

JUSTICE COMMITTEE MEETING
June 27, 2019 @ 3:00 P.M.

MEMBERS PRESENT

Greg Mattingley
Debra Kraft – Vice Chair
Dave Drobisch
Lloyd Holman
Verzell Taylor

MEMBERS ABSENT

Bill Oliver
Jim Gresham

COUNTY PERSONNEL PRESENT

Sheriff Brown
David Ellison, Public Defender
Mike Baggett, State’s Attorney’ Office
Pat Berter, Probation
Lois Durbin, Circuit Clerk
Lt. Jon Butts, Sheriff’s Dept
Judge Webber
Jon Perona, DPBC
Mike Day, Coroner
Michelle Sanders, 1st Asst. Public Defender
Tammy Esposito, EMA
Jeannie Durham, County Board Office

APPROVAL OF MINUTES OF PRIOR MEETING

Ms. Kraft made a motion to approve the minutes from the 5/23/19 Macon County Board Justice Committee meeting, seconded by Mr. Drobisch and the motion carried 5-0.

CLAIMS

Mr. Drobisch made a motion to approve the claims as presented, seconded by Ms. Kraft and the motion carried 5-0.

Chair Mattingley pointed out a note attached to the back of the agenda in regard to a change being implemented on the claims approvals.

REPORTS

Circuit Clerk –

Ms. Durbin reported that Friday, June 28 at noon, the e-filing will be shut down statewide to get ready for the July 1st schedules. There won’t be any e-filing tomorrow beginning at noon and it will resume on Monday, 7/1 at 8 a.m.

Chair Mattingley asked about the system training and how that was going. Ms. Durbin said they are ahead of schedule with the coding and mapping done, but they continue to work on it.

Circuit Courts –

Judge Webber reported that an issue had received a good deal of publicity in Champaign County, but none here that he is aware of and that is a provision pending now in the general assembly to split the 6th Circuit. It is HB97 and it would divide the 6th Circuit into two new circuits. Champaign County would be its own circuit remaining as the 6th and Macon along with the small counties of Douglas, DeWitt, Piatt, Moultrie would be the new 24th circuit. It was introduced and passed through the House in 2 days right after Memorial Day and is now in a Senate committee and is expected to be taken up probably in the fall session. When it was introduced, it surprised everyone. Neither the Supreme Court, the Administrative Office or any judge in the 6th Circuit

were informed of it. Judge Webber said they all found out about it along with the public. It is opposed by every judge in the 6th Circuit, including the Champaign judges. They are not interested in this. There is very much concern over it because, #1, it is viewed as a threat to judicial independence because when judges are elected, whether as a county seat or circuit seat, voters are faced once, but on retention, all are voted on in the entire circuit. So, this could be a problem, particularly for judges in small counties where if you get involved in unpopular or controversial cases, you have the ability to run in the larger area so that if there are a concentrated group of people who are unhappy with a decision, there is less of a chance of someone being voted out of office on retention, simply because they made a decision that is not liked by some people. That is a worry. The other thing of concern in Macon County is that HB97 provides for some sort of reassignment of judges. One thing that was not covered in the bill is that single county circuits have a minimum number of judges. It would actually give Champaign a lot of judges unless the bill is amended to reduce that number, but the Supreme Court is simply directed to make reassignments so that judges are apportioned throughout the two new circuits. There are concerns in Macon County about what that could mean. It does also involve some needless duplication of responsibilities because you would create two circuits out of one. If passed, Champaign would be the smallest single county circuit and the only one south of I80. Right now single county circuits are Cook County with about 5,200,000 population, DuPage with 930,000 people, Lake at 700,000 people, Will at 690,000 people, and the smallest now is Kane County with about 537,000 people. Champaign has just over 200,000 people. Again, it would be the only county south of I80 as a single county circuit and it would also be the smallest by more than a half. This is political judicial jurymanerate. If you go back to prior to the 62 Judicial Article, there were circuit courts, city courts, probate courts, magistrate courts, and other courts and that is kind of the direction that this would happen because apparently, now, there are other counties that may be interested in joining in on this to create more single county circuits which is contrary to what happened in the 62 Judicial Article and also the 1970 Constitution. So, it is now pending in a Senate committee. Judge Webber said he has no information as to what may happen there. Some senators, including the senator from Champaign, has indicated that they want to examine the matter fully. It is unknown if there will be any public hearings or public comment. There was none, whatsoever, when it passed the House. It is a poor precedent statewide and Judge Webber said he could see no advantage whatsoever for Macon County or the other counties in the circuit. Mr. Drobisch asked what was pushing this. Judge Webber explained that it was introduced by the State Representative from Urbana and in her public comments she said she was dissatisfied with the results of the 2018 election. There were two Circuit wide seats running where the two Republican candidates lost in Champaign County, but won because of the vote in the rest of the county and the representative felt this was an unjust result and so she wishes to change the judicial circuits so that does not happen again in Champaign County. There are both County seats and Circuit seats. Mr. Drobisch commented on the additional costs. Judge Webber confirmed saying it won't cost the state so much as it will cost the counties. Currently, when there is a conflict in the circuit, we rely on Champaign and they rely on us to assign judges which can be done just within the circuit. When Justice White was assigned to the Appellate Court, we were down a judge for several months and Champaign sent judges over here on a regular basis. In many instances, including a couple right now, where there is a conflict with judges here in Macon County, Champaign judges are called in. Plus every circuit has an administrative office with an administrator. Currently, the administrator is based in Sullivan and he is the Administrator over the entire circuit. He is the administrative liaison with the Supreme Court Administrative Office. If Champaign becomes its own, then they

