

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Monday, March 7, 2005 at 5:00 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Renner, Members Harding, Rackauskas, O'Conner, Owens and Nuckolls

Members Absent: None

Other Board Members Present: Member Dave Selzer

Staff Present: Mr. John Zeunik, County Administrator, Mr. Terry Lindberg, Assistant County Administrator and Ms. Jude LaCasse, Assistant to the County Administrator

Department Heads/
Elected Officials Present: Ms. Sandy Parker, Circuit Clerk; Sheriff Dave Owens; Mr. Bill Yoder, State's Attorney; Ms. Beth Kimmerling, Coroner; Ms. Billie Larkin, Director, Children's Advocacy Center; Mr. Tony Cannon, Director, MetCom; Mr. Bill Gamblin, Director, 911 Administration

Others Present: Mr. Eric Ruud, Assistant State's Attorney; Mr. Derick Love, Chief Deputy Sheriff; Mr. Jim Tusek, Public Defender's Office

Chairman Renner called the meeting to order at 5:02 p.m.

Chairman Renner presented the minutes from the March 7, 2005 Justice Committee Meeting for approval.

Motion by Owens/Harding to Approve the Minutes of the March 7, 2005 Justice Committee Meeting.
Motion carried.

Ms. Sandy Parker, Circuit Clerk, presented the February 2005 Statistical Reports. She reported that at a Circuit Clerk's meeting, she learned that the IDPA Title IV-D Child Support Enforcement contract agreement will remain the same. There is no increase in the total funding, but the grant will remain intact. Ms. Parker noted that there is a stricter time limit and the signature page must be returned immediately.

Justice Committee

April 4, 2005

Page Two

Ms. Rackauskas commented on the increase in juvenile abuse and neglect statistics. Ms. Parker stated that the figures continue to grow.

Chairman Renner reminded the Committee of the period of time when it appeared that Illinois Department of Family and Child Services was not effectively enforcing the laws due to public pressure. At that time, the abuse and neglect figures were very low. The increase may be part of a leveling off of that time period.

Ms. Rackauskas also commented on the increase in the Driving Under the Influence statistics. Ms. Parker responded that DUI enforcement grants will sometimes influence the statistics. Ms. Rackauskas asked that evaluation information on the statistics be made available.

Chairman Renner asked if there were any further questions. Hearing none, he thanked her for attending.

Mr. Eric Ruud, Assistant State's Attorney, presented one action item, namely a request for approval of an Intergovernmental Agreement between the Illinois Department of Public Aid and the McLean County State's Attorney for the Title IV-D Child Support Enforcement grant funding. He requested the Committee's approval of the continuation of this on-going grant to maintain the Child Support Enforcement Program.

Motion by Owens/Nuckolls to Recommend Approval of the Intergovernmental Agreement between the Illinois Department of Public Aid and the McLean County State's Attorney – Title IV-D Child Support Enforcement Grant Program.

Motion carried.

Chairman Renner asked if there were any questions or comments. Hearing none, he thanked him for attending.

Mr. Jim Tusek, Public Defender's Officer, presented two items for action. The first is a request for approval of a contract for a Special Public Defender with Mr. Terry W. Dodds, Attorney at Law. The second is a request for approval of a contract for a Special Public Defender with Mr. Todd Roseberry, Attorney at Law. He noted that these contract attorneys will fill two contract positions vacated by Mr. Anthony Tomkiewicz and Ms. Lee Ann Hill.

Motion by Nuckolls/O'Connor to Recommend Approval of a Contract for Special Public Defender with Mr. Terry W. Dodds, Attorney at Law and Approval of a Contract for Special Public Defender with Mr. Todd Roseberry, Attorney at Law.
Motion carried.

Chairman Renner asked if there were any questions. Hearing none, he thanked him for attending.

Chairman Renner presented the Court Services Adult/Juvenile Division Statistics and the McLean County and Out of County Juvenile Detention Center Statistics as submitted by Ms. Roxanne Castleman, Director, Court Services. He asked if there were any comments, questions or observations. There were none.

Ms. Beth Kimmerling, Coroner, presented the Monthly report for February 2005 and the 2004 Year-end Report. She observed that February was a busy month for McLean County, noting that of the 70+ deaths, 12 deaths needed to be investigated.

