

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Monday, October 4, 2004 at 5:00 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Vice Chairman Nuckolls, Members O'Connor, Owens, Harding and Rackauskas

Members Absent: Chairman Renner

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:

Sheriff Dave Owens; Mr. Bill Gamblin, Director, 911 Administration; Mr. William Yoder, State's Attorney; Ms. Cindy Brand, Jury Commission; Ms. Sandra Parker, Circuit Clerk; Ms. Beth Kimmerling, County Coroner; Ms. Roxanne Castleman, Director, Court Services; Judge Elizabeth Robb, Eleventh Judicial Circuit Court

Others Present: Mr. Will Scanlon, Trial Court Administrator; Mr. Dave Goldberg, Director, Juvenile Detention Center; Mr. Derick Love, Chief Deputy Sheriff; Ms. Barbara Nafziger, Assistant Coroner

Vice Chairman Nuckolls called the meeting to order at 5:04 p.m.

Vice Chairman Nuckolls presented the September 1, 2004 minutes to the Committee for approval.

Motion by Owens/Harding to approve the Minutes of the September 1, 2004 Committee Meeting.
Motion carried.

Mr. William Yoder, State's Attorney, presented two items for action. The first is a request to approve Agreement #601170 -- "McLean County Domestic Violence Multi-Disciplinary Team Program" between the McLean County State's Attorneys Office and the Illinois Criminal Justice Information Authority. Mr. Yoder explained that this is the Domestic Violence Grant awarded to the State's Attorneys Office approximately one year ago.

Mr. Yoder commended Ms. Jane Foster, an assistant in the State's Attorneys Office, for her diligence in taking the responsibility to act as the contact person for all of the agencies and the Authority. She was able to keep the grant project moving forward and finalized the terms of this multi-agency agreement.

Motion by Owens/Rackauskas to recommend approval of the Agreement #601170 – "McLean County Domestic Violence Multi-Disciplinary Team Program" between McLean County State's Attorneys Office and the Illinois Criminal Justice Information Authority.
Motion carried.

Mr. Yoder presented the second item, indicating that the Appropriation Ordinance is the actual funding for the balance of this fiscal year for the following positions in the State's Attorneys Office: one new Assistant State's Attorney II and one clerical position.

Motion by Rackauskas/Harding to recommend approval of the Emergency Appropriation Ordinance Amending the Fiscal Year 2004 Combined Annual Budget and Appropriation Ordinance – State's Attorneys Office 0020 – Domestic Violence Multi-Disciplinary Team Program – ICJIA Grant
Motion carried.

Mr. Yoder presented the 2004 Case Load Report, noting that there are no significant changes in the report. He observed that Felony Charges are where they need to be and Misdemeanor cases are where they were expected to be.

Vice Chairman Nuckolls thanked Mr. Yoder for his presentation.

Ms. Cindy Brand, Jury Commission, presented the Quarterly Statistical Year-to-date Progress Reports. She indicated that a four-day trial from Logan County was held in McLean County in August. The County was reimbursed in the amount of \$2,079.08 for juror pay, mileage, meals and parking as well as jury bailiff pay. Ms. Brand reported that a deaf juror served during the summer, though he was not chosen for the jury. She observed that it took a couple of weeks to find a qualified interpreter. Ms. Brand reported that the interpreter suggested that the educational videos on jury duty include one that is closed-caption. As a result of her inquiry, one will be made available by the Bar Association.

Ms. Brand reported that, during non-jury weeks, the Jury Assembly room has been made available to other groups. She noted that the 5th grade classes that come in to do mock trials with the judges are getting so large that they are now using the Jury Assembly room for a virtual tour of the jail. Ms. Brand reported that there have been 30 more trials this year than last year, partly due to the explosion last year when no civil trials were held and criminal trials were minimized.

Ms. Brand indicated that she was involved in Diversity Day at Heartland Community College in September. As part of the Diversity Day, Ms. Brand talked to them about jury duty.

Vice Chairman Nuckolls asked if anyone in the class had participated on a jury. Ms. Brand replied that one person had received her eligibility questionnaire and another one seemed to have had experience with the court system.

Vice Chairman Nuckolls thanked Ms. Brand for her report.

Mr. Bill Gamblin, Director, 911 Administration, presented the E-911 Monthly Statistical Reports. He reported that the use of wireless cellular phone 911 calls has significantly increased. He explained that this feature became available in Illinois in May, 2004. Across the United States, it became available in April, 2004 and within the first month, about 500,000 people switched from their home phone land line to wireless. Mr. Gamblin reported on voice-over Internet Protocol, which is where the computer becomes your telephone. He indicated that 911 Administration is discussing the possibility of reconfiguring their network using a secure voice-over IP, as it reduces the cost for the network and it enables you to handle more types of calls. Mr. Gamblin indicated that the 911 Administration is gearing up for some of the new telecommunication devices being developed for the deaf.

