



McHenry County
Law & Government/Liquor - Public Meeting
MINUTES

February 27, 2024, 8:30 AM
Courtroom #103
2200 N. Seminary Ave.
Woodstock, IL 60098

Members Present: Pamela Althoff, Mike Shorten, Carolyn Campbell, Eric Hendricks, Kelli Wegener

Members Absent: Matt Kunkle, Brian Sager

Full comments on all agenda items are included in the audio recording of this meeting.

1. CALL TO ORDER

Meeting called to order at: 8:33 A.M.

Also present: Peter Austin, County Administrator; Scott Hartman, Deputy County Administrator; Alicia Schueller, Director of Public Affairs; Chief Judge Chmiel; Sandra Salgado, Sheriff's Office Business Manager; David Christensen, Director of EMA; Kathy Keefe, Clerk of the Circuit Court; Mark Cook, Public Defender; Dan Wallis, Trial Court Administrator; Chalen Daigle, County Coordinator; Robin Shelty, Chief Deputy Clerk of the Court; Jill Gieseke, Deputy Court Administrator.

2. MINUTES APPROVAL

2.1 Law & Government/Liquor - Public Meeting - Jan 30, 2024 8:30 A.M.

Mover: Shorten

Second: Wegener

To approve the minutes from the January 30, 2024 meeting.

Aye (5): Althoff, Shorten, Campbell, Hendricks, and Wegener

Absent (2): Kunkle, and Sager

Recommended (5 to 0)

3. PUBLIC COMMENT

None.

4. MEMBERS' COMMENTS

Carolyn Campbell stated the presentation was incredible and the turnaround time was great because of how much information was presented.

Mike Shorten stated while looking at how the Pretrial Fairness Act takes place it seems to be very efficient, especially with the charges that were put forward.

5. NEW BUSINESS

5.1 New Liquor License, Manager and/or Amusement License Requests

None.

5.2 Recommendation to the Sheriff's Merit Commission

Mover: Wegener

Seconded: Shorten

To recommend the appointment of Tamara Marshall to the County Board Chairman for the Sheriff's Merit Commission with a term to expire April 1, 2030.

Aye (5): Althoff, Shorten, Campbell, Hendricks, and Wegener

Absent (2): Kunkle, and Sager

Recommended (5 to 0)

6. LEGISLATIVE UPDATE

Alicia Schueller, Director of Public Affairs, joined the committee for the Legislative Update.

DEADLINES AND PROCEDURAL ITEMS

The Illinois Senate deadline to move substantive bills out of committees is March 15, and the Illinois House deadline is April 5. March 1 and March 8 are the new funding deadlines for the federal government to avoid a shutdown.

FEDERAL LEGISLATIVE ITEMS

On February 13, Chairman Buehler, Law & Government Committee Chair Althoff, County Administrator Peter Austin, and I visited the offices of our Senators and Representatives in Washington D.C. along with McHenry County Council of Government President Debby Sosine and Executive Director Chalen Daigle. We met in person with Congressmen Bill Foster, Brad Schneider, and Darin LaHood and visited the offices of Congresswoman Jan Schakowsky and Senators Dick Durbin and Tammy Duckworth to discuss funding opportunities for the McHenry County Sheriff's Office's Police Social Work program headquarters, the Woodstock Rail Yard Project, Community Development Block Grants, and services for veterans. The conversations were helpful and productive.

Upcoming Supreme Court Decisions: At the National Association of Counties Conference, Chair Althoff and I attended a presentation on Supreme Court cases that may impact counties over the summer. High-level summaries of the cases are as follows:

- Johnson v. Grants Pass. The City of Grants Pass had an ordinance precluding people from sleeping in public spaces with blankets, pillows or cardboard boxes. Already in the 9th Circuit, (western states) there is precedent in Martin v. City of Boise, that governments cannot enforce anti-camping ordinances when a person is sleeping in a public place and has nowhere else to go. Enforcement of the anti-camping was deemed cruel and unusual punishment and a violation of the 8th Amendment. The U.S. Supreme Court has decided to hear the Johnson case, and its decision will determine local governments' legislative authority across the nation regarding anticamping ordinances.