Ms. Kimmerling reviewed the 2004 Year-end report. She pointed out that the 2004 Revenue was significant and she asked that the Committee take note of the number of cases in 2004, which surpassed 500 cases. Ms. Kimmerling indicated that the most common natural cause of death was pulmonary embolism. She noted that in the past it has been either cardiac arrest or stroke-related.

Mr. Owens asked what the fee is for cremation permits. Ms. Kimmerling replied that the fee is \$10.00. She stated that anyone requesting a cremation must obtain a permit and the death certificate must be examined for accuracy as to the cause of the death.

Ms. Rackauskas asked if Ms. Kimmerling was aware of deaths caused by drug use, particularly juveniles lacing marijuana with Methadone. Ms. Kimmerling replied that McLean County does not see the meth-amphetamine deaths that more rural counties do. She stated that the drug combination she sees is marijuana laced with either cocaine or heroin.

Ms. Kimmerling reported that the suicide numbers have increased. She informed the Committee that all of the people who died by suicide in 2004 and who were diagnosed with depression, had the opportunity to see a physician or psychiatrist without a long waiting period.

Chairman Renner asked if there were any further questions. Hearing none, he thanked her for attending.

Chairman Renner presented the quarterly report as submitted by Ms. Cindy Brand, Jury Commission. He asked if there were any comments, questions or observations. There were none.

Ms. Billie Larkin, Director, Children's Advocacy Center, presented the Monthly Statistical Report and CASA Report. Ms. Larkin distributed blue bracelets representing Child Abuse Awareness Month. She noted that February was a low month. However, there were two child death investigations in February. Ms. Larkin reported that they saw 27 children in March, representing a 10% increase compared to last year.

Ms. Larkin reported that CASA just swore in its 25th class. She noted that things are going very well with CASA.

Chairman Renner asked if there were any further questions. Hearing none, he thanked her for attending.

Mr. Bill Gamblin, Director, 911 Administration, presented the 911 Status Reports for February 2005. Mr. Gamblin noted that 50% of the incoming calls are being made by cell phones. The next biggest technological advancement is the voice-over IP. He reported that he has met with Verizon to discuss upgrading the software and hardware for the 911 equipment, which will allow more flexibility for the telecommunicators in receiving 911 calls. Also, it will allow new networking with Verizon to ensure that when voice-over IP circuits become available in McLean County, the 911 system will be able to handle voice-over IP calls. Mr. Gamblin indicated that they are considering revamping the network in an attempt to reduce costs. He noted the following: 1) this will be the fourth update of 911 equipment, 2) it is hoped that this will reduce the network charges and rates being incurred by the phone company, and 3) with the new networking, there will be more diversity in routing.

Mr. Gamblin advised that in the near future he will have a report available for the ETSB meeting and a report available to this committee.

Mr. Owens asked for an update on the past problems with the cellular companies. Mr. Gamblin replied that the letter from the FCC took care of the problems. He noted that as a result of the merge of Cingular and AT&T, some of the towers are down be retrofitted.

Mr. Selzer asked about the large number of administration calls. Mr. Gamblin replied that administration calls are any seven-digit telephone calls to the dispatch center on lines that are monitored, and includes out-going calls as well. Mr. Gamblin reported that the national standard requires 90% of calls to be answered within the third ring or 18 seconds. He pointed out that the report shows that 99.99% of the calls fall within that range.

There was some discussion regarding the number of emergency calls that come through on the seven-digit number by the elderly who believe they will be charged a fee when calling 911. Mr. Gamblin advised that they have provided educational programs to inform the community that 911 calls are free.

Chairman Renner asked if there were any further questions or observations. Hearing none, he thanked him for attending.

Sheriff Dave Owens presented the McLean County Detention Facility Population Report for March 2005.

Chairman Renner asked if there were any questions or comments. Hearing none, he thanked him for attending.

Chairman Renner asked Mr. Love, Mr. Cannon, Mr. Gamblin, Sheriff Owens and Mr. Ruud to be available for the discussion regarding MetCom. He advised that there are several points regarding the contract that need to be discussed.

Mr. John Zeunik, County Administrator, presented a request for approval of an Intergovernmental Agreement between the City of Bloomington, Town of Normal, County of McLean, and the Emergency Telephone Systems Board. He noted that the proposed Intergovernmental Agreement is the result of negotiations between the City Manager of Bloomington, the City Manager of Normal, the ETSB Director and the County Administrator to reach an acceptable solution that recognizes the City's decision to withdraw from MetCom and the financial and operational impact of the City's decision on the Town, the County, ETSB and MetCom. Mr. Zeunik recognized Mr. Eric Ruud as the crafter of the Intergovernmental Agreement with advice from Mr. Steve Mahrt, the Corporate Counsel for Normal and Mr. Dave Stanczak who represents MetCom.

