

Lake County Illinois

*Lake County Courthouse and Administrative Complex
18 N. County Street
Waukegan, IL 60085-4351*



Meeting Minutes - Final

Tuesday, October 4, 2016

10:30 AM

Assembly Room, 10th Floor

Law and Judicial Committee

1. Call to Order

The meeting was called to order at 10:30 a.m.

Present 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

A motion was made by Member Weber and seconded by Member Calabresa, that Member Hart, Chair the Law and Judicial Committee due to the absences of the Chair and Vice-Chair.

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

Others Present:

Amy McEwan, Deputy County Administrator

Adlil Issakoo, County Administrator's Office

Ben Gilbertson, County Administrator's Office

Donna Jo Maki, Executive Justice Council

Gary Gordon, Finance and Administrative Services

Kurt Schultz, Finance and Administrative Services

Lisle Stalter, States Attorney's Office

Mike Schieve, Finance and Administrative Services

Mike Wheeler, Finance and Administrative Services

Dawn Wucki-Rosbach, Sheriff's Office

Ray Rose, Sheriff's Office

Mark Curran, Sheriff

Keith Kaiser, Sheriff's Office

RuthAnne Hall, Finance and Administrative Services

Chief Judge Jorge Ortiz, Nineteenth Judicial Circuit

Jeff Werfel, County Board Member

Linda Pederson, County Board Member

Eric Waggoner, Planning Building and Development

Keith Brin, Circuit Court Clerk

Barry Burton, County Administrator

Steve Carlson, County Board Member

Aaron Lawlor, County Board Chairman

Heidie Hernandez, County Board Office

Carman Patlan, A Safe Place

Pat Davenport, A Safe Place

Tara Niemi, Circuit Court Clerk's Office

Eric Guenther, Mundelein Police Department

Patrice Evans, Court Administration

Winnie Webber, Court Administration

Judge Mitchell Hoffman, Nineteenth Judicial Circuit

Cameron Davis, Assitant County Administrator

2. Pledge of Allegiance

Member Calabresa led the group in the Pledge of Allegiance.

3. Approval of Minutes

3.1 [16-0899](#)

Executive Session minutes from February 2, 2016.

A motion was made by Member Weber, seconded by Member Bartels, that minutes 3.1 and 3.2 be approved. Motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

3.2 [16-0900](#)

Minutes from August 30, 2016.

A motion was made by Member Weber, seconded by Member Bartels, that minutes 3.1 and 3.2 be approved. Motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

4. Added to Agenda

There were no items added to the agenda.

5. Public Comment

There were no public comments.

6. Old Business

There was no old business to conduct.

7. New Business

CIRCUIT COURT

7.1 [16-0877](#)

Report from Keith S. Brin, Clerk of the Circuit Court, for the month of August 2016.

A motion was made by Member Calabresa, seconded by Member Weber, that the communication or reports 7.1 and 7.2 be received and placed on the consent agenda. Motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

PUBLIC DEFENDER

7.2 [16-0868](#)

Report from Joy Gossman, Public Defender, for the month of August 2016.

A motion was made by Member Calabresa, seconded by Member Weber, that the communication or reports 7.1 and 7.2 be received and placed on the consent agenda. Motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

SHERIFF

7.3 [16-0930](#)

Ordinance amending Chapter 132, regulating the discharge of firearms in unincorporated Lake County.

Deputy County Administrator, Amy McEwan, reported that in April 2015 the committee approved several items to go through the Administrative Adjudication process, one of which was the discharge of firearms. Some Citizens have had conversation with board members and an amendment to the previously approved ordinance has been requested to clarify that it was not intended to restrict the lawful act of hunting.

Under Sheriff, Ray Rose, reported that the ordinance covering the discharge of firearms specifically talks about the discharge of a firearm in a residential area. It was noted that this mirrors the State statute which regulates that no fire arm can be discharged within 300-yards of a residential single or multi-family dwelling without the permission of the residents. There has been some confusion regarding hunting in residential areas and it was clarified that this ordinance is not for hunting but for the discharge of firearms in residential areas. This ordinance was created to give a law enforcement officer an additional enforcement tool. Instead of charging an individual under a State statute, where one is finger printed, photographed, and gets an arrest record, an officer now has the option to go through a local ordinance process where the individual is given a ticket versus being criminally charged.