Ms. Harding asked about making a 911 call using a cell phone from different parts of the cellular calling area. Mr. Gamblin indicated that the biggest problem is with the cellular carrier. However, if everything is working properly, the call should go to the closest 911 center.

Mr. Owens asked about the two carriers who had not complied with Phase II. Mr. Gamblin replied that the Federal Communications Commission was in contact with the two companies and they will be working on this within the next 60 days. Mr. Gamblin explained if they have not responded within 60 days, the Commission will be notified and the Commission will levy fines.

Vice Chairman Nuckolls asked if there were any questions for Mr. Gamblin. Hearing none, he thanked him for attending.

Ms. Sandra Parker, Circuit Clerk, presented the Statistical Reports for August, 2004. She indicated that all of the pending numbers are tracking down compared to the previous year with the exception of the juvenile case load. Ms. Parker reported that there have been three credit card transactions since implementing the credit card payment option using E-PAY on Friday.

Vice Chairman Nuckolls asked if there were any questions for Ms. Parker. Hearing none, he thanked her for attending.

Vice Chairman Nuckolls presented the monthly caseload and general reports as submitted by Ms. Amy Davis, Public Defender. Vice Chairman Nuckolls asked if anyone had any comments, observations or questions on the reports. There were none.

Ms. Beth C. Kimmerling, County Coroner, presented the monthly Statistical Report. She noted that the report shows that August was a busier month for the County. Ms. Rackauskas asked for an update on the other counties doing their own autopsy services. Ms. Kimmerling indicated she had not heard anything from the counties serviced. Vice Chairman Nuckolls asked what counties does McLean County serve. Ms. Kimmerling replied that the County serves Peoria, Champaign, Vermillion, Woodford, LaSalle, DeWitt, Ford, Logan, Iroquois and Livingston counties. Ms. Harding asked if the County had a pathologist on staff. Ms. Kimmerling replied that the pathologist is not on staff, but rather on contract.

Vice Chairman Nuckolls thanked Ms. Kimmerling for her report.

Ms. Roxanne Castleman, Director, Court Services, presented one item for action, which is similar to the action item presented by Mr. Yoder. It is a grant for the Court Services' part of the Domestic Violence Program, written in conjunction with the State's Attorneys Office and other agencies. The grant will fund two existing Domestic Violence Probation Officers.

Motion by Owens/O'Connor to recommend approval of for Approval of Agreement #601174 – "McLean County Domestic Violence Multi-Disciplinary Team Program" between McLean County Court Services and the Illinois Criminal Justice Information Authority.
Motion carried.

Ms. Castleman presented the statistical reports for detention and probation.

Mr. Owens addressed the Committee regarding a possible budget alternative idea he submitted to the Administrator's Office, Judge Freese and Ms. Castleman, namely contracting out County probation. He explained that PSI is a private company that can be contracted to take over the probations area. He clarified that there are fees the County collects from individuals ordered to serve probation, and this company, if contracted, would rehire all current employees, do all the work of the probation office, collect the fees and give the County back a percent of the revenue they acquire. Mr. Owens explained that he felt it would have been a possible way to save the County some money.

Ms. Castleman reported that she contacted the Administrative Office of the Illinois Courts regarding this issue. She learned that in order to contract out probation services, there would have to be a change in the Illinois statute. Mr. Zeunik noted that he passed out a copy of the statute for each Committee member, highlighting the Probation Officers Act. Mr. Owens again noted that he presented the idea as simply a way to save the County money. He then indicated that he talked with Mr. Zeunik about the possibility of the company supplying electronic monitoring bracelets or equipment. Mr. Owens expressed his appreciation to Judge Freese and Ms. Castleman for examining this idea.

Vice Chairman Nuckolls asked if anyone had any questions for Ms. Castleman. Hearing none, he thanked her for her report.

Vice Chairman Nuckolls presented the Monthly Statistical and CASA reports as submitted by Ms. Billie Larkin, Director, Children's Advocacy Center. Vice Chairman Nuckolls asked if anyone had any comments, observations or questions on the reports. There were none.