Mr. Zeunik advised that the City Council's decision to withdraw from MetCom is within the legal right of the Council. The Agreement is an attempt to make the best of the situation and to do the least harm to the members who created MetCom in 1997. He summarized the following points regarding the Agreement:

- It provides a three-year transition period in which the City will make payments of \$340,895 to MetCom to help reduce what would have been a significant increase to the Town and the County.
- It limits the amount that ETSB contributes to MetCom during that period of time.
- It creates the City as the primary back-up center for MetCom and MetCom as the primary back-up center for the City, thereby keeping a connection between the City and MetCom.
- It guarantees that the City will not seek funding from ETSB until January 1, 2009.
- It guarantees that the City will meet all of the ICC requirements.
- Certain start-up costs incurred by the City will be paid for by ETSB as they would be for any primary dispatch center.

Mr. Zeunik indicated that there are several other issues that need to be considered, if the proposed Intergovernmental Agreement does not go forward.

- MetCom will have to continue to answer all the 911 calls if the ETSB does not reconsider Bloomington's request to be a primary PSAP.
- MetCom will need staff to handle all of the calls and will need to either dispatch all of the calls or transfer the calls to Bloomington for dispatch. In either case, it represented an increased cost to MetCom because Bloomington, as of December 31, 2005, does not plan to make any contributions to MetCom.
- The option of transferring the calls presents a liability for MetCom due to the time needed to transfer the call and in the actual transfer procedure.
- The annual operating budget for MetCom will potentially increase significantly and the increased expenses will be allocated to the Town and the County.

Mr. Zeunik stated that if the proposed Intergovernmental Agreement, which provides a three-year transition, does not happen, the question is "where do we go from here." He noted that in meetings with Tony Cannon, the Town of Normal, and Sheriff Owens, it was agreed that there are very limited alternatives. Mr. Zeunik referred to the spread sheet on page 99 of the Packet which summarizes the current adopted budget, the projected 2006 budget, and the payments to be made by each of the parties, showing the three-year transition and how the number was reached. It also shows that, over time, the ETSB contribution decreases and the contributions from the County and Normal also flatten out. The goal of the County and the Town was to try to make the annual increases level and constant over the transition period.

Mr. Zeunik pointed out that the Intergovernmental Agreement, as presented in the Committee Packet, has been executed by the City and the Town. Also included in the Packet are:

- background materials on the action taken by the City Council
- the Intergovernmental Agreement creating MetCom
- MetCom statistics from 2004 provided by Tony Cannon
- Problem Reports from 2004 and 2003 provided by Tony Cannon

Mr. Zeunik announced that Mr. Gamblin, Mr. Cannon and Sheriff Owens are available to address questions regarding the Illinois Commerce Commission regulations, ETSB responsibilities, impact on departments and where we are in terms of bringing the Agreement to the Board.

Chairman Renner asked that the minutes reflect his observation that in 2002, based on the data, there were 28 problem reports noted by Bloomington and 84 non-Bloomington problem reports. Between 2002 and 2003 the non-Bloomington problem reports decreased from 84 to 39, while Bloomington's problem reports went up 100%, from 28 to 56. In 2004, after the City Council had approved their withdrawal from MetCom, their 56 problem reports went down to ten. He expressed a concern that these figures reflect political motivation.

Chairman Renner observed that the Committee has several options. One option is to approve the Agreement and send it to the Executive Committee and then the County Board. A second option is to kill the Agreement. A third option is to send it on without recommendation, which means it would then go to the Executive Committee and to the County Board.

Ms. Rackauskas advised that the different points of the Agreement be reviewed first. Ms. Rackauskas asked why Bloomington, given their dissatisfaction with MetCom, would want MetCom as their backup. Also, because of hostility surrounding their withdrawal from MetCom, she questions having Bloomington act as backup to MetCom.

Mr. Gamblin responded that, under the Illinois Commerce Commission which oversees 911 systems, a County the size of McLean is required to have a mirrored backup system in case of failure at the main facility. The most economical way of meeting the requirement is to have Bloomington and MetCom be backups for each other.

