



McHenry County
Law & Government/Liquor - Public Meeting
MINUTES

July 30, 2024, 8:30 AM
County Board Conference Room
Administration Building, 667 Ware Rd., Woodstock, IL 60098

Members Present: Pamela Althoff, Mike Shorten, Matt Kunkle, Carolyn Campbell, Kelli Wegener, Brian Sager

Members Absent: Eric Hendricks

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

1. CALL TO ORDER

Meeting called to order at: 8:30 A.M.

Peter Austin, County Administrator; Scott Hartman, Deputy County Administrator; Alicia Schueller, Director of Public Affairs; Kerri Wisz (TEAMs), CFO; Dr. Michael Rein, County Coroner; Sandra Salgado, Sheriff's Office Business Manager; Mark Cook, Public Defender; Lisa Ryan, Business Manager SAO; Randy Sinitean, Assistant Director of ETSB; Adam Letendre, Director of Procurement and Special Services; Randi Freese, Supervisor SAO.

Mover: Sager

Second: Shorten

To allow the remote attendance of Ms. Wegener.

Aye (5): Althoff, Shorten, Kunkle, Campbell, and Sager

Abstain (1): Wegener

Absent (1): Hendricks

Recommended (5 to 0)

2. MINUTES APPROVAL

2.1 Law & Government/Liquor - Public Meeting - June 25, 2024 8:30 A.M.

Mover: Shorten

Second: Campbell

To approve the minutes from the June 25, 2024 meeting.

Aye (6): Althoff, Shorten, Kunkle, Campbell, Wegener, and Sager

Absent (1): Hendricks

Recommended (6 to 0)

3. PUBLIC COMMENT

None.

4. MEMBERS' COMMENTS

None.

5. NEW BUSINESS

None.

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

5.2 Other

6. LEGISLATIVE UPDATE

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

Veto session is scheduled for November 12 to 14 and then November 19 to 21.

FEDERAL LEGISLATIVE ITEMS

The Transportation and Housing and Urban Development Fiscal Year 2025 Appropriations Bill completed the markup process and emerged from the House Appropriations Committee. The bill contained a \$2.5 million community project funding request for the Police Social Work Program Headquarters courtesy of Congresswoman Schakowsky's Office. County Administration, the Sheriff's Office, and the Facilities Department worked together to submit this request to Congresswoman Schakowsky in May for \$3 million, but as her office had predicted, the House Appropriations Committee reduced the award in the markup process as they nearly always do. The full House and Senate must vote on this bill, but it is unclear when the vote will occur. While the federal fiscal year does end on September 30, the last time Congress completed a budget on time was in the year 1996.

ILLINOIS LEGISLATIVE ITEMS

The Illinois Transportation Committee is hosting public transit listening sessions regarding the proposed funding and merger of the RTA, Metra, Pace and CTA. The meeting times are as follows:

Tuesday, July 9 at 10 a.m. Location: Bilandic Building, 160 North La Salle St., Chicago IL, 60601 Subject Matter: Transit supports the economy	Wednesday, July 24 at 10 a.m. Location: Moraine Valley Community College – Building M 9000 W. College Pkwy Subject Matter: Transit must be accessible and equitable
Thursday, Aug. 8 at 10 a.m. Location: Counties of DuPage, Will, and Kendall (exact location TBD) Subject Matter: Transit support community quality of life	Wednesday, Aug. 28 at 10 a.m. Location: Kane County and McHenry County (exact location TBD) Subject Matter: Transit is crucial for public health
Wednesday, Sept. 18 at 10 a.m. Location: Northwest Suburbs of Cook County and Lake County (exact location TBD) Subject Matter: Transit mitigates climate impact	Wednesday, Oct. 16 at 10 a.m. Location: Springfield (exact location TBD) Subject Matter: Funding transit is a statewide priority

SB 0951: CIVIL LAW-TECH

This bill grants the City of Marengo property for the purpose of extending water and sanitary sewer services to the Interstate 90 and Illinois Route 23 corridor. This bill has passed both chambers but has not yet been signed by the Governor.

HB 5190: HWY CD-Lapsed Funds. This bill has passed both chambers but has not yet been signed by the Governor.

HB 5190 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.

SUPREME COURT RULINGS

In February, the National Association of Counties flagged certain Supreme Court Cases that may impact county governments. The Supreme Court has now ruled on all of them.

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, however, has held that enforcing generally applicable laws about camping on public property is not “cruel and unusual punishment” that violates the 8th Amendment.

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. The Supreme Court agreed with the officer. This case is currently under review by the State’s Attorney’s Office to evaluate possible implications for McHenry County.

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. The Supreme Court agreed with Sheetz. This case is currently under review by the State’s Attorney’s Office to evaluate possible implications for McHenry County.

7. ROUTINE CONSENT AGENDA

Mover: Sager

Secunder: Kunkle

To approve the items of the Routine Consent Agenda.

Aye (6): Althoff, Shorten, Kunkle, Campbell, Wegener, and Sager

Absent (1): Hendricks

Recommended (6 to 0)

7.1 Resolution Supporting Emergency Telephone Board Implementation of RapidDeploy Modules and GIS Integration (29)

To support the McHenry County Emergency Telephone System Board in the implementation of RapidDeploy Radius Mapping and Eclipse Analytics

7.2 Resolution Authorizing a Three-Year Agreement with Compassion Funeral Services (31)

To approve a contract with Compassion Funeral Services for body removal services from fiscal years 2025, 2026, 2027 with an option year of 2028.

7.3 Resolution Authorizing an emergency appropriation in the Sheriff's FY24 Budget for inmate meals (32)

Authorization to increase the Sheriff's FY24 inmate meals line item to meet the meal needs in corrections.

8. PRESENTATION

None.

9. FY24-25 BUDGET REVIEWS

9.1 Public Defender

Mark Cook, Public Defender, joined the committee members for a presentation of the FY24-25 Public Defender Department budget (contained in the meeting packet). Various department funds were reviewed, along with FY24-25 performance indicators.

Committee members recommended the FY24-25 budget for the Public Defender Department be moved forward through the budget process.

9.2 State's Attorney's Office

Lisa Ryan, the SAO's Business Manager, and Randi Freese, the SAO Supervisor, joined the committee members for a presentation of the FY24-25 State's Attorney's Department budget (contained in the meeting packet). Various department funds were reviewed, along with FY24-25 performance indicators.

Committee members recommended the FY24-25 budget for the State's Attorney's Department be moved forward through the budget process.

10. OLD BUSINESS

None.

11. REPORTS

None.

12. EXECUTIVE SESSION (AS NECESSARY)

None.

13. ADJOURNMENT

Mover: Kunkle

Second: Campbell

To adjourn the meeting at 9:28 A.M. -TCCazares

Aye (6): Althoff, Shorten, Kunkle, Campbell, Wegener, and Sager

Absent (1): Hendricks

Recommended (6 to 0)