

# RESOLUTION - SUPERMAJORITY

## **Resolution Approving America Rescue Plan Act (ARPA) Funding to Fund an Additional Business Analyst Position, Creation of one Position in the Court Administration Employee Roster and an Emergency Appropriation to the ARPA FY23 Budget (42)**

**WHEREAS**, McHenry County, Illinois has received funding via the American Rescue Plan Act, and

**WHEREAS**, on November 30, 2022, the Illinois Supreme Court adopted Supreme Court Rule 45, which became effective of January 1, 2023, and

**WHEREAS**, Supreme Court Rule 45 mandates that all circuit courts in Illinois allow remote video appearances in all case types, mandates that case participants be permitted to attend court via the circuit court's available remote appearance technology, without any advance approval; and

**WHEREAS**, the number of people who attend remote court appearances in the 22<sup>nd</sup> Judicial Circuit has risen by 25.21% since the implementation of Supreme Court Rule 45; and the number of remote court appearance sessions has risen by 21.81% in the 22<sup>nd</sup> Judicial Circuit since the implementation of Supreme Court Rule 45; and

**WHEREAS**, the increased reliance upon technology, including the mandates of Supreme Court Rule 45, has significantly altered the legal processes and increased demands on court personnel; and

**WHEREAS**, the 22<sup>nd</sup> Judicial Circuit requests the creation of an additional Court Business Analyst (10E) position in order to provide meaningful access to justice and enhance the public trust and confidence in the judicial branch of government; and

**WHEREAS**, an emergency appropriation is necessary in the amount of \$99,702 to the American Rescue Plan Fund FY2023 budget, Department 90, Fund 221, Division 9000 in order to fund the position.

**NOW, THEREFORE BE IT RESOLVED**, by this County Board of McHenry County, Illinois, that it hereby authorizes, that one (1) new Court Business Analyst position (Grade 10E) be created on the Court Administration roster, and

**BE IT FURTHER RESOLVED**, that American Rescue Plan Act funding has been identified as an appropriate funding source; and

**BE IT FURTHER RESOLVED**, that an emergency appropriation in the amount of \$99,702 shall be made to the American Rescue Plan Fund, Department 90, Fund 221, Division 9000, with an offsetting budget entry American Rescue Plan Fund Utilization of Fund Balance (099100-91-90-9000-221).

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the County Administrator, Chief Financial Officer, Human Resources Director, Chief Circuit Judge, Trial Court Administrator and Deputy Trial Court Administrator.

**DATED** at Woodstock, Illinois, this 21st day of February, A.D., 2023.

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Michael Buehler, Chairman

ATTEST:

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Joseph J. Tirio, County Clerk

## **RESOLUTION**

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**SUBJECT:** Resolution Approving America Rescue Plan Act (ARPA) Funding to Fund an Additional Business Analyst Position, Creation of one Position in the Court Administration Employee Roster and an Emergency Appropriation to the ARPA FY23 Budget (42)

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**Board / Committee Action Requested:**

Creation of a new position within Court Administration

**Background and Discussion:**

In enacting Rule 45 in May 2020, the Supreme Court recognized that telephone and video conference appearances can be used effectively and appropriately for both civil and criminal cases. At that time the use of remote participation was subject to the discretion of the court and that the court had wide latitude to allow remote appearances without a showing of good cause or any particular level of hardship. A committee formed by the Illinois Supreme Court was developed to review remote appearances and determined that remote appearances should be easy to request and liberally allowed. The original Rule adopted the definitions in the Supreme Court Policy on Remote Appearances in Civil Cases, in particular the definition of case participant.

In 2022, the Illinois Judicial Conference determined that the use of remote appearances in both civil and criminal cases should be further encouraged and promoted. At the same time, the Supreme Court desired that courts continue their use of telephone and video conferences which was so prevalent during the COVID-19 pandemic and assisted circuits in obtaining necessary technology. For these reasons, the Illinois Judicial Conference presented a proposal to amend Rule 45 which identified non-evidentiary case proceeding types which were suited to remote appearances and provided that case participants should be given the opportunity to appear remotely without any advance court approval in those proceeding types.

As a result, increase demands have been placed upon members of Court Administration, including the Trial Court Administrator and Deputy Trial Court Administrator, to ensure that all of the technological requirements for the court to perform its work and comply with Supreme Court Rule 45 are maintained and operational. The court presently has one business analyst, who supports nearly 100 people (Judges, Court Administration, Law Library, Jury Commission, Office of Special Projects, and Court Services. The responsibilities of this position and the implementation of Supreme Court Rule 45, has grown beyond what one person can effectively manage.

**Impact on Human Resources:**

Additional position on the Court Administration roster.

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

Increase expenditure of \$99,702 to pay the salary and fringe benefits for this new position.

**Impact on Capital Expenditures:**

None

**Impact on Physical Space:**

Court Administration has a physical place which can be used for this position.

**Impact on Other County Departments or Outside Agencies:**

None

**Conformity to Board Ordinances, Policies and Strategic Plan:**

Yes