- **Sheetz v. County of El Dorado, California.** Sheetz wanted to develop an 1800 square foot house on his property in a rural area. The County's permit fee was \$23,420. Sheetz paid the fee under protest and sued. He argued that the permit fee was a violation of the Takings Clause and required a heightened level of scrutiny by the courts even though the fee was passed through legislation and was not an administrative act. If the Supreme Court agrees with Sheetz, this may make it so individual impact studies must be performed for over-the-counter permit fees. Oral arguments for this case were held in January of 2024.
- **Muldrow v. City of St. Louis, Missouri.** This case is about a law enforcement officer who was transferred from an assignment where she was wearing plain clothes and worked 9 a.m. to 5 p.m. to one where she had to wear a uniform and work weekends. She alleged discrimination. Her argument is that Title VII of the Civil Rights Act of 1965 prohibits people from being treated differently, and that you do not need to allege significant disadvantage to the worker to have a case. If the Supreme Court agrees, counties may need to reevaluate whether they engage in lateral transfers. Oral arguments were held in December of 2023.

ILLINOIS LEGISLATIVE ITEMS

Governor Pritzker's Budget: Governor Pritzker proposed the permanent elimination of the one percent sales tax that had been suspended in 2022 and reinstated in 2023. These tax dollars go to local governments after the State deducts an administrative fee. In 2022, local governments received \$400 million to replace their lost revenues, but the Governor made no such promise this time. Staff is researching the potential impact on McHenry County revenues.

Co-responder Pilot Program Bills:

- **HB 5133 County Co-Responder Units (Grant)** Creates the County Co-Responder Pilot Program Division in the Counties Code. Provides that each county sheriff's office may establish, subject to appropriation, a co-responder unit by no later than 6 months after the effective date of the amendatory Act. Provides that, in addition to other responsibilities, the unit's social workers are responsible for conducting follow-up visits for victims who may benefit from mental or behavioral health services. Provides that the unit's primary area of focus shall be victim assistance. Includes other provisions relating to establishment of the units, duties of the unit, unit training, and privileged or confidential communications. Repeals the Division on January 1, 2029. (2/8/2024 Referred to Rules).
- **HB 5444 Co-Responder Unit-McHenry County (Ness)** Amends the Co-Responder Pilot Program Division of the Illinois Municipal Code. Adds the McHenry County Sheriff's Office to the offices to which the Division is applicable, including that the Office shall establish, subject to appropriation, a co-responder unit no later than 6 months after the effective date of the amendatory Act, including the hiring of personnel as provided in the Division. Makes conforming changes, including in the Counties Code. Provides that, along with the duties described elsewhere in the Division, the unit's social workers are responsible for following up with victims (rather than conducting follow-up visits for victims) who may benefit from mental or behavioral health services. (2/9/2024 Referred to Rules).

Electronic Notice Publication Bills:

- **HB 3154/SB 61 Notices-Electronic Publication (Ford & Castro)** Amends the Notice By Publication Act. Provides that whenever a municipality is required to provide notice by publication in a newspaper by law, order of court, or contract, the municipality may publish the notice on an official municipal website instead of in a newspaper if the notice published on the official municipal website is also published electronically on a searchable online database website and that website provides independent certification of the publication. Provides conditions concerning the availability and format of the searchable online database website. Repeals a Section concerning the placement of published notices on a statewide website and makes corresponding changes throughout the Act and in the Newspaper Legal Notice Act. Effective immediately.(In Rules and Assignments). This legislation is supported by the IML.

Wind and Solar Bills:

- **HB 4037: Counties CD Solar & Wind Energy (Miller)** Provides that a commercial wind energy facility owner or solar energy facility owner must file a land reclamation plan and a recycling plan with the Department of Agriculture prior to the required public hearing on the siting of a facility. Provides that the land reclamation plan must outline how the property on which a facility has been constructed will be returned to the state the property existed prior to the construction of the facility upon removal of the facility. Provides that the recycling plan must outline how the material used to construct the facility will be recycled. Provides that a commercial solar energy facility may not be sited on property where the property's soil's crop productivity index is greater than 110. Effective immediately. (4/19/2023 Referred to Rules).
- **HB 4135: County-Solar Facility Setbacks (DeLuca)** Provides that a county may require a commercial solar energy facility to be sited 500 feet (rather than 50 feet) to the nearest point on the property line of a nonparticipating property and 500 feet (rather than 150 feet) from the nearest point on the outside wall of an occupied community building or dwelling on nonparticipating properties. **(2/7/2024 Placed on Calendar 2nd Reading- Short Debate).**
- **HB 4422/SB 2892: Counties-Wind & Solar Energy (Bunting & Turner)** In provisions about commercial wind energy facilities and commercial solar energy facilities, removes changes made by Public Act 102-1123. Provides that any provision of a county zoning ordinance pertaining to wind farms, commercial wind energy facilities, or commercial solar energy facilities that was in effect before January 27, 2023 may continue in effect notwithstanding any changes made in Public Act 102-1123 and, if applicable, any provision of a county zoning ordinance pertaining to wind farms that was in effect before August 16, 2007 may continue in effect notwithstanding the changes made in Public Act 95-203. (In Rules and Assignments).
- **HB 4551 CNTY CD-Wind & Solar Facilities (Yednock)** Provides that a county may deny a permit for a commercial solar energy facility or commercial wind energy facility, including the modification or improvement to an existing facility, if the work requested to be performed under the permit is not being performed under a project labor agreement with building trades located in the area where construction, modification, or improvements are to be made. (1/31/2024 Referred to Rules Committee).
- **SB 3403: Counties- Wind Facility Lights (Rose)** Provides that, beginning June 1, 2025 and subject to Federal Aviation Administration approval to equip and operate light mitigating technology for at least 30% of the proposed wind towers included within a commercial wind energy facility, a county shall require the facility owner of a commercial wind energy facility constructed beginning in 2019 or later to install light mitigating technology at the commercial wind energy facility. Includes requirements when the light mitigating technology must be installed, and allows a facility owner to seek an extension from these requirements from the county board. Provides that a county board may impose civil penalties on the facility owner of a commercial wind energy facility that failed to comply with the requirements in the amount of \$1,000 per day. Provides that the provisions do not apply to test wind towers allowed by a county that are used solely for purposes of research and testing. (2/8/2024 Referred to Assignments).

Funding Bills:

- **HB 4455 Inc TX-LGDF Transfers (DeLuca).** Amends the Illinois Income Tax Act. Increases the amount transferred from the General Revenue Fund to the Local Government Distributive Fund. Effective immediately. (1/16/2024 Referred to Rules Committee).
- **HB 5146 Short-Term Rental Tax Act (Evans).** Creates the Short-Term Rental Occupation Tax Act. Imposes taxes upon short-term rental transactions facilitated by a hosting platform. Provides that one tax is imposed at the rate of 5% of 94% of the gross rental receipts from the transaction. Provides that an additional tax is imposed at the rate of 1% of 94% of the gross rental receipts from the transaction. Provides that operators of short-term rentals shall obtain a business license from the Department of

Revenue. Amends the Counties Code and the Illinois Municipal Code to make conforming changes. Effective immediately. (2/9/2024 Referred to Rules Committee).

- **HB 5190 HWY CD-Lapsed Funds (Hammond)** Amends the Illinois Highway Code. Provides that the allocation to road districts shall be made in the same manner and be subject to the same conditions and qualifications as are provided by Section 8 of the Motor Vehicle Tax Law with respect to the allocation to road districts of the amount allotted from the Motor Fuel Tax Fund for apportionment to counties for the use of road districts, but no allocation shall be made to any road district that has not levied taxes for road and bridge purposes in such a manner that is eligible for allotment of Motor Fuel Tax funding pursuant to the Motor Fuel Tax Law. Provides that any funds allocated to a county that are not obligated within 48 months shall be considered lapsed funds and reappropriated in the same fund. Provides that the lapsed funds shall be used to provide additional monetary assistance to townships and road districts that have insufficient funding for construction of bridges that are 20 feet or more in length under the Code. Requires the Department of Transportation to adopt rules to implement the provisions. (2/9/2024 Referred to Rules Committee).

ISACo Policy Committees

I have secured a seat on ISACo's Community, Economic, and Workforce Development Policy Committee and its Environment, Energy, and Land Use Policy Committee. I am keeping an ear open for important legislation coming through Springfield and shared priorities from our fellow counties.

7. ROUTINE CONSENT AGENDA

Mover: Campbell

Second: Shorten

To approve the items of the routine consent agenda.