Sheriff Dave Owens presented one item for action, which is similar to the action items submitted by the State's Attorneys Office and Court Services. Sheriff Owens reported that the Domestic Violence grant would be used to pay the salary of one Deputy Sheriff, including holiday and overtime. It will also be used to hire a new Deputy Sheriff and three law enforcement advocates through Mid-Central Community Action. Mr. Zeunik reported that if this is approved, budget amendments will be presented in November for the Sheriff's Department.

Motion by O'Connor/Rackauskas to recommend approval of Agreement #601171 – "McLean County Domestic Violence Multi-Disciplinary Team Program" between the McLean Sheriff's Office and the Illinois Criminal Justice Information Authority.
Motion carried.

Sheriff Owens reported that this is the first time the total count in the Detention Facility has been over 205 in about four months. He noted that two to three years ago, they saw 100 sentenced to the jail through straight time, work release or weekenders and that number is now in the 40's and 50's, which has been a significant change. Sheriff Owens attributed the change to the policies and procedures of both the State's Attorneys office and the Public Defender's Office, inasmuch as they are completing reviews with inmates more quickly.

Ms. O'Connor inquired about the allocation of the additional money received from the proposed increase in the Host Fee and if it could be slated for the Electronic Monitoring project. Mr. Zeunik replied that the money will come into the General Fund and, other than the specific statutory requirements that must be met in terms of the Solid Waste Management Act, it has no other restrictions. Ms. O'Connor asked how the Committee can ask for that money. Mr. Zeunik explained that the money will not be seen until the operating permit for the landfill expansion is approved. Ms. O'Connor reminded the Committee that the Board has made the Alternatives to Jail project a top priority. Vice Chairman Nuckolls asked what the guess is on the amount of the additional money. Mr. Zeunik explained that the Host Fee Agreement would increase the tipping fee from \$1.27 per ton to \$2.54 per ton, increasing the amount from \$178,000 to approximately \$360,000. He noted there are still statutory requirements in place in terms of the Solid Waste Program. After some discussion, it was determined that the amount in excess would be approximately \$160,000.

Ms. Harding asked what is the projected cost of the Electronic Monitoring Program. Mr. Lindberg indicated that the cost would depend upon the type of equipment and what can be charged to the people using the equipment, but he anticipated it would be between \$130,000-\$300,000, but probably around \$180,000. Mr. Owens asked what the time frame might be to receive the money. Mr. Zeunik indicated that 2006 would be the soonest. He indicated that under the Host Fee Agreement the County will continue to receive revenue. The Host Fee Agreement specifies that, once the Agreement has been approved, the County will

receive either \$5,000 per month or \$1.27 per ton of municipal solid Waste disposed of at the landfill, whichever is higher. In the FY 2005 Recommended Budget, the County is projecting \$1.27 a ton, based on revenue that has been received year-to-date, since this year they are not operating at full capacity. It has not been projected for any other use at this point except continuing to do what has been done with the Solid Waste Program. The County has been advised by the landfill operator that within the next 30 days, the application will be filed. Once the application is filed, the County is required to have a 60-day period before it can schedule the first public hearing, which means the first hearing on the proposed expansion will occur sometime after the first of the year. Depending upon how long it takes for the Regional Pollution Control Site Hearing Committee to conclude the public hearings, the Board's action would likely occur sometime in the first quarter of 2005. It would then go on to EPA and EPA could take up to a year to finish their approval process. However, since the application is an expansion of an existing permitted landfill, it may take less time. The application could be approved by 2006 and, once the permit is issued, the operator is required to begin paying \$2.54 per ton.

Ms. Rackauskas asked when it is projected the anticipated profit could be earmarked for the Alternatives to Jail project. Mr. Zeunik replied that planning could begin anytime, but the money would not be available until 2006. To begin the process, Mr. Zeunik indicated that an Approval of a Resolution would need to be initiated. He agreed to prepare a Resolution to be placed on the Justice Committee Agenda.

Mr. Zeunik introduced the review of the Fiscal Year 2005 Recommended Budget for the following departments:

Circuit Court 0016, General Fund 0001

Mr. Zeunik noted that the revenue budget account was reduced from \$11,685 in the FY 2004 Adopted Budget to \$0 in the FY 2005 Recommended Budget. Previously, this revenue line item reflected reimbursement from the four other counties in the 11th Judicial Circuit for the salary and fringe benefit expense of the full-time Circuit Court Secretary for the Trial Court Administrator. Because of budgetary issues in each of the four other counties, McLean County was advised that no reimbursement would be received in FY 2005. In terms of expenditures, the staffing level has been reduced from 11.48 FTE to 11.08 FTE Judicial Secretary positions. In addition, many of the line items have either remained the same or decreased from the prior year. Mr. Zeunik introduced Judge Robb and Mr. Will Scanlon.