Ms. Rackauskas articulated her opinion that if Bloomington agreed to have MetCom be their backup, there was no valid reason for them to withdraw from MetCom. Mr. Gamblin responded that the two responsibilities of a backup center are to respond to an overflow of calls or if MetCom were to have major technical problems, the backup center assumes responsibility.

Mr. Owens expressed his concern that with the withdrawal of Bloomington from MetCom, the entire system would be regressing rather than progressing.

Sheriff Owens agreed that having everyone "under one umbrella" is the most desirable situation. He indicated that he shares the disappointment verbalized by members of the Committee over Bloomington withdrawing from MetCom. Sheriff Owens stated that he personally believes MetCom and the MetCom employees provide the City of Bloomington with the necessary services required. However, he accepts the fact that Bloomington has the right to withdraw, whether we agree or not.

Sheriff Owens stated that MetCom will be able to provide the Town of Normal, McLean County and the rural areas with the best possible dispatch service without the assistance of Bloomington. He acknowledged the improvements at MetCom under the leadership of Tony Cannon. Sheriff Owens informed the Committee that there are liability and financial concerns if the Agreement is not approved.

Chairman Renner asked what legal recourse the County can take if the Agreement is not approved.

Mr. Ruud referred to the original Intergovernmental Agreement under which we are currently operating, noting that there is a termination clause which requires notice be given a year in advance of terminating the Agreement. He advised that there is some contention over whether or not Bloomington responded within the appropriate time for termination to take affect in December 2006. Mr. Ruud announced that nothing can be done until after that date. After that time, it is possible to sue for breach of contract, which could take two years or more and be very costly. If that becomes the case, he warned that MetCom will have to continue answering the calls for Bloomington without their financial assistance. Also, MetCom will be responsible for dispatching at their cost. Mr. Ruud stated that this could cause liability problems as well due to the added burden on MetCom to answer a large volume of calls.

Mr. Cannon acknowledged that Bloomington is, without question, leaving. He indicated that part of the confusion that will develop when MetCom becomes responsible for answering Bloomington's emergency calls is that MetCom and Bloomington will not be able to adequately communicate their locations in relationship to the emergencies.

Mr. Owens asked how the additional costs to the Town and County will be funded. Mr. Zeunik explained that the proposed Agreement talks about ETSB considering Bloomington's request to be a primary PSAP. If Bloomington becomes a primary PSAP, the operating costs at MetCom would go down significantly. The projected operating costs of MetCom would go from \$2,381,850 this year to a projected budget of \$1,929,871 because MetCom would not be handling Bloomington's calls. Bloomington's calls would be handled by Bloomington's PSAP.

Mr. Zeunik further explained that the projected increase in cost would be caused by the scenario which was previously discussed, namely that Bloomington goes away; they are not given the ability to handle their calls; and MetCom becomes responsible for handling all of Bloomington's calls as well as all of the County, Normal and rural calls. With this scenario, MetCom must find a way to receive information from Bloomington and send information to Bloomington. Mr. Zeunik reiterated Mr. Cannon's comment that Bloomington is going to leave MetCom. He indicated that there are several reasons to continue to link Bloomington to MetCom. One, the space for MetCom in Normal is very small and Normal would like to have the space back. Two, if MetCom and the City act as a backup for each other, we can receive the kind of information necessary so that we do not put ourselves in a liability position.

Sheriff Owens expressed his belief that this Agreement provides a solution to the issue by allowing Bloomington to have a PSAP. He noted that ETSB must approve this recommendation, and he believes they will approve the PSAP request if the County Board approves this Intergovernmental Agreement. Sheriff Owens agreed with the sentiment expressed at the meeting regarding Bloomington leaving MetCom. However, he noted that by not approving the Agreement, more harm will be done to the County agencies, the rural areas and the Town of Normal. Sheriff Owens suggested that it is important to move on and let MetCom provide the best services possible.

Mr. Selzer asked how soon Bloomington can pull out of MetCom legitimately with no strings attached, assuming they gave proper notification. Mr. Zeunik replied that, assuming Bloomington gave proper notification, they would be able to pull out January 1, 2006.