Aye (5): Althoff, Shorten, Campbell, Hendricks, and Wegener

Absent (2): Kunkle, and Sager

Recommended (5 to 0)

- 7.1 Resolution authorizing the McHenry County Sheriff to spend over \$30,000 with EaglePoint Gun/T.J. Morris & Sons for the purchase of ammunition in FY24 (32)

Mover: Campbell

Second: Shorten

Authorization to exceed \$30,000 with EaglePoint Gun in FY24 for the purchase of required ammunition.

Recommended

- 7.2 Resolution authorizing the purchase of one Jeep Compass from Sunnyside Company in McHenry (32)

Mover: Campbell

Second: Shorten

Approval to purchase one Jeep Compass out of non-departmental for the Sheriff's Office.

Recommended

- 7.3 Resolution Authorizing Participation as a Member in the Illinois Emergency Management Mutual Aid System Response Pursuant to an Intergovernmental Agreement for the Establishment of a Mutual Aid Intergovernmental Service Agreement (34)

Mover: Campbell

Second: Shorten

Approval of the Resolution of the Illinois Emergency Services Management Association for the establishment of a mutual aid intergovernmental service agreement.

Recommended

- 7.4 Resolution Authorizing an Agreement with Tyler Technologies for Intellidact AI E-Filing Automation Software and an Emergency Appropriation to use Available Fund Balance in the Circuit Clerk's Document Storage Fund FY 2023-24 (41)

Mover: Campbell

Second: Shorten

The attached Resolution is for the use of existing Court Document Storage fund balance to enter into an agreement with Tyler Technologies for Intellidact AI (Artificial Intelligence) Process Automation software with a one-time cost for initial implementation services of \$137,200 which includes implementation, a starter package for automation of twenty (20) eFileIL Docket Codes, and an initial Skills Library for integration with the Circuit Clerk's iJustice software, plus an annual software subscription cost of \$321,241 (with 5% annual increases in ongoing subscription costs), for a total FY 2023-24 project cost of \$458,441.

Recommended

- 7.5 Resolution Authorizing ISS iJustice Annual Support and Maintenance FY 2023-24 Budget (41)

Mover: Campbell

Second: Shorten

The attached Resolution is for payment of annual support & maintenance on the Circuit Clerk's iJustice case management software for the McHenry County Circuit Clerk, Court Services and 22nd Judicial Circuit Specialty Courts.

Recommended

8. PRESENTATION

- 8.1 Update on Pretrial Fairness Act Implementation

Chief Judge Michael Chmiel joined the committee for the presentation.

Chair Althoff stated the committee requested an update and evaluation on what is going on with the Pretrial Fairness Act.

- Chief Judge Michael Chmiel stated what they do is a team effort and yesterday afternoon they had about 4 cases, their highest was 13 and the lowest was 0, but each hearing is 15-20 minutes in length and they have to go through all the admissions. He stated as far as detentions go their numbers have begun to flatline because of the pretrial fairness act it allowed for greater releases.

- He stated the appeals are the real challenge to the court system as there has been such an increase because of processing, fortunately, McHenry County has begun to flatline but it has still changed the dynamic.

Ms. Campbell inquired about why there is such an uptake in appeals. Chief Judge Michael Chmiel stated everyone gets provided an attorney which happens at the appellate level and his understanding is that attorneys get about \$1000 per case, so if someone is detained why not appeal that especially because the process is expedited under the pretrial fairness act.

Ms. Wegener inquired about where the appeals go. Chief Judge Michael Chmiel stated to the Elgin appellate court.

Chair Althoff inquired about what has been seen. Ms. Keefe stated they have seen an increase, but the appeals are not for cases that have been going on for years so they are much quicker and prepared electronically. Chair Althoff inquired if there is any follow-up after the case moves to Elgin. Ms. Keefe stated they eventually get a decision back that gets filed. Chief Judge Michael Chmiel stated it is not only appearance court but those who were detained as of September 18. Chair Althoff stated she requested the numbers so that when the County Board begins talking about expenses they are better prepared.

- Chief Judge Michael Chmiel stated he spoke with Chairman Buehler and noted that someone made a comment that they needed another Judge and they decided that they are fine with the 19 Judicial positions that they have. With that, they are not going to ask for any new positions and they are in the process of filling a position for a new associate Judge, they are also taking applications for another and with those filled, they will have back to a contingent of 19 Judges.
- He noted that he and Mr. Wallis are working on Artificial Intelligence (AI). He stated they are trying to use it to help with Online Dispute Resolution (ODR) to triage cases, detect hallucinations where someone used an AI product and made up a case citation, and use it to have a 24/7 365 research assistant.
- He stated he appreciates the infrastructure that McHenry County has.