Mr. Scanlon reported that the Circuit Court had no further requests. Ms. Rackauskas commended the judges and state's attorneys for their hard work.

Motion by O'Connor/Owens to recommend tentative approval of the Circuit Court – 0001-0016 FY 2005 Recommended Budget as submitted.
Motion carried.

Circuit Court IV-D Child Support Enforcement Program – 0156-0016

Mr. Zeunik explained that this is the Illinois Department of Public Aid IV-D Child Support Enforcement Program, which was established to account for the receipt of Illinois Department of Public Aid IV-D Child Support Enforcement Grant Funding and the expenditures for the program. The Circuit Court's expenditures will be primarily for Contract Services, specifically, the services of a contract attorney who will complete initial case review and screenings for the Circuit Court. This reflects no increase in the dollar amount from the Illinois Department of Public Aid.

Motion by Owens/O'Connor to recommend tentative approval of the Circuit Court IV-D Child Support Enforcement Program – 0156-0016 FY 2005 Recommended Budget as submitted.
Motion carried.

Mr. Scanlon addressed the Committee regarding the school visits as reported earlier by Ms. Brand, indicating that there are over 600 students who pass through that program every year and about 32 dates when school is in session and students come in during lunch. He commended Ms. Brand on this successful school program.

Jury Commission – 0001-0018

Mr. Zeunik indicated that this is a small budget with a 2.4% increase over FY 2004 Adopted Budget. He noted that there are no changes in the FTE Staffing level, there are minimal operating account changes and the total operating budget of \$98,003.00 is a total increase of \$2,365. Mr. Zeunik introduced Ms. Cindy Brand.

Ms. Brand reported that the Jury Commission has no additional requests. She noted that the only line item they asked for an increase in was letterhead and printing as those are the largest expense because of the volume of mailings to prospective jurors.

Motion by O'Connor/Harding to recommend tentative approval of the Jury Commission – 0001-0018 FY 2005 Recommended Budget as submitted.
Motion carried.

Court Services – 0001-0022; Court Services Juvenile Probation Fee Services Fund – 0145-0022; Court Services Adult Probation Fee Services Fund – 0146-0022

Mr. Zeunik explained that there are three separate Court Services' budgets to review. Mr. Zeunik introduced a handout from the Administrative Office of the Illinois Courts which lists the number of positions and the anticipated reimbursement from the State of Illinois. The number received from the State of Illinois is \$1,173,185. In the FY 2005 Recommended Budget, it was estimated to be \$1,157,864, which is within 1.3% of the actual number from AOIC. The County's biggest concern is the continued reduction in reimbursement from the State for the Grant in Aid positions and for the subsidy positions. Because of this, the County recommended that two positions be eliminated in FY 2005. He indicated the Domestic Violence positions would also have been eliminated had not the Domestic Violence Grant come through. Mr. Zeunik reported that there is a reduction in staff and many of the line items listed have had very little increase. Mr. Zeunik noted that the Capital Expense line item is to replace a system that is used at the Juvenile Detention Center for bed check.

Mr. Zeunik introduced Ms. Roxanne Castleman and Mr. Dave Goldberg, Superintendent of the Juvenile Detention Center. Ms. Castleman reported that there are not a lot of differences from last year's budget expenditures. She indicated there are two positions open, one in Adult Probation and one in Juvenile Probation, which will not be filled. She indicated that it will be a hardship, particularly in Adult Probation where 160 cases will have to be transferred to the other officers. Ms. Castleman reported that the State came through with their recommendation today, which is a \$15,000 difference from what was in the budget, so Court Services will get an additional \$15,000. She requested that \$2,000 be put back into the overtime budget at the Juvenile Detention Center, which had been cut by \$5,000. Ms. Castleman further requested that the remaining \$13,000 be put back into Contract Services in the Adult Probation Services budget. To accomplish this, the budget would need to reflect the anticipated revenue to be received from AOIC.

Mr. Zeunik explained the recommended budget amendments as follows: Line Item 407-0005, Probation Officers Salary Reimbursement will change from \$1,157,864 to \$1,173,185 (received from the Illinois Supreme Court), which is an increase of \$15,321. Line Item 0450-0011, Transfer From Other Funds, will be changed from \$300,000 to \$286,659, a reduction of \$13,321, as a portion of that money is coming out of Adult Probation. Line Item 0526-0001, Overtime Pay, will increase from \$23,325 to \$25,325, an increase of \$2,000.

Motion by O'Connor/Harding to recommend tentative approval of the Court Services Department – 0001-0022 FY 2005 Recommended Budget as amended.

