

**LAW AND JUSTICE COMMITTEE**  
**McHenry County Administration Building**  
**667 Ware Road**  
**Woodstock, IL 60098**

MINUTES OF WEDNESDAY, AUGUST 23, 2006

Chairman Brewer called the meeting to order at 10:30 a.m. The following Committee Members were present: Don Brewer, Chairman; Don Larson; Sue Draffkorn; Nick Provenzano; Tina Hill; Jim Heisler and Dan Shea. Also in attendance: Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator-Finance; Chief Tom Svoboda, Corrections; Undersheriff Lowery, Sheriff's Department; Phil Ulmer, Court Services; Mark Cook, Public Defender; John Labaj, Deputy County Administrator; Tom Svoboda, Sheriff's Department; and interested public.

Donald Brewer, Chairman	
Sue Draffkorn	Jim Heisler
Tina Hill	Don Larson
Nick Provenzano	Dan Shea

MINUTES: Mr. Shea made a motion, seconded by Mr. Heisler, to approve the minutes of July 10, 2006. The motion carried with all members present voting aye.

PUBLIC PARTICIPATION: None

NEW BUSINESS: *FY06/07 Budget Review:* Chairman Brewer informed committee members that the budgets for Court Administration and the Law Library would be reviewed during the next committee meeting. He stated that the presented budgets should be reviewed and forwarded on for further review.

*Court Services:* Mr. Ulmer joined Mr. Sarbaugh and Mr. Austin to discuss the maintenance budget for Court Services. Mr. Sarbaugh noted that the biggest share of revenue that the department receives is revenue from the State for the probation officers. The new request for the department would be a position for the Mental Health Court. This position would be paid from the Mental Health Court Fees. They estimate that the County would collect approximately \$230,000 in Mental Health Court Fees, which goes into the general fund. Mr. Austin noted since the actual amount collected for this fund is unknown we will continue to track the fees. Committee members reviewed the budget for the Probation Department. Mr. Sarbaugh thanked Mr. Ulmer for being a team player as he uses some of his budget for county purchases when available. After review, Mr. Shea made a motion, seconded by Ms. Draffkorn to recommend approval of the FY06/07 maintenance budgets for Court Services and Probation as submitted. The motion carried with all members present voting aye on a roll call vote (Draffkorn, Heisler, Larson, Hill, Shea, Provenzano, Brewer)

*Public Defender:* Mr. Sarbaugh informed committee members that this is the first year he has included a reimbursement from the State for Public Defender Fees. He noted that the State has included these fees in this years' budget. Mr. Cook stated that the paperwork has already been sent in to get this reimbursement. Mr. Cook noted that the fee may be a little higher than projected as his salary is based on a percentage of the State's Attorney's Salary and the State's Attorney will be getting a raise. Mr. Sarbaugh noted that the budget would be modified as needed. The supplemental requests include a request for additional personnel for the new courtrooms. Mr. Cook noted that revenue fluctuates as the Public Defender cannot request a reimbursement of fees. This request must be done by the Judges and prosecutors on the case. Mr. Austin stated they are trying to stay on top of this issue and remind the Judges and Mr. Kays regarding debt collection. The State now has said that we could hire a debt collection agency to collect outstanding debts and the agency can tack on these fees. He noted that DuPage County has done this and it will be interesting to see how it goes. Mr. Cook noted that they would like to hire three (3) new people to help with the added workload of the new judges. After review, Mr. Shea made a motion, seconded by Mr. Provenzano to recommend approval of the FY2006/2007 maintenance budget for the Public Defender's Office as presented. The motion carried with all members present voting aye on a roll call vote (Draffkorn, Heisler, Larson, Hill, Shea, Provenzano, Brewer)

*Merit Commission:* Committee members reviewed the maintenance budget for the Merit Commission. Mr. Sarbaugh noted this is the first year the County had to increase the budget for the Merit Commission because of the need for additional testing. Committee members questioned the role of the Merit Commission. Undersheriff Lowery noted that Merit Commission has three functions, 1) monitoring recruitment of new merited patrol officers, 2) they are hearing officers for terminated merited officers and facilitate testing and promotions of merited officers. The Chairman of the Merit Commission has shown concern regarding the maintenance budget. Mr. Sarbaugh noted that he informs the Chairman that if a need arises to increase the budget, the budget can be adjusted by resolution. Committee members noted they feel better adjusting the budget as needed, instead of just throwing additional funds into a line item, just in case it is needed. After review, Mr. Provenzano made a motion, seconded by Mr. Heisler to recommend approval of

the FY2006/2007 maintenance budget for the Merit Commission as presented. The motion carried with all members present voting aye (Draffkorn, Heisler, Larson, Hill, Shea, Provenzano, Brewer)

