

AGENDA
LAW AND JUSTICE COMMITTEE
MONDAY, DECEMBER 5, 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
 - 4.05 Community-Specific Integrated Emergency Management Training in 2013
- 5.0 New Business
 - 5.05 Resolution Authorizing Payment of Special Prosecutor Fees and Consultant Fees from the General Fund Fiscal Year 2011 Contingency
- 6.0 Old Business
- 7.0 Reports/Updates:
- 8.0 Executive Session (as necessary)
- 9.0 Adjournment

LAW AND JUSTICE COMMITTEE
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MINUTES OF MONDAY, NOVEMBER 7, 2011

Chairman Provenzano called the meeting to order at 8:180 a.m. The following Committee members were present: Chairman Nick Provenzano; Sue Draffkorn; Bob Bless and Randy Donley. Mr. Heisler arrived at 8:16a.m. Mr. Jung arrived at 8:17a.m. Bob Nowak was absent. Also in attendance: Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Undersheriff Andy Zinke, Sheriff's Department; Bob Ellsworth, EMA; Kathy Keefe, Circuit Clerk; Judge Michael Sullivan; Dan Wallis, Court Administration; Scott Block, Mental Health Court; Phil Dailing, Court Services; Tiki Carlson, E-911; Ersel Schuster and Chairman Ken Koehler, County Board.

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 committee minutes from October 3, 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.

Mr. Heisler arrived at 8:16a.m.

PRESENTATION

None.

NEW BUSINESS

Appointment – Emergency Telephone System Board – Andrew Zinke: Committee members reviewed a request to appoint Undersheriff Andrew Zinke to the Emergency Telephone System Board (ETSB). This appointment will replace Brian Knop on this Board. Mr. Bless made a motion, seconded by Mr. Heisler recommending the appointment of Undersheriff Andy Zinke to the Emergency Telephone System Board with a term to expire on November 30, 2013. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Provenzano)

Mr. Jung arrived at 8:17a.m.

Resolution Authorizing the Designation of the Office of the State's Attorneys Appellate Prosecutor: Mr. Bless made a motion, seconded by Mr. Heisler recommending approval of the above Resolution as presented. Committee members were informed that this is an annual renewal for this contract. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Jung, Provenzano)

Resolution Authorizing Entering into a contract with SourceHOV for Scanning, Microfilming and Destruction of Divorce Case Files Held by the Circuit Clerk's Office: Mr. Bless made a motion, seconded by Ms. Draffkorn, recommending approval of the above Resolution as presented. Ms. Keefe informed committee members that her department has a large backlog of files that they can't dispose of because these files have not been preserved on microfilm. This is the approved method of preserving these records as dictated by the Illinois State Archives. She stated that these files go back to 1830. McHenry County is one of the few large Counties that still need to archive their records. The Court Document Storage Fund is designated to defray the expense to convert these records for electronic or micrographic storage. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Jung, Provenzano)

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: Mr. Bless made a motion, seconded by Mr. Jung recommending approval of the above Resolution as presented. Mr. Wallis joined committee members and stated that the State of Illinois mandated that each Judicial Circuit must establish a drug court program. The implementation phase of the program was delayed by two years in order to develop the program. The Trial Court Administrator and the Mental Health Court Coordinator applied for and were awarded a three year Bureau of Justice Drug court Implementation Grant for a total amount of \$305,717.16. There is an in kind match required in order to accept this grant. The match will be handled with in kind services where the salaries will serve as the match requirement.

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Committee members were informed that there is a 25% match requirement for three years. Committee members stated that there should be a detailed explanation of the future needs of the grant included. They stated that they need to be able to delineate the costs in order to review the impact to the budgets. Chairman Provenzano stated that he expects this information to be included for future requests. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Jung, Provenzano)

Resolution Authorizing Budget Line Item Transfers in the Law Library Fiscal Year 2011 Budget: Mr. Bless made a motion, seconded by Mr. Jung recommending approval of the above Resolution as presented. Committee members were reminded that in October of 2009, the County Board approved an Ordinance increasing the Law Library Fee to \$18 per civil case filing to handle all the expenses, including personnel for the Law Library. Westlaw is a research tool that is used by the 22nd Judicial Circuit, State's Attorney, County Administration and Public Defender. The Court Administrator had agreed to take over the payment of this subscription at the beginning of this fiscal year. Also, there was also a miscalculation from the previous Resolution for IMRF costs for the part time law librarians that need to be corrected. It was realized that additional IMRF costs are needed to make this budget whole. These are the only benefit these part time employees receive.

Committee members voiced concern and stated that it may be cheaper to hire an additional part time person that to pay for benefit costs for two individuals. Committee members stated that this information should have been included in a cover memorandum for committee review. They stated that background information as well as any impact to Human Resources or the Budget should have been included in the request.

Judge Sullivan joined the committee and reminded committee members that the employees for the Law Library were hired following County policy. The committee members are now being informed of an error in the amounts calculated in the previous resolution. He stated there is no additional space for more people in this area. Court Administration has done everything they can to make this area operate to the benefit to the community, paid for from the library fund.