Motion carried.

Mr. Zeunik reviewed the Juvenile Probation Fee Services Fund 0145, noting it is a small fund. The Court can order fees to be paid by the Juvenile Probationers, which does not generate a great deal of fee income. The Recommended Budget requests that the fee income, which will actually be realized this year, plus the unappropriated fund balance, go into the Interfund Transfer, in order to offset the reduction in the salary reimbursement from the State of Illinois.

Motion by Owens/Harding to recommend tentative approval of the Court Services Juvenile Probation Fee Services Fund – 0145-0022 FY 2005 Recommended Budget as submitted.

Motion carried.

Mr. Zeunik reviewed the Court Services Adult Probation Fee Services Fund – 0146-0022, which is the fund that collects Court ordered fees assessed to adults for services. In this fund, there was a proposal to transfer \$250,000. That transfer will be reduced by the amount of the new revenue, making the transfer \$236,679. The other recommendation made by Ms. Castleman to increase the Contract Services line from \$40,000 to \$53,321.

Mr. Owens asked about the Community Service Fee of \$25. Ms. Castleman replied that the fee is for offenders who are mandated to serve Community Service and pay the \$25 fee.

Motion by O'Connor/Harding to recommend tentative approval of the Court Services Adult Probation Fee Services Fund 0146-0022 FY 2005 Recommended Budget as amended.
Motion carried.

Mr. Zeunik reviewed the Coroner's Office 0001-0031, which is one of the few budgets where there may be an increase in revenue. The Coroner's Revenue line item has increased from \$32,500 to \$36,750, which is in the Morgue Fees. This conservative revenue projection recognizes that at least two of the counties that presently use the County Morgue's facilities are considering building their own morgue. Ms. Kimmerling indicated that Champaign has a morgue but does not have a pathologist and Peoria is in the process of renovating a building. She reported that there is a potential of losing some business, but, since there are only about 400 Board certified forensic pathologists throughout the United States, it will be difficult for the other counties to find pathologists. She indicated that even if we were to lose Peoria, LaSalle and Champaign, the County would still be able to reach this revenue projection. Ms. Kimmerling noted that there are four full-time employees in the Coroner's Office.

Mr. Zeunik reported that there are a few changes that occur in this budget in terms of operating expenses, which were summarized. This is the first budget reviewed that the impact of the increase in the cost of gasoline and oil has been felt for the vehicles in the Coroner's Office. He noted that the Office Supplies line item has increased due to an increase in CD formatted reports and scene photos submitted by law enforcement agencies. The Autopsies line item increased by \$3,000 to reflect the fee charged by the pathologist and his assistant to perform autopsies. Mr. Zeunik explained that the Toxicology line item account increased due to a change in the procedure for accounting for certain expenses incurred by the Coroner's Office. Previously, expenses for the tests ordered by the pathologist were split between Non-Employee Medical Benefit expense and some to Toxicology. In FY 2005, all of these expenses will be charged to Toxicology. Mr. Zeunik pointed out that no funds have been budgeted in the Non-Employee medical expense line item for FY 2005. Mr. Zeunik reported that there is a replacement van budgeted for the Coroner's Office.

Motion by Owens/Rackauskas to recommend tentative approval of the Coroner's Office – 0001-0031 FY 2005 Recommended Budget as submitted.
Motion carried.

Ms. Rackauskas addressed the Committee indicating that she recently attended the Jail Oversight committee meeting which meets three or four times a year. She encouraged the Committee members to attend these meetings. Ms. Rackauskas asked the Committee to consider rotating members to attend the meetings. Mr. Zeunik indicated that there are nine departmental budgets to cover, having reviewed seven at this meeting. He explained that all budget reviews must be completed by the November Executive Committee Meeting. After some discussion, it was decided that a Justice Committee Budget Meeting will be held immediately following the County Board Meeting on Tuesday, October 19 from 10:00 a.m.-12:00 noon.

Mr. Zeunik indicated that an agenda and supplemental materials for the budget meeting will be sent in the Board packet.

Vice Chairman Nuckolls presented the September 30, 2004 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a pending total of \$1,171.55, a Prepaid total of \$1,646,904.33 for a fund total of \$1,648,075.88.

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Motion by Owens/O'Connor to recommend approval of the Justice Committee bills as of September 30, 2004 as presented to the Committee by the County Auditor.
Motion carried.

Vice Chairman Nuckolls asked if there was any other business or communication for the Justice Committee. Hearing none, the meeting was adjourned at 6:08 p.m.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary