

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

MINUTES OF MONDAY, MARCH 5, 2007

Chairman Provenzano called the meeting to order at 8:15a.m. The following Committee Members were present: Nick Provenzano; Yvonne M. Barnes; James Kennedy; Jim Heisler; Randy Donley and Dan Shea. Sue Draffkorn arrived at 8:16a.m. Also in attendance: Peter Austin, County Administrator; John Labaj, Deputy County Administrator; Undersheriff Gene Lowery, Sheriff's Department; Tom Carroll and Lou Bianchi, State's Attorney; Tiki Carlson, E-911; Bill Kays, Circuit Court Clerk; Phil Ulmer, Court Services.

Nick Provenzano, Chairman  
Yvonne M. Barnes                      Randy Donley  
Sue Draffkorn                         Jim Heisler  
James P. Kennedy                     Dan Shea

MINUTES

Mr. Shea made a motion, seconded by Mr. Donley, to approve the minutes of February 5, 2007 as presented. The motion carried with a majority of member's present voting aye.

Ms. Draffkorn arrived at 8:16a.m.

PUBLIC PARTICIPATION: None

PRESENTATION: None

NEW BUSINESS

*Discussion on proposed Juvenile Justice Legislation*: Phil Ulmer, Court Services Director, joined committee members to discuss proposed juvenile justice legislation that may have an effect on the county. Mr. Ulmer stated that proposed legislation would raise the age of juvenile court jurisdiction to the age of 18 from the current age of 17. Mr. Ulmer stated that he wanted the Board to be aware of these possible changes as this could create a huge financial burden for the County. Mr. Ulmer noted that his office did a cost analysis and basing the analysis on half of the 2006 numbers that were processed through the jail, the impact would be \$320,000 per year with no place available to transfer our juvenile defenders to. He stated there would be no outlet for our juveniles. We currently use Kane County, which had indicated they would be full and we would have to return to the previous option of transferring juveniles to the nearest facility, which would be Madison County. He noted this would create issues not only in his department, but, with the Sheriff's Department, which would be required to handle the transfer of these detainees. Chairman Provenzano suggested that the CALF (Chairman's Advisory Legislative Forum) keep track of this issue. Mr. Ulmer stated that we are currently averaging 4 -5 detainee's per day, with the numbers increasing in the summer. The Department has been very successful with its home detention program, but, with the passage of this bill, that could change. Mr. Ulmer stated that this will affect every county in the state. When the building of a Juvenile Detention Center was previously discussed, costs were figured at \$900 a day to run a detention facility in this county. When the study was being done, it was determined that a new facility would have to include a juvenile courtroom within the facility. A cost analysis for a couple surrounding areas was provided to committee members for review. Chairman Provenzano directed staff to complete a resolution for the CALF committee opposing this proposed legislation. Committee members stressed the importance to address this issue in case this bill does pass.

*Resolution authorizing the creation of an ETSB9-1-1 Technology Specialist*: Committee members reviewed a Resolution authorizing the creation of an ETSB 9-1-1 Technology Specialist. Ms. Carlson noted that this position would minimize the outside consultant costs of the department. The consultant costs would be transferred to the salary budget. Ms. Draffkorn made a motion, seconded by Mr. Shea to recommend approval of the above Resolution as presented. The motion carried with all members present voting aye on a roll call vote (Barnes, Draffkorn, Heisler, Kennedy, Donley, Shea, Provenzano).

*Resolution authorizing the creation of a new GUI Designer position in the Circuit Court Clerk's Office and budget line item transfers in the Court Automation Fund FY06/07 budget*: Committee members reviewed a Resolution authorizing the creation of a new GUI Designer position in the Circuit Court Clerk's Office and budget line item transfers in the Court Automation Fund FY06/07 budget. Mr. Kays joined committee to answer questions surrounding this resolution. He stated that the Criminal Integrated Justice System project has developed a project timeline that allows for the project completion in December 2007. The project includes a large quantity of work to be completed by its Information Technology personnel. It was determined that the department does not have enough Information Technology personnel to complete the project in the desired amount of time. Mr. Kays stated that this position would be paid for out of the court automation fund budget. Mr. Shea made a motion, seconded by Ms. Barnes to recommend approval of the above Resolution as presented. The motion carried with all members present voting aye on a roll call vote (Barnes, Draffkorn, Heisler, Kennedy, Donley, Shea, Provenzano).