*Discussion on Intergovernmental Agreement for Police and Fire Dispatch Services:* Undersheriff Lowery joined committee members for a discussion regarding the Intergovernmental Agreements for Police and Fire Dispatch Services. He noted that in late June this issue was brought forward while looking at renewal of the dispatch contracts and it was noted that these contracts are not covering the cost of services. He noted they receive approximately \$140,000 from these contracts and estimate services are costing approximately \$220,000 to provide. Mr. Labaj has been working with Captain Shepherd to update these contracts. Undersheriff Lowery stated that they are still providing the service, but, have not renewed the contracts. He noted they are looking to increase the cost in the contracts and the Police/Fire Departments are looking for a dedicated dispatch person. He noted that some of the police and fire departments, who use our dispatch services, do not feel they are getting the same service as provided to others. He stated that in order to provide a dedicated dispatch, he would have to hire 5 more dispatchers to handle 24 hour dispatch service. Committee members noted that if additional services are needed, they would have to pay for the services. Committee members were informed that there are other dispatch services available in the area. They also noted they may have these same issues, no matter which agency handles the dispatch services. Committee members questioned what benefit it is to the County to secure these contracts. Undersheriff Lowery stated the only benefit would be a moral obligation to support public safety in the region. He said these contracts add more workload to the Sheriff's Department with no advantage. He also stated that the Fire Departments want to remain on the current system and the Sheriff needs to update their communications equipment in the near future. Committee members noted that these agencies should come before this committee in the near future to discuss continued intergovernmental agreements with the County. They noted these agencies need to decide whether it is to their advantage to work within the parameters of the Sheriff. Mr. Austin stated he would work with the Sheriff, Undersheriff and these agencies to make sure they understand that their current contracts do not meet our costs and with the request for a dedicated dispatch, these costs would increase significantly. It was noted that if they want to pay for these costs, another contract could be feasible.

*History of Bed Rental & Prisoner Transport Information:* Undersheriff Lowery presented committee members with a history of the bed rental and prisoner transport. He informed committee members that the jail is currently averaging 314 inmates per day. In January 2000 The Sheriff directed correction staff to determine the feasibility and costs associated with doubling the capacity of the facility. In 2002 an audit team from the US Marshall Service determined that the per diem rate was to be \$74.19 a day, per prisoner. Expenses of the new facility is being tracked that would establish a new rate for the facility. A new regional system was going into effect that would establish a rate for the geographic area of Northern Illinois. Each facility in this area would receive the same rate. We were advised that the new system would go into effect sometime this year. They will advise us of the new rate when it goes into effect. In 2002 the Federal agencies which use McHenry County began to phase out their leased transportation personnel and equipment. If the County was to continue to provide rental bed space, we would have to provide transportation as well. An agreement to provide transportation service for the US Marshal Service and the Immigration and Customs Enforcement Service was signed in November 2003. The County has four correctional personnel dedicated to providing transportation to Federal prisoners on a daily basis. The County bills the federal agencies separately for the hours spent by corrections personnel and mileage of \$0.36 per mile. Undersheriff Lowery noted that the Sheriff's Department is fully indemnified by this agreement. Committee members thanked Undersheriff Lowery for his report and requested this report be distributed to the whole county board. Undersheriff Lowery noted that the US Marshal Service wanted a 15 year agreement, but, we could only promise 10 years as it is expected that jail space will be needed for McHenry County prisoners.

*Patrol Entrance:* Undersheriff Lowery presented committee members with a preliminary draft of a proposed upgrade to the entrance to the patrol area. He noted this was not included in the original bid. Mr. Austin noted that opening bids are today with a projected range expected of \$60,000 to \$70,000. The Building Projects Committee directed Administration to find funds for this entrance. Mr. Austin noted they would like this entrance completed before winter. They stated they want the entrance to look like the existing entrance of the Government Center. This would go before Management Services and Finance Committees for approval.

EXECUTIVE SESSION: None.

REPORTS: Chairman Brewer noted that committee members should tour the new State's Attorney/Public Defender areas in the Courthouse. He noted they are close to completion and they may want to tour the area before the departments move in. He commended the construction crew for not interfering with staff during this construction. Chairman Brewer noted that they would be discussing the increased workload of Courthouse Security personnel at the next meeting.

ADJOURNMENT: On a motion by Mr. Provenzano, seconded by Ms. Hill, Committee adjourned at 11:55 a.m. with a unanimous voice vote of all ayes.