

Agenda Item # 18

Distribution:
County Board
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STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
ADJOURNED REGULAR SEPTEMBER, A.D., 2005 SESSION
DECEMBER 13, A.D., 2005

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Law and Judicial and Financial and Administrative Committees present herewith a Joint Resolution authorizing the continued support of and participation with the Office of the Illinois State's Attorneys' Appellate Prosecutor for FY 2006; designating that Office to act on behalf of Lake County in certain cases; and providing for the payment of \$35,000 for the appellate prosecution services; and request its adoption.

Respectfully submitted,

<u>Andy Nypor</u> ✓	Aye	Nay	<u>[Signature]</u> X	Aye	Nay
Chairman			Chairman		
<u>[Signature]</u> ✓			<u>[Signature]</u> X		
Vice-Chairman			Vice-Chairman		
<u>Samuel D. Nicks</u> ✓			<u>[Signature]</u> ✓		
<u>[Signature]</u> ✓			<u>Robert Sabornie</u> ✓		
<u>Carol Calabrese</u> ✓			<u>Carol Calabrese</u> ✓		
<u>Steph E. Cook</u> ✓			<u>Steph E. Cook</u> ✓		
<u>Sandy Cole</u> ✓					
Law & Judicial Committee			Financial & Administrative Committee		

RESOLUTION

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor was created to provide services to State's Attorneys in Judicial Districts containing less than 3,000,000 inhabitants; and

WHEREAS, the powers and duties of the Office of the State's Attorneys Appellate Prosecutor are defined and enumerated in the "State's Attorneys Appellate Prosecutor's Act," 725 ILCS 210/1 et seq., (1992 State Bar Edition), as amended; and

WHEREAS, the Illinois General Assembly appropriates monies for the ordinary and contingent expenses of the Office of the State's Attorneys Appellate Prosecutor, one-third from the State's Attorneys Appellate Prosecutor County Fund and two-thirds from the General Revenue Fund, provided that such funding receives county approval and support from within the respective Judicial Districts eligible to apply; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State's Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor and the Illinois General Assembly have reviewed and approved a budget which will provide for the continued operation of the Office of the State's Attorneys Appellate Prosecutor.

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, that the County of Lake does hereby support the continued operation of the Office of the State's Attorneys Appellate Prosecutor, and designates the Office of the State's Attorneys Appellate Prosecutor as its Agent to administer the operation of the appellate offices and to process said appellate court cases for this County; and

BE IT FURTHER RESOLVED, that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State's Attorneys on behalf of the State's Attorney of this county in the appeal of all cases, when requested to do so by the State's Attorney, and with the advice and consent of the State's Attorney prepare, file, and argue appellate briefs for those cases; and also, as may be requested by the State's Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, and the Narcotics Profit Forfeiture Act. Such attorneys are further authorized to assist the State's Attorney in the State's Attorney's duties under the Illinois Public Labor Relations Act, including negotiations thereunder, as well as in the trial and appeal of tax objections; and

BE IT FURTHER RESOLVED, that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor may also assist the State's Attorney of Lake County in the discharge of the State's Attorney's duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction.

BE IT FURTHER RESOLVED, that the Lake County Board hereby agrees to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor for the County's Fiscal Year 2006, by appropriating a sum of money in the FY2006 budget not to exceed \$35,000 for the express purpose of providing a portion of the funds required for financing the operation of the State's Attorneys Appellate Prosecutor, and agrees to deliver the same to the Office of the State's Attorneys Appellate Prosecutor during the County's 2006 Fiscal Year.

DATED, at Waukegan, Lake County, Illinois on this 13th day of December A.D., 2005.