will have to have their own Circuit Administrator for the one county circuit. Yes, it will be a needless duplication of services, additional costs to both Champaign and Macon County as well as that it is a step back for the independence of the judiciary and we don't know, given the way the Statute sets forth the number of judges in single county circuits, how Champaign would be staffed and if it would be staffed at the expense of Macon County because the small counties just have one judge plus one Associate Judge who is a Circuit Rider who travels around the four small counties. The constitution says each county gets at least one judge. So, the small counties have one judge. We have more. Ms. Kraft asked who they can talk to and what they can do. Judge Webber suggested that when the matter is taken up by the Senate, but again, when it was in the House, there were no public hearings, but if there is any time for public comment in the Senate, some of the Bar Associations intend to be heard and certainly the County Board would have it in their ability, by resolution or otherwise, to make it a consensus on this. It is a matter of great concern to the judges here and throughout the circuit and as the matter spreads throughout the state, all judges in the state.

Coroner – no report

Court Services / Probation –

Mr. Berter explained that he had put together a cost analysis on what it would look like if we had our own juvenile detention facility in Macon County. Using what we had in 2001 when we had an 18 bed facility, contacted Champaign County that has a 25 bed facility and an operating budget of \$1.7 million, figuring personnel as starting supervisors, hospitalization, figures from the Auditor's office from 1997 to 2002 and came up with a good estimate of \$1.5 million as a yearly cost to have our own facility. Our contract with Peoria County costs \$245,000. Chair Mattingley asked about additional costs when we have gone over. Mr. Berter said in 2017, it was \$300,000; in 2018 it was \$238,000. It fluctuates from year to year. Peoria County does a really, really good job. Chair Mattingley thanked Mr. Berter for the report saying that this gets brought up each year when the contract comes up for renewal so its nice to have this.

Mr. Berter said that he had been informed by Chris Boyd, Field Coordinator for AOIC that it looks like, they're hoping, that the Probation Department should be funded at about a 95% to 100% level. That will help a lot.

There is one individual that retired last week and another that will be leaving in August for the Department of Corrections. He said he would come back to the committee and show a plan to see where they go from there, but would wait to see what the County budget expectations would be as well.

Emergency Management Agency –

Ms. Esposito reported that there has been a lot of severe weather this year in comparison to previous years. It has been quite busy with storm operations. Social media campaigns are being worked on for severe weather and upcoming cooling center information. She's working on scheduling various meetings which will be coming up. One is for school re-identification which has been scheduled for August 8th. Others include the Disaster Recovery Committee and Financial Planning which is being coordinated with James Keith with the United Way, EMA Advisory Committee which the public will be invited to as stakeholders to discuss the program, what is

currently being done, people's expectations and ways to better the program, and a transportation meeting to discuss how transportation works within the Emergency Operations Plan. There is relatively new leadership with the City's transportation for the city's buses and mass transit and also for the schools since we are no longer with First Student, but now with Alltown.

Public Building Commission – no report

Public Defender's Office – no report

Sheriff's Department –

Lt. Butts reported that he had been in touch with the Domestic Violence Unit which Terry Ducey is the director of. It is a wonderful organization. She had been approached by Mr. Ed Bachrach in regards to a symposium on domestic violence that will be held at the Decatur Conference Center July 8. He was wanting to know if he could donate the money to pay the cost for deputies and other personnel to attend the training. He is also wanting to do the same with the city police. It is the Domestic Violence Symposium Journey to Justice and it will be for law enforcement, prosecutors, public defenders, judges, probation, parole, and advocates. It is unsure what the cost per attendee is, but Mr. Bachrach will be donating \$3,000 and if there is any money left over, Lt. Butts said he would suggest others from the county attending. Lt. Butts asked permission to present a resolution to the finance committee on Monday. He said it is really good training presented by Mark Wayne and Kit Gurel and would be very good for the county and worthwhile for as many people to attend as possible.

State's Attorney's Office – no report

CITIZEN REMARKS – PUBLIC COMMENT –None

Old Business None

New Business -

Ms. Kraft drew attention to the information about the new claims process and explained that each oversight committee would be reviewing and approving claims prior to payment. Departments will now drop off their invoices in the committee boxes in the County Board Office. Someone from that committee will review and approve on a weekly basis and then they will be submitted to the Auditor's office for payment.

Sheriff Brown reported on the jail numbers saying the total today was 290 including 31 female and 259 male. One thing he said he is very proud of is that the federal detainees prior to his taking office were in the single digits and now it is up to 41. This is a good revenue source for the general fund. Chair Mattingley commented that they were at that level some time ago. Sheriff Brown confirmed that they were there when Sheriff Schneider was in office.

Closed Session – none needed

NEXT MEETING Thursday, July 25, 2019

Ms. Kraft made a motion to adjourn, seconded by Mr. Holman and the motion carried 5-0 and the meeting was adjourned at 3:25 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office