Judge Sullivan voiced concern that the committee was making a big deal out of a \$2,000 mistake. He stated this is a request to fix this mistake. He questioned why there was so much drama taking place from an issue that has already been approved. He questioned how many times this office needs to be scolded about a mistake in a resolution that was already approved.

Chairman Provenzano requested a vote on the above. The motion carried with the majority of member's present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Jung) nay (Provenzano)

Ordinance Setting Juror Pay and Mileage Reimbursement Rate: Mr. Bless made a motion, seconded by Mr. Jung to recommend approval of the above Resolution as presented. Committee members were informed that Illinois State Statute 55 ILCS 5/4-11001 provides that the County Board may fix jury fees and mileage for jurors. Over the past three years this amount has increased to over \$280,000 a year. The 22nd Judicial Circuit is committed to the efficient use of jurors and is taking steps to lessen the number of jurors summoned and decreased the days that jury trials are scheduled to start. This will reduce the amount for per diem and mileage reimbursements. It is projected that this will create over \$75,000 in annual savings. The motioned carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Jung, Provenzano)

Resolution Authorizing a Budget Line Item Transfer in the Emergency Management Agency's FY2011 Budget: Mr. Bless made a motion, seconded by Mr. Jung recommending approval of the above Resolution as presented. This grant will reimburse the department for the purchase of technology equipment for the Emergency Operations Room of the McHenry County Emergency Operations Center in the Emergency Management Department. The motion carried with all members present voting aye on a roll call vote (Bless, Donley, Draffkorn, Heisler, Jung, Provenzano)

OLD BUSINESS

Committee members questioned if the Chairman of the Committee felt all of the questions regarding the proposed Integrated Justice project had been answered. Chairman Provenzano stated that it was not the intent to take this item to the County Board to vote on. This was supposed to be a presentation to answer questions from the County Board members. He stated if the committee is comfortable, this Resolution could then be taken to the County Board for consideration. He stated that at the beginning of this process they knew this was going to be a large complicated project. He voiced concern that there have been no questions brought forward regarding this project. He stated that for four weeks no one brought any concerns or questions to this committee and he stated he is not sure how much more he could have done to make this was an open process. He reminded committee members that he was approached by staff and the elected officials eight (8) months ago regarding this proposed project. This committee has heard three different presentations on this project. At that time this committee requested additional information on what the roadmap for the project is. Staff created this roadmap with specifications and prioritization of the specific

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projects. They put a cost to each step in the process and provided information, as much as they can, for 10 years out so the County Board members could see the long term vision. He stated they defined this program as best they could and he stated that if someone does not want to vote on this issue that is fine, just don't way it is because it is a ten year project. He stated that this Resolution should not be held up because the Resolution does not include ten years of exact calculations. These officials have stated their needs, they need a system in order to track cases and create efficiencies among the various departments. This system will cost \$1.5 million dollars. Funding has been placed in the reserves in order to pay for this project and even though this comes at a bad time in the economy, they have the capital reserves in order to pay for this capital improvement. This provides a long term benefits. If this project is put off until later the costs down the road could be much higher. A good example of this is to look what is taking place in Kane County. Our costs are a bargain compared to what their costs will be. Chairman Provenzano noted that everyone needs to keep in mind that the County Board has no control over the Circuit Clerk purchase and we should be grateful we are where we are and that it could be much worse. In the past we had problems with the vendor. That issue was already addressed. We have a system that works that is able to be upgraded as needed.

Mr. Austin stated that the intent is to take this contract to the Finance and Audit Committee for consideration at tomorrow's Finance and Audit Committee meeting. He requested committee members to please attend this meeting so that if this committee should have any questions they could be answered by this committee. Committee members questioned if they would have a decision on how to pay for this project. Committee members were informed that this is a decision by the Finance and Audit Committee.

Chairman Provenzano stated that he has heard comments that he is passionate about this project. He stated that it is the committee process he is passionate about. He stated that he wanted to make sure this project was given an opportunity to be presented. He stated that he gets upset when there are questions concerning this process with statements that there was a lack of time to discuss this issue. He stated that being told this process has not been transparent he has an issue with. He stated his intent was to make sure everyone had ample time to discuss this issue. He stated if the committee members feel an additional COW meeting is needed, that can be done.

Mr. Jung stated that this committee previously discussed and reviewed this project for three or four meetings. They then sent this project back to staff in order to answer questions of the committee. He stated they have mapped this project out as much as they can, five to ten years down the road. This program has been reviewed to the best of their ability and they cannot fault the presentation. He stated that maybe the COW could have been longer though he stated they did a good job. There were mistakes make in the past and it is now time to move forward. He stated he is tired of hearing about the blame of these issues from the past.

Chairman Provenzano stated that he would like to make a closing comment concerning the Law Library. He stated that our job is to maintain the process and to review the expenditures brought to this committee. He stated that it does not matter if they are reviewing and debating small expenditures or large expenditures, each issue still deserves a complete fair review of the issue by each of the committees, even if they should be called out on an issue.

REPORTS/UPDATES

None.