*Resolution authorizing the creation of three new full time positions to the State's Attorney's departmental roster*: Committee members reviewed a Resolution authorizing the creation of three new full time positions to the State's

Attorney's departmental roster. Mr. Bianchi noted that because of the creation of the Mental Health Court, the increased duties in the Grand Jury and Felony areas of the department, an increase of administrative staff is needed. The budget will not be adjusted until the current budget has been depleted. Mr. Kennedy made a motion, seconded by Mr. Donley to recommend approval of the above Resolution as presented. The motion carried with all members present voting aye on a roll call vote (Barnes, Draffkorn, Heisler, Kennedy, Donley, Shea, Provenzano).

*Resolution authorizing the reclassification of position #045-11-054-07 from a part time investigator position to a full time investigator position in the State's Attorney's Departmental Roster:* Committee members reviewed a Resolution authorizing the reclassification of position #045-11-054-07 from a part time investigator position to a full time investigator position in the State's Attorney's Departmental Roster. Mr. Carroll joined committee members to discuss the above Resolution. He noted that previously a part time investigator position was created for the collection of bad checks given to McHenry County businesses. The need now has increased for a full-time investigator position. The additional costs for this position would be offset by fees generated from the Check Enforcement Program. Mr. Shea made a motion, seconded by Ms. Barnes to recommend approval of the above Resolution as presented. The motion carried with all members present voting aye on a roll call vote (Barnes, Draffkorn, Heisler, Kennedy, Donley, Shea, Provenzano)

OLD BUSINESS

*Sheriff patrol and enforcement for Fox River View Estates – Algonquin Township:* The State's Attorney's office provided a "flow chart" of what steps a Home Owners Association would need to take to try to get sheriff's patrols in private subdivisions. Committee members noted that the flow chart has the Law & Justice Committee reviewing the traffic study and they did not feel this was appropriate as they do not have the qualifications to review this study. They noted this should be reviewed by the Sheriff and Transportation Department. Mr. Shea stated that the McHenry County Department of Transportation should review the validity of the traffic study. It was stated that if a Homeowners Association does make a request for Sheriff's patrols in a private subdivision, the request could not be withdrawn for 12 months. Chairman Provenzano noted that another meeting will be scheduled with the Sheriff, State's Attorney, the Administrator and himself to review the guidelines for a request. It was noted that this issue was being brought before the committee as there are no set guidelines to address the request to have a private neighborhood patrolled.

Ms. Carlson informed committee members that on Wednesday, March 7<sup>th</sup>, the phase 2 wireless testing will be complete. She noted the County will then be phase 2 compliant and any call made from a cell phone could be determined within 500' of its location. Chairman Provenzano requested Ms. Carlson provide an overview to the committee of the wireless phases in May.

Committee members questioned the States Attorney regarding the status of two "junk yards" within the county. Mr. Bianchi noted that the East Crystal Lake Avenue location continues to get cited for their issues. Their last fine was \$125. He noted they will continue to get cited if the property continues to cause violations. The Walkup property has gone to trial and a decision is expected in the very near future. He stated that they have requested a complete cleanup of the property. He noted that not only were there a lot of abandoned vehicles on the property, but, every vehicle was loaded with trash. 600 exhibits were presented at trial. Mr. Bianchi stated the committee would receive a report when a decision is received from the judge.

Committee members were informed that March 10<sup>th</sup> has been set as the cut off date for continuances to be filed for the ICW matter. Committee members were informed that hearings will be set for May.

EXECUTIVE SESSION

None

ADJOURNMENT

On a motion by Ms. Barnes, seconded by Ms. Draffkorn, Committee adjourned at 9:35a.m. with a unanimous voice vote of all ayes.

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**RECOMMENDED FOR BOARD/COMMITTEE ACTION:**

Resolution authorizing the creation of an ETSB 9-1-1 Technology Specialist position in the Emergency Telephone System Board Department

Resolution authorizing the creation of a new GUI Designer position in the Circuit Court Clerk's Office and budget line item transfers in the Court Automation Fund FY06/0-7 budget

Resolution authorizing the creation of three full time positions for the State's Attorney's Departmental Roster

Resolution authorizing the reclassification of position #045-11-054-07 from a part time Investigator position in the State's Attorney's Departmental Roster