If Bloomington did not give proper notification, they could not leave until January 1, 2007. Mr. Selzer asked how much Bloomington contributes annually. Mr. Zeunik replied that Bloomington will pay \$710,454 this year. If the Agreement is approved, Bloomington will pay a total of \$340,000+ over the next three years, beginning in 2006. Mr. Selzer clarified that if we sued and won we would receive the \$710,454 again in 2006, but should Bloomington win the lawsuit; the County would not get the \$710,454 nor would the County get the \$340,000 as established in the Agreement. He further clarified that Bloomington has basically exercised its option to withdraw from MetCom as per the contract.

Mr. Nuckolls asked for clarification of his understanding that Bloomington will not be responsible for making payments after December 31, 2005. Mr. Zeunik explained that, assuming Bloomington gave acceptable notice of their desire to leave MetCom, the additional year they are required to pay is calendar year 2005, which they are currently paying. The \$340,000 payment begins in Fiscal Year 2006 with a payment of \$173,678 and in 2007 it decreases to \$116,505 and in 2008 it decreases again.

Mr. Nuckolls expressed his frustration and indicated he felt he was being forced to make a decision with which he does not agree. Mr. Zeunik replied that the same frustration has been felt by Sheriff Owens, Tony Cannon, Bill Gamblin, Mark Peterson as well as himself and everyone involved, but there appears to be no other viable alternative.

Mr. Owens suggested that the situation may change following the April 5 election. The Committee members had a lengthy discussion on this possibility.

Mr. Cannon reiterated the fact that Bloomington is determined to leave MetCom and they will leave with or without this Agreement which allows for some financial assistance to MetCom. If the Agreement is not approved, MetCom must still operate and they must operate without the financial assistance from Bloomington that the Agreement offers. He concurred with the Committee's opinion that everyone should work under one dispatch system.

Mr. Cannon stated that the plan for Bloomington to pull out of MetCom has been under discussion for two years. His employees have been under constant stress about losing their jobs. If the Agreement is passed, Mr. Cannon noted that he will have to cut staff, and he hopes that those staff would be able to get employment with Bloomington. He stated that MetCom staff will be relieved when decisions have been made and they will know their status of employment.

Motion by Owens/O'Connor to send the Request for Approval of Intergovernmental Agreement between the City of Bloomington, Town of Normal, County of McLean, and the Emergency Telephone System Board to the Executive Committee with no Recommendation from the Justice Committee.

Mr. Selzer reminded the Committee that within hundreds of Intergovernmental Agreements there are "out" clauses and anyone can exercise their right to activate the clause, as Bloomington is doing.

Ms. Rackauskas referred to the analogy of a divorce and stated that divorce is always more expensive than staying together. Mr. Zeunik agreed, but suggested that when you have two parties with irreconcilable differences and they cannot be resolved, it is better to come to an agreement they can both live with and go their separate ways.

Ms. Harding recommended that the Committee accept the Agreement and pass it on to the Executive Committee with Committee approval. She indicated that she does not see the election changes making enough of a difference in the short-term. Furthermore, Ms. Harding expressed her belief that it is the Justice Committee's responsibility to make a recommendation to the Executive Committee. Ms. Rackauskas agreed.

Chairman Renner asked for a roll call vote on the motion made by Mr. Owens and Ms. O'Connor.

Member Nuckolls	"Yes"
Member Owens	"Yes"
Member Rackauskas	"No"
Member O'Connor	"Yes"
Member Harding	"No"
Chairman Renner	"No"

Chairman Renner announced that the motion failed by a vote of 3-3.

Motion by Rackauskas/Harding to Recommend, under duress, Approval of the Intergovernmental Agreement between the City of Bloomington, Town of Normal, County of McLean, and the Emergency Telephone System Board.

Chairman Renner asked for a roll call vote on the motion.

Member Nuckolls	"No"
Member Owens	"No"
Member Rackauskas	"Yes"
Member O'Connor	"No"
Member Harding	"Yes"
Chairman Renner	"Yes"

Chairman Renner announced that the motion failed by a vote of 3-3.

Mr. Ruud advised that if the vote is a tie, the request goes to the Executive Committee without recommendation.

Chairman Renner presented the March 31, 2005 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a pending total and a prepaid total of \$2,017,180.

Justice Committee
April 4, 2005
Page Thirteen

Motion by Owens/Harding to recommend approval of
the Justice Committee bills as of March 31, 2005.
Motion carried.

Justice Committee
April 4, 2005
Page Fourteen

With no further business to come before the Committee at this time, the meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary

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