Member Weber asked if a new distance limit, to discharge a firearm, had been added, that was not there before, not including the limit for hunters. Lisle Stalter, State's Attorney's Office, stated that the discharge of a firearm is a criminal charge that does not have a distance limitation and has been considered a criminal charge before the ordinance being discussed was passed. There are two statutes that set the distance of the 300-yard range. One is in the Illinois Wild Life Code, which regulates hunting and the taking of wildlife in Illinois, which defines a residential area as three residential single or multi-family residences within 300-yards of each other. In 2013, the Illinois legislature passed a statute allowing the County to adopt an ordinance on the discharge of firearms. This gives the County the authority to regulate, or prohibit, the discharge of a firearm within a residential area. That statute also defines a residential area as three residential structures within 300-yards of each other. Ms. Stalter noted that before this ordinance, the discharge of a firearm could be criminally charged, and sometimes a criminal charge is not always the appropriate option. With this ordinance, the officer can issue a ticket that goes through the Administrative Adjudication process, instead of criminally charging the violator.

Member Weber noted his concern is that adding a 300-yard limit would restrict the residents, and doesn't feel that making this amendment will be sufficient.

Pro tem Chair Hart inquired if residents with a quarter acre parcel or less would be able

to shoot on their property. Keith Kaiser, Lake County Sheriff's Office, explained that before this ordinance, people with a quarter acre parcel could shoot on their property. However, if they were shooting in an unsafe direction or using a high caliber rifle, the deputy could have arrested the individual. Last year, the Sheriff's Office responded to 151 complaints and this year 132 complaints regarding hunting and shooting in areas of unincorporated Lake County. In the past, the only option the Officer had was to take the individual to jail. He believes that there is a public need for the existing ordinance, due to the amount of complaints from Lake County residents.

Member Werfel, inquired on whether or not the County could offer this alternative enforcement without defining in the ordinance that a residential area is three residential homes within 300-yards. Ms. Stalter stated that the County could not have adopted the ordinance without that definition because the authority is to prohibit or regulate the discharge of a firearm in a residential area and a residential area is defined as three residential homes within 300-yards.

Member Weber added that he has concerns regarding the language in the ordinance, particularly the word "prohibit."

Ms. McEwan noted that the motion that has been made, is specific to approving the proposed amendment, which is to add language to the ordinance specifying that the ordinance is not intended to limit the otherwise lawful act of hunting under the Illinois Wildlife Code. If a member would like to further amend the ordinance to address something else, it can be done after this motion to amend has been voted on.

Member Weber discussed changing the language of the ordinance to remove the word "prohibit" and add regulations regarding high powered rifles being discharged. Ms. Stalter noted that the State's Attorney's Office can only provide legal advice on what the board can or cannot do, and is happy to work with whoever they need to, to work on the language of the ordinance.

Ms. McEwan helped clarify that because the statute states "regulate or prohibit," Mr. Weber, sees the County as prohibiting, and his question is if the County chose the word regulate how would it differ. Further, she asked what opportunities the Board would have to define what the word "regulate" means. Member Weber agreed.

A motion was made by Member Calabresa, seconded by Member Bartels, that this ordinance be recommended for adoption to the regular agenda. Motion carried by the following roll call vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

A motion was made by Member Bartels, seconded by Member Weber, that this committee authorize staff to spend more than two hours of time to determine the difference between the words "prohibit and regulate," and the impact it will have on the ordinance. Member Weber clarified to work towards removing the word prohibit in the ordinance and to add regulations regarding safety issues. Motion failed by the following

roll call vote:

Aye: 2 - Member Bartels and Member Weber

Nay: 2 - Member Hart and Member Calabresa

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

7.4 [16-0903](#)

Joint resolution accepting an Illinois Department of Transportation Sustained Traffic Enforcement Program (STEP) grant and authorizing the emergency appropriation in the amount of \$102,243.20 for fiscal year (FY) 2016 - 2017.

Under Sheriff, Ray Rose, mentioned that the Sheriff's Office has been awarded a grant to conduct specific traffic enforcement campaigns such as Driving Under the Influence (DUI) enforcement and roadside safety checks. The grant will pay for the time used by the officers and to purchase needed equipment.

A motion was made by Member Calabresa, seconded by Member Bartels, that this item be approved and referred on to the Financial and Administrative Committee.

The motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

7.5 [16-0897](#)

Resolution approving the Memorandum of Understanding (MOU) by and between the Lake County Sheriff's Office (LCSO) and Lakemoor Police Department to establish goals and working arrangements related to the Lake County Gang Task Force.

A motion was made by Member Bartels, seconded by Member Weber, that this item be recommended for adoption to the consent agenda. The motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

7.6 [16-0898](#)

Joint resolution authorizing an amendment to the Intergovernmental Agreement (IGA) (864-13, Modification 2) between the Federal Bureau of Prisons (BOP) and the Lake County Work Release Center.

Under Sheriff, Ray Rose, reported that the County has a contract with the BOP and that this IGA Modification 2 requires the county to stop collecting subsistence payments from the BOP inmates and instead the BOP will pay the County the full amount for inmates who transfer from BOP to Lake County administered home confinement.

A motion was made by Member Calabresa, seconded by Member Weber, that this item be approved and referred on to the Financial and Administrative Committee.

The motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

7.7 [16-0904](#)

Ordinance approving an amendment to Chapter 94, Public Nuisance.

Under Sheriff, Ray Rose, reported that State Legislation has changed to decriminalize the possession of 10 grams or less of cannabis. The Sheriff's Office is proposing a Lake County Ordinance that adopts the definition of cannabis and cannabis paraphernalia. This will allow the Sheriff's Office to enforce an ordinance violation for the possession of 10 grams or less of cannabis and will charge offenders with an ordinance violation and a larger fine if it is a repeat offense.

Member Weber asked what the purpose of the proposed ordinance is. Mr. Rose noted that cannabis is still a narcotic and it should be enforced.

Chief Judge Ortiz expressed his concerns about the proposed ordinance. He feels that if this offence goes through the Administrative Adjudication process is not certain that expungement and the confidentiality requirements will be complied with. In addition, does the County want minors, who are charged with this offense, to go through the Administrative Adjudication process. As a part of this process minors are not subject to court supervision or required to go through a treatment program.

Lisle Stalter, State's Attorney's Office, noted that if an offender goes through the Administrative Adjudication process it will not be a court record. Sheriff's Office, Keith Kaiser, noted that the occurrence would pull through in a background check as an ordinance violation but does not indicate which ordinance was violated.

A motion was made by Member Weber, seconded by Member Bartels, that this item be recommended for adoption to the consent agenda. The motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

7.8 [16-0905](#)

Joint resolution approving a renewal of the Lake County Sheriff's Department Cooperative State and Local Agreement.

Under Sheriff, Ray Rose, reported that the Sheriff's Office is actively working with the United States Department of Justice, Drug Enforcement Administration (DEA) to collaborate and work together to solve drug crimes in Lake County. This agreement will require a two-year commitment by the Sheriff's Office and requires the county to assign one experienced deputy to the Chicago Field Division (CFD)/DEA. The DEA will be responsible for all costs associated with the CFD to insure program success.

A motion was made by Member Calabresa, seconded by Member Weber, that this item be recommended for adoption to the consent agenda. The motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

CONSTRUCTION MANAGEMENT**7.9 [16-0926](#)**

Joint resolution authorizing a contract with Tractel LTD of Toronto, Ontario, Canada, and further authorizing assignment of that contract to Clark Construction Group LLC of Chicago, Illinois, as Construction Manager at Risk (CMAR) for the window washing equipment work for the Lake County Courthouse Expansion Project in the amount of \$132,000.

Kurt Schultz, Finance and Administrative Services, presented on the award for window washing equipment to Tractel LTD from Ontario, Canada. There were no local responses. Mr. Schultz provided details of the equipment and provided an update on the Guaranteed Maximum Price (GMP).

Gary Gordon reminded the group that this award is not for the actual washing of the windows.

Member Calabresa, inquired on possible netting of some kind to prevent the wildlife from crashing into the glass bridge. Mr. Schultz noted that currently there is nothing added to the design but he will check with the architect.

A motion was made by Member Bartels, seconded by Member Weber, that this item be approved and referred on to the Financial and Administrative Committee. The motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

8. Executive Session**9. County Administrator's Report****9.1 [16-0946](#)**

Update on Orders of Protection

Chief Judge, Jorge Ortiz, and Circuit Court Clerk, Keith Brin, reported on the progress in the Order of Protection's Office.

Chief Judge Ortiz reported that the office for Order of Protections has received seven computers that allow the staff to electronically generate petitions for orders of protection. It has been reported to them that the staff is very happy to have the computers. It was noted that this is an interim solution and the real solution would be to have the ability to file electronically. However, this interim solution is increasing efficiency.

Mundelein Chief of Police, Eric Guenther, added that there are more than 3,000 people annually that are victims of domestic violence and it should be the County's obligation to make these processes as streamlined as possible. The best way to do this is to come up with a solution that automated the process from the beginning.

Pat Davenport, CEO of A Safe Place, noted that there are two key issues regarding the process of the orders of protection. One issue is that the amount of paperwork that needs

to be completed by a victim is very large, and the carbon copies given to the Sheriff's Office are unreadable and this makes it hard for them to enforce. The other issue is timeliness. Ms. Davenport expressed her appreciation to the Courts and Clerk's office for making a certain portion of the paperwork electronic. She requested that the County Board work diligently on this issue because of its importance.

Mundelein Police Chief, Eric Gunther, noted that if there is a solution that will simplify this processes, no matter the cost, it should be considered. He feels that when victims are put through this current process they are being further victimized.

Pro tem Chair Hart added that she was under the impression that the simplification of this process was done, and requested the cost of further simplifying the process. County Administrator, Barry Burton, and Circuit Court Clerk Keith Brin, noted that the issue is not cost related, the case management system will eventually encompass the process.

Member Calabresa noted her disapproval for the amount of time this is taking to simplify this process.

Member Bartels made a motion to limit further discussion until after the October 17, meeting. Motion failed for lack of second.

Deputy County Administrator, Amy McEwan, noted that in the past the County Administrators Office, Finance and Administrative Services, and the Courts met regarding the Circuit Court Clerks Systems. At that time, it was recommended not to seek a contractual solution to this problem because the contracts were very old. It would be difficult to go back to a contractor and ask to change a five or six year old contract, that was never implemented, without allocating funding, because the counties processes have changed. If the County wants to move forward with that solution, the County would need to fund the changes to the contract.

Circuit Clerk, Keith Brin, noted that the basic emergency order of protection module, to integrate with the CRIMS system and potentially other systems, was created but was put to the side until a later date until all partners would have a chance to look at it. In order to make that system useful, it would cost \$13,000 to bring the existing system up to date with the new software.

Judge Mitchell Hoffman informed the committee that if the case management system is purchased it will include both civil and criminal electronic filing. The concern was spending an additional \$14,000 on URL for the operating system.

Discussion ensued regarding staff working together to find a solution.

Discussed

9.2 [16-0922](#)

Presentation and discussion regarding the fiscal year (FY) 2017 Legislative Program Proposals.

Tabled

10. Adjournment

A motion was made by Member Bartels, seconded by Member Weber, that this item be adjourn. The motion carried by the following vote:

Aye: 4 - Member Bartels, Member Calabresa, Member Hart and Member Weber

Absent: 3 - Chair Nixon, Vice Chair Cunningham and Member Paxton

Meeting minutes prepared by Heidie Hernandez.

Respectfully submitted,

Chairman

Vice-Chairman

Law and Judicial Committee