

# RESOLUTION

## Resolution Authorizing an Agreement with the Office of the Illinois State's Attorney Appellate Prosecutor for Fiscal Year 2023 (45)

**WHEREAS**, the Office of the State's Attorney Appellate Prosecutor was created to provide service to state's Attorney's in counties containing less than 3,000,000 inhabitants; and

**WHEREAS**, the power and duties of the State's Attorney Appellate Prosecutor defined and enumerated in the State's Attorney 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 Attorney Appellate Prosecutor, one-third from the State's Attorney Appellate Prosecutor's County Fund and two-thirds from the State's General Revenue Fund, provided that such funding receives approval and support from the respective counties eligible to apply; and

**WHEREAS**, the Office of the State's Attorney 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.

**NOW THEREFORE BE IT RESOLVED**, that the McHenry County Board, hereby supports the continued operation of the Office of the State's Attorney Appellate Prosecutor; and

**BE IT FURTHER RESOLVED**, that the Office of the State's Attorney Appellate Prosecutor will offer Continuing Legal Education training programs to the State's Attorneys and Assistant State's Attorneys; and

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

**BE IT FURTHER RESOLVED**, that if the Office of the State's Attorney Appellate Prosecutor is duly appointed to act as a Special Prosecutor in this County by a court having jurisdiction, this County will provide reasonable and necessary clerical and administrative support and victim- witness coordination on an as-needed basis and will also cover all reasonable and necessary case expenses such as expert witness fees, transcripts, evidence presentation, documents, lodging, and all other expenses directly related to the prosecution of the case; and

**BE IT FURTHER RESOLVED**, that the McHenry County Board agrees to participate in the service program of the Office of the State's Attorney Appellate Prosecutor,

commencing December 1, 2022, and ending November 31, 2023, by hereby appropriating the sum of \$41,000.00 (Main Account 437200, Division 4500, Fund 100) 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 Attorney Prosecutor and agrees to deliver the same to the Office on request during the stated twelve-month period; 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, County Auditor, County Treasurer, Chief Financial Officer, and the County Administrator.

**DATED** at Woodstock, Illinois, this 17<sup>th</sup> day of January, A.D., 2022.

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Michael Buehler, Chairman  
McHenry County Board

ATTEST:

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Joseph J. Tirio, County Clerk



**McHenry County Board**

County Board Room  
Woodstock, IL 60098

Meeting: January 17, 2023  
Department: State's Attorney  
Prepared By: Kathie Bough

**RESOLUTION**

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**SUBJECT:** Resolution Authorizing an Agreement with the Office of the Illinois State's Attorney Appellate Prosecutor for Fiscal Year 2023 (45)

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**Board / Committee Action Requested:**

To approve an agreement between the County of McHenry and the Office of the Illinois State's Attorney Appellate Prosecutor for Fiscal Year 2023 in the amount of \$41,000.00.

**Background and Discussion:** The Office of the Illinois State's Attorney Appellate Prosecutor provides appellate advocacy services to the McHenry County State's Attorney and represents the office in criminal matters before the Illinois Appellate Court and the Illinois Supreme Court. Additionally, the ILSAAP provides continuing legal education to the State's Attorney's Office free of charge. ILSAAP may also be utilized as a Special Prosecutor in circuit court cases in which the State's Attorney has a conflict of interest or is unable to attend.

**Impact on Human Resources:** N/A

**Impact on Budget (Revenue; Expenses, Fringe Benefits):** The \$41,000 appropriation is included in the State's Attorney FY 2023 budget and does not represent a line item increase from FY 2022.

**Impact on Capital Expenditures:** N/A

**Impact on Physical Space:** N/A

**Impact on Other County Departments or Outside Agencies:** N/A

**Conformity to Board Ordinances, Policies and Strategic Plan:** This resolution is in conformity with county ordinances and policies.

**Attachments/Appendices:** Certified resolution acts as the agreement, so no agreement is attached.