringe Benefits):

This was a planned expense for the 2010-2011 Fiscal year and we have the budget necessary for this expense in the Court Document Storage Fund.

Impact on Capital Expenditures:

Eventually could have a positive impact on capital expenditures by eliminating or at least delaying the need to build more archives storage space.

Impact on Physical Space:

This project would have a positive impact on the space at the County’s Archives facility. We are removing 341 boxes of older court records that until they have been microfilmed we are unable to destroy. According to County Records Manager Bill Draths the space opened up would be approximately 406 cubic feet. That would be about 17% of the space they would need to store an average year’s worth of new boxes coming in for the whole county.

Impact on Other County Departments or Outside Agencies:

This project would have a positive impact on the storage needs for the entire County by freeing up space in the Archives facility. It would also reduce the number of requests to Archives to retrieve divorce files because 1979-1989 would be available from the scanned copies.

Attachments/Appendices:

Statement of Work from SourceHOV

RESOLUTION

AUTHORIZING THE ACCEPTANCE OF A BUREAU OF JUSTICE (BJA) DRUG COURT IMPLEMENTATION GRANT AND A BUDGET ADJUSTMENT TO THE FISCAL YEAR 2012 SPECIAL COURTS BUDGET

WHEREAS, the Illinois Compiled Statutes (730 ILCS 166/15) for the State of Illinois mandate that the Chief Judge of each Judicial Circuit must establish a drug court program; and

WHEREAS, upon petition of the County Board by the State's Attorney the implementation of the Drug Court was delayed for a period of two years and now must be implemented in Fiscal Year 2012; and

WHEREAS, the Trial Court Administrator and the Mental Health Court Coordinator, on behalf of the Twenty Second Judicial Circuit, applied for and were awarded a three year Bureau of Justice Drug Court Implementation Grant for a total amount of \$305,717.16; and

WHEREAS, acceptance of this grant now requires an adjustment to the Special Courts Fiscal Year 2012 budget to account for the revenue received and expenditures paid during the implementation process.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois, in agreement with the Twenty Second Judicial Circuit of McHenry County, hereby authorizes the acceptance of the Bureau of Justice Drug Court Implementation Grant in the amount of \$305,717.16 to be expended over a three year period; and

BE IT FURTHER RESOLVED, that the following adjustments to the Special Courts Fiscal Year 2012 budget as shown on the attached schedule (attached hereto and made part of) are also hereby authorized and are to be presented as adjustments to the Fiscal Year 2012 budget prior to County Board passage on November 15, 2011; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Chief Judge of the Twenty Second Judicial Circuit, the Trial Court Administrator, the Mental Health Court Coordinator, the Auditor, the Associate County Administrator – Finance, and the County Administrator.

DATED at Woodstock, Illinois, this 15th day of November, A.D., 2011.

KENNETH D. KOEHLER, Chairman
McHenry County Board

Attest:

Katherine C. Schultz, County Clerk

Bureau of Justice Drug Court Implementation Grant
 Fiscal Year 2012 Budget Adjustments Schedule

Revenue:

OCA 420203-9420	State Government Grants	\$109,680.22
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Expenditures:

OCA 420203-3010	Regular Salaries	\$39,059.00
OCA 420203-3105	FICA	\$2,773.16
OCA 420203-3110	IMRF	\$3,672.18
OCA 420203-3146	Health Insurance	\$6,032.88
OCA 420203-4001	Contractual Services	\$8,000.00
OCA 420203-4096	Telecommunications	\$5,770.00
OCA 420203-4120	Contractual Photocopying	\$500.00
OCA 420203-5010	Office Supplies	\$2,400.00
OCA 420203-5020	Office Equipment < \$5,000	\$6,900.00
OCA 420203-5050	Meeting Expenses	\$5,450.00
OCA 420203-5070	Miscellaneous Supplies	\$2,415.00
OCA 420203-5080	Medical Supplies – Drug Screens	\$26,708.00
	TOTAL	\$109,680.22

Memorandum

To: McHenry County Board Members
CC:
From: Dan Wallis, Trial Court Administrator
Date: 11/2/2011
Re: Bureau of Justice Assistance



Two years ago the McHenry County Drug Court Taskforce was formed to evaluate and study whether a drug court program would be beneficial. Early on, the Illinois General Assembly and Governor Quinn signed into law Public Act 96-776 which states in part;

“The Chief Judge of each judicial circuit must establish a drug court program including the format under which it operates under this Act.”

The implementation phase of the program was delayed by two years, pursuant to the act.

During this time the Twenty Second Circuit Drug Court Program was developed. Through the National Drug Court Institute, a planning initiative grant was awarded, which allowed members of the taskforce to attend national training sessions.

In order to assist with the implementation and the funding of the drug court program, a Bureau of Justice Assistance implementation grant was sought and awarded in the amount of \$305,717. These funds are dedicated to the drug court program and will be used to pay salaries which would have otherwise been paid by McHenry County, drug testing supplies, technology and educational material.

The grant is payable over the next 3 years which results in an annual grant income of \$101,905.

Thank you for your continued support.

Respectfully,



James D. Wallis
Trial Court Administrator
22nd Judicial Circuit
McHenry County, Illinois

R E S O L U T I O N

**AUTHORIZING BUDGET LINE ITEM TRANSFERS IN THE LAW LIBRARY
FISCAL YEAR 2011 BUDGET**

WHEREAS, on October 20, 2009 the County Board of McHenry County, Illinois approved Ordinance #O-200910-42-060 increasing the Law Library Fee to \$18.00 per civil case filing from the previous rate of \$13.00 per filing established back in February, 2005; and

WHEREAS, the new fee has allowed for the Law Library Fund to handle all of its expenses including personnel, while continuing to rebuild its fund balance reserve; and

WHEREAS, the Court Administrator agreed at the beginning of this fiscal year to pay the Westlaw subscription for the Judges of the 22nd Judicial Circuit, the McHenry County State Attorney's Office, and the McHenry County Public Defender's Office from the Law Library Fund; and

WHEREAS, the Court Administrator also agreed to pay for legal publications from the Law Library Fee and has provided updated legal publications to the County Administration, the McHenry County State Attorney's Office, and the McHenry County Public Defender's Office; and

WHEREAS, at the time of these decisions, the fiscal year 2011 budget had already been approved, and no additional budget was provided to cover the increase in costs which have been previously paid from general fund dollars.

WHEREAS, the Court Administrator and County Administration are now requesting that budget line item transfers be approved in the fiscal year 2011 budget to cover the costs of subscriptions and a miscalculation of IMRF.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois that a budget line item transfer of \$52,000 from OCA 420001-6810 (Law Library Fund – Fund Balance Enhancement) to OCA 420001-5210 (Law Library Fund – Publications) for \$50,000 and to OCA 420001-3110 (Law Library Fund – IMRF) for \$2,000 are hereby authorized; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby requested to distribute a certified copy of this Resolution to the Court Administrator; the Director of Purchasing; the County Auditor; the Associate County Administrator-Finance; and the County Administrator.

DATED at Woodstock, Illinois, this 15th day of November, A.D., 2011.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ, County Clerk

Memorandum

To: McHenry County Board Members
CC:
From: Dan Wallis, Trial Court Administrator
Date: 11/2/2011
Re: Law Library Transfer from Fund Balance to Publications



Over the past 2 years, McHenry County Law Library has been able to cut costs through automation and online publications. As such the fund balance enhancement for the law library has grown.

Upon agreement with Chief Judge Michael Sullivan and the Court Administrator, Court Administration agreed to pay for Westlaw access in full for the McHenry County State Attorney's Office and the McHenry County Public Defender's Office, in addition to paying for public access in the law library. No additional funding was provided to Court Administration. It was then decided with the assistance of an opinion from the McHenry County State Attorney's Office that the Law Library Fund could pay for Westlaw.

In addition, updated legal publications were provided to The McHenry County State Atty.'s Office, McHenry County Public Defender's Office and County Administration.

By this agreement, there was less of a burden on general fund dollars to pay for access to Westlaw and legal publications.

No additional budget was provided the Law Library. As a result, the line item for publications has been depleted and therefore it is necessary to transfer \$50,000 from the fund balance enhancement line item to publications.

Thank you for your continued support.

Respectfully,

James D. Wallis
Trial Court Administrator
22nd Judicial Circuit
McHenry County, Illinois

ORDINANCE NO. _____

**ORDINANCE SETTING JUROR PAY AND
MILEAGE REIMBURSEMENT RATE**

WHEREAS, Illinois State Statute 55 ILC S5/4-11 001 provides that the County Board may fix jury fees and mileage to grand, petit and coroner jurors for their service and attending courts; and

WHEREAS, costs associated with jury trials has steadily increased over the past four years; and

WHEREAS, Ordinance 0-9711-42-107 has not been adjusted since November of 1997; and

WHEREAS, the Twenty Second Judicial Circuit of McHenry County is committed to efficiency in juror management while managing costs.

NOW, THEREFORE BE IT ORDAINED, by this County Board of McHenry County, Illinois that the per diem to be paid to qualified citizens of McHenry County chosen to serve as petit jurors shall be paid \$5 for each day of service; and

BE IT FURTHER ORDAINED, that if a qualified juror is selected to serve on a jury, said juror shall be paid \$12.50 for each subsequent day, after the first day of service, until the completion of the trial; and

BE IT FURTHER ORDAINED, that the per diem amount for grand jurors and coroner jurors shall be \$12.50 for each day of service; and

BE IT FURTHER ORDAINED, that all jurors will be compensated for round-trip mileage at the rate specifically set as the minimum pursuant to 55 ILCS 5/4-11001; and

BE IT FUTHER ORDAINED, that said payment schedule shall take effect immediately upon passage by the McHenry County Board and will supersede any and all prior ordinances regarding Juror Pay and Mileage Reimbursement; and

BE IT FURTHER ORDAINED, that the County Clerk is hereby requested to distribute a certified copy of this Resolution to the Court Administrator, the Director of Purchasing, the County Auditor, the Associate County Administrator-Finance, and the County Administrator.

DATED at Woodstock, Illinois, this 20th day of December, A.D., 2011.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ, County Clerk

Memorandum

To: McHenry County Board Members
CC:
From: Dan Wallis, Trial Court Administrator
Date: 11/2/2011
Re: Juror Pay Ordinance



Every Monday, Tuesday and Wednesday, of each week, jury trials are scheduled to begin. On average, the Jury Commission summonses 160 jurors on Monday who will serve a term of service for one week.

Over the last 3 years the amount paid in per diem rates and mileage has steadily increased to more than \$280,000 a year. The 22nd Judicial Circuit of McHenry County is committed to the efficient use of jurors and has recently taken steps to lessen the number of jurors summoned and decreased the days that jury trials are scheduled to start. Thus reducing the amount per diem paid as well as the mileage reimbursement.

In addition, the Juror Pay Ordinance 0-9711-2-107, passed by the McHenry Board, has not been updated since November of 1997.

It is projected that the changes included in the Resolution to Amend the Juror Pay Ordinance in conjunction with the changes in juror management, will reduce annual costs by \$75,000.00.

Thank you for your continued support.

Respectfully,

James D. Wallis
Trial Court Administrator
22nd Judicial Circuit
McHenry County, Illinois

RESOLUTION

AUTHORIZING A BUDGET LINE ITEM TRANSFER IN THE EMERGENCY MANAGEMENT AGENCY'S FY 2011 BUDGET

WHEREAS, on June 21, 2011 the County Board of McHenry County, Illinois, approved Resolution R-201106-34-175 accepting the Illinois Emergency Services Management Association EOC Grant and authorizing an emergency appropriation to the McHenry County Emergency Management Agency (EMA) fiscal year 2011 budget in the amount of \$37,665; and

WHEREAS, said Grant utilizes funds from the Department of Homeland Security (DHS) Fiscal Year 2010 Appropriation as identified and allocated by the Illinois Terrorism Task Force and approved by the Illinois Emergency Services Management Association (IESMA) Executive Board; and

WHEREAS, the grant objective is to provide technology equipment for the McHenry County EMA's Emergency Operations Center (EOC), to implement, and improve communications information and data during times of emergencies and disasters; and

WHEREAS, the Illinois Emergency Services Management Association made available to McHenry County EMA an amount not to exceed \$37,665 for the period from the April 16, 2011 of this Agreement to March 31, 2012.

WHEREAS, the Director of McHenry County's EMA Department is now requesting to re-allocate the grant funds within the fiscal year 2011 budget as first presented on Resolution R-201106-34-175 to allow for the proper posting of the grant expenditures.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois that the following budget line item transfer is hereby authorized in the McHenry County Emergency Management Agency's fiscal year 2011 budget as follows for the purpose of posting the expenditures of said grant properly:

TO:	
OCA 341101-5125 (EMA – Computer Software)	\$3,997
OCA 341101-5115 (EMA – Computer Components)	\$12,668
FROM:	
OCA 341101-6050 (EMA – Computer Tech/Equip.)	\$16,665

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Auditor; the Treasurer, the Director of Emergency Management Agency, the County Administrator and the Associate County Administrator - Finance.

DATED at Woodstock, Illinois this 15th day of November, A.D., 2011.

 KENNETH D. KOEHLER, Chairman
 McHenry County Board

ATTEST:

 KATHERINE C. SCHULTZ, County Clerk

COVER MEMORANDUM

TO: Nick Provenzano, Chairman Law and Justice Committee
Scott Breeden, Chairman Finance & Audit Committee

FROM: David Christensen, Director, Emergency Management Agency

DATE: November 7, 2011
November 8, 2011

SUBJECT: Line Item Transfer to the Resolution for the Illinois Emergency Services Management Association EOC Technology Grant

Board Committee Action Requested:

Approval of the Illinois Emergency Services Management Association EOC Technology Grant with McHenry County EMA.

Background:

This Grant is to utilize funds from the Department of Homeland Security (DHS) Fiscal Year 2010 Appropriation as identified and allocated by the Illinois Terrorism Task Force and approved by the IESMA Executive Board. The grant will reimburse for the purchase of technology equipment for the Emergency Operations Room of the McHenry County EOC in the EMA Department.

Discussion:

This grant reimburses the County for funds expended by the County for the above mentioned items. This grant is a one-time only grant and does not require matching funds.

Impact on Human Resources, Capital Expenditures, or Physical Space:

There will be no impact on the number of personnel in our department, or the space utilized by our department.

Impact on Budget Revenue, Expenses, Fringe Benefits:

Acceptance of this grant agreement will provide the department with revenue of no more than \$ 37,665.00 dollars, for reimbursement of necessary expenses.

Attachments:

Grant Agreement
Resolution



FY2010 Emergency Operations Center Technology

GRANT AGREEMENT

PART I - Notice of Grant Award to McHenry County ESDA

This Grant Agreement is made and entered by and between the **Illinois Law Enforcement Alarm System** (Grantor), 1701 East Main Street, Urbana, Illinois 61802, and **McHenry County ESDA** (Grantee), 2200 N. Seminary, Woodstock, Illinois 60098.

This Grant is to utilize funds from the Department of Homeland Security (DHS), Fiscal Year 2010 Homeland Security Grant Program, State Homeland Security Program (SHSP), local, CFDA #97.067, and the Illinois Emergency Management Agency (IEMA), grant 10ILEASEOC.

Grantor is making available to Grantee the amount not exceeding **\$37,665.00** for the period from **the date of final execution of this Agreement through March 31, 2012**. Grantee hereby agrees to use the funds provided under the agreement for the purposes set forth in this notice and agrees to comply with all terms and conditions of this notice. This period of award may be amended if there is a delay in the release of these funds from the Federal Government or the State of Illinois.

It is agreed between the parties that the agreement, as written, is the full and complete agreement between the parties and that there are no oral agreements or understanding between the parties other than what has been reduced to writing herein.

PART II - Term

The term of this Grant Agreement shall be from **the date of final execution of this Agreement through March 31, 2012**.

PART III - Scope

Through this Agreement, Grantee will execute a project to expand primary emergency operation center capabilities. This project and its relevance to Illinois' FFY 2010 State Homeland Security Program Investment Justifications are outlined in the grant application submitted by Grantee.

The budget and budget amendments submitted by Grantee to ILEAS and approved by ILEAS and the ITTF outline the costs required to complete the project. Grantor will only reimburse those expenditures that are specifically listed in the budget and budget amendments and approved by ILEAS and the ITTF.

PART IV - Compensation Amount

The total compensation and reimbursement payable by the Grantor to the Grantee shall not

exceed the sum of \$37,665.00.

PART V - Terms and Conditions

STANDARD ASSURANCES: Grantee assures that it will comply with all applicable federal statutes, regulations, executive orders, and other federal requirements in carrying out the project funded by this grant.

FISCAL FUNDING: Grantor's obligations hereunder shall cease immediately, without penalty or further payment being required, in any year for which the General Assembly of the State of Illinois fails to make an appropriation sufficient to pay such obligation or either the Illinois Emergency Management Agency or Federal Emergency Management Agency fails to provide the funds. Grantor shall give Grantee notice of such termination for funding as soon as practicable after Grantor becomes aware of the failure of funding.

EQUIPMENT: Grantor reserves the right to reclaim or otherwise invoke the Illinois Grant Funds Recovery Act on any and all equipment purchased by Grantee with grant funds if said equipment has fallen into neglect or misuse according to the standards and policies of Grantor. Additionally, Grantee may not substitute, exchange or sell any equipment purchased with grant funds unless Grantee has the express written consent of Grantor.

METHOD OF COMPENSATION: Grantee will submit to Grantor a vendor invoice or computer generated report with description of costs, including statement of payment for personnel costs and affirmation or evidence of delivery and property identification numbers for property subject to Grantor policies and procedures, in order to receive compensation through this agreement. The method of compensation shall be reimbursement in accordance with the invoice voucher procedures of the Office of the State of Illinois Comptroller. Grantee agrees to maintain appropriate records of actual costs incurred and to submit expenditure information to Grantor. No costs eligible under this Grant Agreement shall be incurred after **March 31, 2012**. Grantee also agrees that funds received under this award will be used to supplement, but not supplant, state or local funds for the same purposes.

ACCOUNTING REQUIREMENTS: Grantee shall maintain effective control and accountability over all funds, equipment, property, and other assets under this agreement as required by Grantor. Grantee shall keep records sufficient to permit the tracing of funds to ensure that expenditures are made in accordance with this agreement.

REPORTS: Grantee agrees to provide to Grantor project information to support the completion of Federal and State reporting requirements.

AUDITS AND INSPECTIONS: Grantee will, as often as deemed necessary by Grantor, permit Grantor, or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of Grantee involving transactions related to this grant agreement for three years from the date of submission of the final invoice or until related audit findings have been resolved, whichever is later.

MODIFICATION AND AMENDMENT OF THE GRANT: This grant agreement is subject to

revision as follows:

- A. Modifications may be required because of changes in State or Federal laws, regulations, or Federal grant guidance as determined by Grantor. Any such required modification shall be incorporated into and will be part of this Agreement. Grantor shall notify Grantee of any pending implementation of or proposed amendment to such regulations before a modification is made to the Agreement.
- B. Modifications may be made upon written agreement of both Grantor and Grantee.

TERMINATION FOR CONVENIENCE: This agreement may be terminated in whole or in part by Grantor for its convenience, provided that, prior to termination, Grantee is given: 1) not less than ten (10) calendar days written notice by certified mail, return receipt requested, of Grantor's intent to terminate, and 2) an opportunity for consultation with Grantor prior to termination. In the event of partial or complete termination of this agreement pursuant to this paragraph, an equitable adjustment of costs shall be paid to Grantee for expenses incurred under this agreement prior to termination.

TERMINATION FOR BREACH OR OTHER CAUSE: Grantor may terminate this agreement without penalty to Grantor or further payment required in the event of:

- A. Any breach of this agreement which, if it is susceptible of being cured, is not cured within 15 calendar days after receipt of Grantor's notice of breach to Grantee.
- B. Material misrepresentation or falsification of any information provided by Grantee in the course of any dealing between the parties or between Grantee and any State Agency.

Grantee's failure to comply with any one of the terms of this Grant Agreement shall be cause for Grantor to seek recovery of all or part of the grant proceeds.

RETENTION OF PROPERTY RECORDS: Grantee agrees to maintain records for equipment, non-expendable personal property, and real property. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

NON-DISCRIMINATION: In carrying out the program, Grantee will comply with all applicable Federal Statutes relating to nondiscrimination.

SEVERABILITY CLAUSE: If any provision under the Grant Agreement or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the Grant Agreement which can be given effect without the invalid provision or application.

DEBARMENT: The Grantee shall comply with Debarment provisions as contained in 49 Code of Federal Regulations, Part 29, including Appendices A and B as amended.

WAIVERS: No waiver of any condition of this Agreement may be effective unless in writing from the Executive Director of Grantor.

LIABILITY: Grantor assumes no liability for actions of the Grantee under this agreement, including, but not limited to, the negligent acts and omissions of Grantee's agents, employees, and subcontractors in their performance of Grantee's duties as described under this agreement. In addition, Grantor makes no representations, or warranties, expressed or implied, as to fitness for use, condition of, or suitability of said equipment purchased pursuant to this agreement, except as those representations are made by the manufacturer of said equipment. As to nature and condition of said equipment, in the use of said equipment, Grantee agrees to hold Grantor harmless for any defects or misapplications. To the extent allowed by law, Grantee agrees to hold harmless Grantor against any and all liability, loss, damage, cost or expenses, including attorney's fees, arising from the intentional torts, negligence, or breach of the agreement by Grantee, with the exception of acts performed in conformance with an explicit, written directive of Grantor.

ENVIRONMENTAL AND HISTORIC PRESERVATION (EHP) COMPLIANCE: The Grantee shall not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources without the prior approval of DHS FEMA GPD, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures and objects that are 50 years old or greater. The Grantee must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Grantee must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the Grantee will immediately cease construction in that area and notify DHS FEMA GPD and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in the non-compliance finding and will not be eligible for DHS FEMA GPD funding.

PART VI -- Certification

The Grantee will comply with all applicable requirements of all other State and Federal laws, executive orders, regulations governing this program, and policies and procedures promulgated by the Grantor prior to or during the performance period of this agreement.

Grantee certifies that it has fully implemented all current National Incident Management System compliance activities in accordance with Homeland Security Presidential Directive 5 (HSPD-5), *Management of Domestic Incidents* and related compliance documentation provided by the Secretary of Homeland Security and State of Illinois. The Grantee further certifies that all required compliance documentation is on file with the appropriate Federal and State entity as required by the State of Illinois throughout the performance period of this agreement.

Grantee certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any official, agent, or employee of the Grantee committed bribery or attempted bribery on behalf of the Grantee and pursuant to the direction or authorization of a responsible official of the Grantee.

Grantee hereby certifies that it has not been barred from bidding on, or receiving State or local government contracts as a result of illegal bid rigging or bid rotating as defined in the Criminal

Code of 1961 (720 ILCS 5/33E-3 and 33E-4).

Grantee certifies that it will comply with all applicable State and Federal laws and regulations.

Grantee certifies that to the extent applicable, grantee will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*, the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*, regarding labor standards for federally assisted sub agreements.

Grantee certifies that it will return to the Grantor all State or Federal grant funds that are not expended or received from the Grantor in error. The Grantor may recapture those funds in accordance with State and Federal laws and regulations. The Grantee further certifies that its failure to comply with any one of the terms of this Grant Agreement shall be cause for the Grantor to seek recovery of all or part of the grant proceeds.

Grantee certifies that it will establish safeguards to prohibit employees, contractors, and subcontractors from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Under penalties of perjury, Grantee certifies that _____ is its correct Federal Taxpayer Identification Number and that IRS Instructions have been provided for proper completion of this certification. I am doing business as a governmental agency.

Grantee certifies that it will comply with the Drug Free Workplace Act (30 ILCS 580).

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed by their duly authorized representatives.

Illinois Law Enforcement Alarm System
(Grantor)

McHenry County ESDA
(Grantee)

By: _____
James R. Page, Executive Director

By: _____
Name and Title

DATE: _____

DATE: _____