EXECUTIVE SESSION

None.

ADJOURNMENT

Noting no further business, Mr. Heisler made a motion, seconded by Mr. Jung, to adjourn the meeting at 9:02 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

- Appointment of Andrew Zinke to the Emergency Telephone System Board
- Resolution Authorizing the Designation of the Office of the State's Attorneys Appellate Prosecutor
- Resolution Authorizing Entering into a Contract with SourceHOV for Scanning, Microfilming and Destruction of Divorce Case Files Held by the Circuit Clerk's Office
- 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
- Resolution Authorizing Budget Line Item Transfers in the Law Library Fiscal Year 2011 Budget
- Ordinance Setting Juror Pay and Mileage Reimbursement Rate
- Resolution Authorizing a Budget Line Item Transfer in the Emergency Management Agency's FY2011 Budget

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EMERGENCY MANAGEMENT INSTITUTE

NATIONAL EMERGENCY TRAINING CENTER • EMMITSBURG, MD 21727



FEMA

It is Time to Apply!!

Course: Fiscal Year 2013 Community-Specific Integrated Emergency Management Course (IEMC)

REMINDER: The deadline for applying to the Emergency Management Institute (EMI) for a community-specific IEMC in FY2013 is January 15, 2012.

Each year, State, local, tribal, territorial and specialized jurisdictions throughout the United States apply to EMI to conduct a community-specific IEMC.

IEMCs are exercise-based training courses that place jurisdictions' emergency operations center (EOC) personnel in realistic crisis situations within a structured learning environment. The jurisdiction selects the scenario(s) it wants to exercise (for example, a special event, hurricane, or terrorist incident), the exercises are then developed to reflect the hazards or events facing the jurisdiction, the type of EOC used by the jurisdiction, and the organizations included in the jurisdictional emergency plans.

A community-specific IEMC builds awareness and skills needed to develop and implement a jurisdiction's policies, plans, procedures, and mutual aid agreements in an EOC environment. Skilled EMI exercise specialists conduct a pre-course analysis in the **jurisdiction in order to collect local information, identify critical** infrastructure, study transportation systems, and analyze current response plans. From this information, exercises are built to test the jurisdiction's planned approach to specific hazards and to surface issues for which the IEMC participants may need to re-evaluate and develop corrective action plans.

IEMCs are Homeland Security Exercise and Evaluation Program (HSEEP) compliant and designed for personnel who fill specific emergency support positions within their community. Each participant is assigned a role similar to their real-life position.

A sample of appropriate attendees is:

- Chief elected and appointed officials from local, regional, State and federal emergency management agencies,
- Senior level personnel from response agencies and organizations (e.g., law enforcement, fire, emergency medical services, and public health); and
- Managers from volunteer organizations active in disasters (VOADs), and representatives from private organizations which participate in local, regional, and state responses.

For a complete list of who should attend, please go to the IEMC website at:

<http://www.training.fema.gov/EMIWeb/IEMC/iemcpos.asp>

For information on how to prepare and submit an application for a community-specific IEMC, click on the link:

<http://training.fema.gov/EMIWeb/IEMC/selprocess.asp>

For continual updates on IEMCs, and to sign up for **our free email subscription service**, click on the link: [Sign up via our free e-mail subscription service](http://www.training.fema.gov/EMIWeb/IEMC/) at our web site: <http://www.training.fema.gov/EMIWeb/IEMC/>

BULLETIN

R E S O L U T I O N
**AUTHORIZING PAYMENT OF SPECIAL PROSECUTOR FEES AND CONSULTANT
FEES FROM THE GENERAL FUND FISCAL YEAR 2011 CONTINGENCY**

WHEREAS, on February 1, 2010 the County of McHenry received court Order 09MR142 issued by Judge Graham for the appointment of Special Prosecutors and Consultants; and

WHEREAS, as this investigation has continued forward, County Administration has received a new payable request under Court Order 09MR142 requesting another payout for services rendered by the Special Prosecutors and Consultants for the months of August, 2010 through November, 2010 in the amount of \$90,783.34; and

WHEREAS, on April 28, 2011 the County Board issued a check in the amount of \$20,873.00 to satisfy the payment request of the Consultant working on the investigation; and

WHEREAS, the new adjusted payable amount of \$69,910.34 exceeds the amount the County of McHenry has encumbered in their Contingency Fund for these services by \$12,971.53 and requires County Board approval to increase the amount of the encumbrance (DP203002) to cover the additional costs expended; and

WHEREAS, as stated in Court Order 09MR142, the Court has reviewed each of the submitted invoices and amounts due; and

WHEREAS, County Administration is now requesting that an additional amount not to exceed \$12,972.00 in total be added to the current encumbrance (DP203002) and paid from the County's fiscal year 2011 general fund contingency.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois that County Administration is hereby authorized to increase the current encumbrance (DP203002) by \$12,972.00 for the services rendered by the Special Prosecutors and Consultants against the fiscal year 2010 – 2011 general fund contingency budget for the remaining payable outstanding on Court Order 09MR142; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby requested to distribute a certified copy of this Resolution to 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