

COUNTY OF KENDALL, ILLINOIS
Law, Justice and Legislation Committee
Monday, May 17, 2021
Meeting Minutes

Call to Order and Pledge Allegiance – Chair Judy Gilmour called the meeting to order at 3:15p.m. and led the Pledge of Allegiance.

Roll Call:

Committee Member	Status	Arrived	Left Meeting
Judy Gilmour	Here		
Amy Cesich	ABSENT		
Dan Koukol	Yes		
Ruben Rodriguez		3:19p.m.	
Robyn Vickers	Here		

Others Present: EMA Director Roger Bonuchi, Court Services Director Alice Elliott, Tracy Page, Chief Judge Robert Pilmer, Circuit Clerk Matthew Prochaska, Coroner Jacquie Purcell, Undersheriff Bobby Richardson, Commander Jeanne Russo

Approval of Agenda: Member Koukol made a motion to approve the agenda, second by Member Gilmour.

ROLL CALL VOTE

Committee Member	Vote
Robyn Vickers	Yes
Judy Gilmour	Yes
Dan Koukol	Yes

With three members present voting aye, the agenda was approved.

Approval of Minutes – Member Rodriguez made a motion to approve the April 19, 2021 meeting minutes, second by Member Koukol.

ROLL CALL VOTE

Committee Member	Status
Dan Koukol	Yes
Ruben Rodriguez	Yes
Judy Gilmour	Yes
Robyn Vickers	Yes

With four members present voting aye, the motion carried by a 4-0 vote.

Public Comment - None

Status Reports

Coroner – Written report provided. Coroner Purcell reviewed the April 2021 report stating there were 26 total deaths, including 2 deaths by overdose, and 2 deaths by suicide. There were 2 autopsies performed.

EMA – Written report provided. Director Bonuchi reported that EMA has to reapply for accreditation through IEMA every two years, and is in the process of submitting the application now.

Public Defender – Written reports for February, March and April provided.

Circuit Clerk – Written reports provided. Circuit Clerk Matthew Prochaska reported on the updated Manual of Recordkeeping changes that are to be implemented on January 1, 2022. Mr. Prochaska stated that the Illinois State Supreme Court announced changes to the Court Fee Assessment System by which fees, fines and other court costs are paid by litigants in civil and criminal cases. The goal is to address the confusion, inconsistency and financial hardship caused by the previous structure, and to make the justice system more accessible, and to simplify the imposition, collection and distribution of court assessments.

Court Services – Written reports provided. Ms. Elliott reported that Probation Officers and management are entering into negotiations on June 9th, for a new contract to begin on December 1, 2021.

Ms. Elliott stated that House Bill 3653 passed and that many areas of law enforcement and the judicial system will be affected with mandatory changes. One that will specifically affect Probation is the separation of pre-trial from the probation office, and the restructuring of pretrial throughout the state. They are already aware that Probation and Pretrial will not be managed under the same umbrella, but will instead report either directly to the Chief Judge of their Circuit or the Administrative Office of the Illinois Courts. Although it is not anticipated that Kendall and DeKalb County will see the least of amount of disruption, it is likely that there will some dividing of expenses and revenue line items as it pertains to salaries for pretrial next year.

Last year salary reimbursements for probation officers increased significantly to 100 percent reimbursement as outlined in the statutes. Now that the AOIC is funding at 100 percent, there has been a push to refrain from the practice of utilizing probation fees to fund operational expenses. Prior to the next Fiscal Budget Year, Ms. Elliott will review and analyze any operational expenses that could/should be moved.

Chief Judge – Judge Pilmer updated the committee on the Supreme Courts guidelines for the continued requirement of wearing masks in the courthouse through January 2022.

Judge Pilmer also reported that Facilities Management continues work on the Courthouse HVAC system.

Sheriff's Report

- a. Operations Division – Written April report provided.

- b. Corrections Division – Written April report provided. Commander Russo reported on the Electronic Home Monitoring program status, which is now fully functional in the Sheriff’s Office and stated they have 8 juvenile and 51 adult participants in the EHM.
- c. Records Division – Written report provided.

Old Business – None

New Business

- *Approval of a Resolution Calling for the Governor and General Assembly to Protect Local Control of Zoning and Land Use* – Mr. Koeppel reported that Kendall County opposes HB 633 and SB170 that severely restrict counties of control of Wind Energy Farms/Facilities. Discussion of the ramifications of such restriction and actions the County can consider.

Member Koukol made a motion to forward the approval of a Resolution Calling for the Governor and General Assembly to Protect Local Control of Zoning and Land Use to the April 20, 2021 County Board meeting for further discussion and final approval, second by Member Rodriguez.

ROLL CALL VOTE

Committee Member	Vote
Robyn Vickers	Yes
Ruben Rodriguez	Yes
Judy Gilmour	Yes
Dan Koukol	Yes

With four members present voting aye, the motion carried. This item will be sent to the County Board for further discussion, approval and action.

- *Discussion of HB 1727 “The Bad Apples in Law Enforcement” Accountability Act* – Sheriff Dwight Baird began by stating that this bill was introduced to take away the qualified immunity from law enforcement officers that was proposed in HB 3653, it was stricken from that bill and a Task Force to be formed and charged with providing a report to the Governor by May 1, 2021 on qualified immunity. It passed out of committee by 4-2. Sheriff Baird stated that he understood that some of our local representatives would not be supporting HB 1727.

States Attorney Eric Weis said this was taken out because there weren’t enough votes to pass. Mr. Weis stated that Qualified Immunity is not what is generally perceived as “a solve all solution”, but actually means that if a police officer commits a crime that causes them to be prosecuted for willful and wanton action, they are not covered by insurance. Mr. Weis stated that qualified immunity protects local government entities when an officer does something that is not willful and wanton misconduct. Eliminating qualified

immunity will mean that the law officer and the governmental entity can now be sued for the actions that the law enforcement officer was prosecuted for. This will not make police offices more accountable, but it will mean taxpayers will be forced to pay more for additional lawsuits, trials and prosecution.

Discussion on the possibility of raising taxes for nuisance suits to support this type of bill, insurance rate increases for the payment of additional claims for wrongful detention or seizure, and the potential need for self-protection by law enforcement officers.

The County will continue to monitor and discuss this bill as it proceeds through the House.

Chairman's Report/Comments – No report

Items for the April 20, 2021 Kendall County Board Meeting

- *Approval of a Resolution Calling for the Governor and General Assembly to Protect Local Control of Zoning and Land Use*

Items for the May 13, 2021 Committee of the Whole Meeting - None

Public Comment - None

Legislative Update – None

Executive Session – Not needed

Adjournment – Member Koukol made a motion to adjourn the meeting, second by Member Rodriguez.

ROLL CALL VOTE

Committee Member	Vote
Judy Gilmour	Yes
Dan Koukol	Yes
Robyn Vickers	Yes
Ruben Rodriguez	Yes

With four members in agreement, the meeting adjourned at 4:03p.m.

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Secretary