Chair Althoff stated they appreciate the fact that he is willing to come and share information with the Committee so they have a better perspective and constant collaboration.

9. OLD BUSINESS

None.

10. REPORTS

David Christensen, Director of EMA; Scott Hartman, Deputy County Administrator; Chalen Daigle, County Coordinator; Kathy Keefe, Clerk of the Circuit Court; and Peter Austin, County Administrator, joined the committee to provide updates.

- Mr. Christensen stated they have been working with the Illinois Emergency Management Agency (IEMA) on the administrative rule. He stated they introduced a very impressive rule that a lot of his colleagues in the state cannot meet the intent of. They were given two weeks to review the rule before they were going to send it to The Joint Committee on Administrative Rules (JCAR). They got enough comments from colleagues which convinced them to sit down to discuss the issue and hope they will take the edge off the administrative rule so they can survive.
- He stated there is a bill on hazardous material that has been presented for several years in a row and they tried to negotiate with the sponsor who referred them to the citizen that gave her the bill and it continues to get reintroduced. He stated the problem with the bill is it demands local EMAs get their response plans approved by the school district, teachers, boards, and parents. He agrees there is a community right to know what chemicals are stored where but the issue is they want them to label

evacuation routes for every school. An example he provided was a train accident in Ohio and not knowing the direction the wind was blowing, for a hurricane he could label an evacuation route but for a hazardous material spill, he could not label a route because he could send them the wrong way. He stated what bothered him and Dan Etters from Lake County is that they tried to discuss the bill with the legislator sponsoring it but she was not entertaining dialogue, so he hopes they can figure something out going forward.

- Mr. Hartman stated on March 20, EMA is going to lead the Courthouse partners in a hotwash and debrief of the February 14 suspicious package incident. He stated they would bring in the Courthouse partners and responding agencies to understand what happened and learn how the response went, so he wanted the committee to be aware of that response and successful ending so they could learn from that experience.

Ms. Wegener inquired about what was actually in the package. Mr. Hartman stated he could not answer that but it was not hazardous.

- Ms. Daigle stated that the members may know that she has surveyed all of the municipalities in McHenry County to see what type of revenues they are expected to lose and they are already upward of \$5 million. She stated they are tweaking the numbers but they are significant as The Illinois Municipal League (IML) and The Illinois State Association of Counties (ISACo) are working on it as well and she will have more information to come.
- Ms. Keefe stated as of September 18 they had 18 regular appeals, which is their normal average, but 61 of the pretrial fairness act appeals which is a lot larger volume than the regular appeals as the new statute makes the process simple.

Chair Althoff wanted to confirm that in five months there have been 61 appeals. Ms. Keefe confirmed that is correct. Chair Althoff requested that every six months Ms. Keefe provide the committee a report so they are updated on the new numbers. Ms. Keefe agreed to do so.

Ms. Wegener inquired if the 61 appeals are broken out between the people who were in court after the effective date of those who were in jail before. Ms. Keefe stated most of them were after.

- Mr. Austin stated he informed the last Committee of the Whole (COW) that he was going to meet with the Lake County Administrator, which he did 12 days ago, and she wants the agreement but is hesitant as there are a lot of politics in Lake County. He stated they do not have enough money in the Sheriff's contractual line to continue at the \$150/day for 12 months and the new County Administrator instructed him to watch the committee agendas as there would likely be a discussion about transferring monies from the Sheriff's personnel line to the contractual line. He stated last night he noticed it on their Finance committee agenda on Thursday to transfer \$1.6 million from personnel to contractual but he will keep an eye on it.

Chair Althoff inquired about why there is pushback on the request or if it is a true political situation. Mr. Austin stated they have 21 County Board members so there could be 21 different reasons, but he will keep the members updated as they move forward.

11. EXECUTIVE SESSION (AS NECESSARY)

None.

12. ADJOURNMENT

Mover: Shorten

Second: Hendricks

To adjourn the meeting at 9:13 A.M. -TCCazares

Aye (5): Althoff, Shorten, Campbell, Hendricks, and Wegener

Absent (2): Kunkle, and Sager

Recommended (5 to 0)