

**FINANCE COMMITTEE MEETING
SEPTEMBER 4, 2012
5:15 P.M.**

MEMBERS PRESENT

Chair Keith Ashby
Tim Dudley
Jay Dunn
Kevin Greenfield
Linda Little
Mark Wicklund
Susanna Zimmerman

COUNTY PERSONNEL PRESENT

Ed Yoder, Treasurer
Randy Waks, Asst. State's Attorney
Judge A. G. Webber, IV, Circuit Court
Lori Long, Probation
Amy Stockwell, Auditor
Max Austin, Sheriff's Office
Josh Tanner, GIS
Daysa Miller, SOFA
Linda Koger, County Board Office

CALL TO ORDER

Meeting was called to order by Chair Ashby at the Macon County Office Building.

APPROVAL OF MINUTES

Motion to approve the prior meeting minutes made by Tim Dudley, seconded by Linda Little, and motion carried 7-0.

CLAIMS

Motion to accept the report of claims that have been paid made by Linda Little, seconded by Susanna Zimmerman, and motion carried 7-0.

REPORTS

Audit Sub-Committee

Linda Little said they are finalizing the follow-up letters from the audit report done earlier this year, and those will be finished up this week.

Auditor

Amy Stockwell has received the official IMRF audit, she will be taking that up with O&P since board action will be required, and they are dealing with all other individual items.

She has received our first bill from IMRF for accelerated payment for someone who recently retired, and bill is for 16,000 and some dollars. Chair Ashby asked which department. Amy replied the Sheriff, this will be easy to get an exemption because it is under the terms of collective bargaining agreement, and they have produced the form to apply for exemptions. For future reference should there be an increase in wages to a retiring employee, they are going to bill us unless we can prove to their satisfaction that it is a promotion and the documentation they would be asking for with the promotion is the date of promotion, old and new job descriptions, narrative detailing nature of increase, workload, responsibility, and worksheet showing the wage increase to be exempt from accelerated payment. It makes it clearer what IMRF will require, and she wants everyone to be aware of that potential future liability.

Chair Ashby asked if a letter can be put out to elected officials listing all the additional requirements so everyone is aware of them. Amy replied yes. Kevin Greenfield asked if any are coming up that do not meet that requirement.

Amy said not that she is aware of but this is after someone retires, you know they look at, we report to IMRF wages by employee by month since that is how they figure out what our bill is, they look at those and do their own evaluation, then they determine that it meets their criteria, and we need to respond to them; this is kind of after the fact; if someone gives someone a raise and they are within X number of months of retirement, that is going to trigger a flag at IMRF, they are going to send us a bill, we are going to respond it is exempt or we are remitting a check. Chair Ashby asked if the raise has to be over 6%, and Amy replied right. Linda Little would like to see in situations where a promotion or a raise is given that cannot be handled through the requirements of IMRF to allow for an exemption that the additional fees would be charged back to that department. Chair Ashby thinks that is a given. Amy said that would be at your direction. Chair Ashby said his direction is that make it so but maybe talk to the Chairman about that, and Amy replied direction taken.

Supervisor of Assessments

Daysa Miller distributed a packet with a map, this is the DOR's overhead report of how the multi-township assessment districts are formed, what we have to do in order for this to happen, and get the information to the DOR. On page 11 of the printout is where we send out the maps etc. to the different townships, and this gives them an opportunity to see how we are doing the actual mandatory multi-township assessment districts which is those townships that have a population that is less than 1000; then you have to combine them with another township that is contiguous that has over a population of 1000; we send out that map that is mandatory to the different townships, what we have done is ask them for a resolution accepting that map, they can also voluntarily create their own multi-township assessment district with contiguous townships if they so desire, they are also given that information.

They have gone through those steps and sent out the maps and letter to ask them to actually do a resolution to say they accept the mandatory townships or if they want to do something else, then they were also asked to give us the information so that we could work with them on creating the voluntary multi-township assessment district. They are at this point in the time which is September 7, they have until September 15 to send back the information to her office stating whether or not they agree to the multi-township assessment district or if they want to do something different with voluntary multi-township assessment districts, and the reason they have these assessment districts is for the township assessor. At this time they have received resolutions from several townships but not all of them, DOR says if that is the case then the county can determine that this is the map they will accept, they hold a public hearing which has to be done before November, and she is bringing this information to committee so you can tell her what you want her to do from this point on to get this map and the approval of the county to say they accept it to the DOR. She needs direction on what you want her to do because we have to hold a public hearing, the county has to hold a public hearing.

Chair Ashby asked if there is a reason why Austin Township couldn't be included with Maroa instead of Illini, and if that makes sense to her. Daysa replied that has been like 20 or 30 years ago, she doesn't know how they determined to do that, it has always been that way, if she had her way they would all combine a lot of those together, but it does because you have the same school districts for the majority of Austin and Illini which is Warrensburg-Latham. Chair Ashby feels we have the opportunity now to look at the combinations instead of just doing what we did for the last 20 years. Daysa replied but they have to be voluntary, if they are not mandatory they have to be voluntary, if they don't do that by September 15 deadline then we have to accept them, mandatories, and they left them as they always have been.

Out of the six townships she has here, Mark Wicklund asked how many she has heard back from and who hasn't she. Daysa has heard back from Illini Township, Niantic-Harristown Township, and Blue Mound Township, and those are the ones who have given us a resolution; Niantic-Harristown have sent back accepting the mandatory township assessment district. Jay Dunn said she didn't mention Niantic. Mark Wicklund said she combined them together. Daysa has both of them, the resolutions for those two townships. Jay Dunn asked Austin and Illini, and Daysa said no just Illini. Jay Dunn asked about Blue Mound/Pleasant, and Daysa replied just Blue Mound. Mark Wicklund asked if she heard anything from the other two, any inkling on what they are looking to do. Daysa commented they even sent the letter and called these different supervisors of these townships, they have not responded back, and this is done every ten years.

Chair Ashby asked how long ago she called them, Daysa said they have done it twice, they sent the letters out in late August or no actually July, they gave them until the end of August. Chair Ashby suggested following up with a letter since August is over. Daysa can do that, but we still have to hold the public hearing before November 15. Jay Dunn commented we really don't have a dispute, Daysa agreed no dispute but we still have to inform the DOR of what's map is to do, and it says the SOFA would determine it and give it to the county board.

Jay Dunn asked if she has heard from Whitmore/Oakley, and Daysa said they have heard from Whitmore and Oakley both and they just accepted it and didn't request it to be combined together like they have been in the past. Jay Dunn asked if they are both willing to go separate ways, Daysa said that is her understanding, they didn't receive anything from Hickory Point Township which maybe they will provide us since they have until September 15, but she'll call them again since she thought they had an interest in combining with some other townships voluntarily but there was no response on that. Daysa and Steve Bean also held a hearing, tried to get them all to come in to talk about this, that has been either June or July, there weren't very many townships here but she doesn't remember, but she thinks there were 3 or 4 townships that showed up at that meeting; they were doing it for several different issues, one multi-township, and other the fact they have to have their caucus in December.

Jay Dunn asked when the board usually has this meeting, during a regular board meeting, prior to a regular board meeting, or a separate meeting. If she remembers right, Daysa said they had something go through the regular county board meeting which could be held in November as long as she could get over to the DOR; also last time the other thing that happened from all the different meetings she has been to and even the DOR, they even called them, is that the last ten years that we had to do this multi-township, they had to have a resolution from all the townships, and when they didn't get one the DOR did contact those townships and they had to follow through and do a resolution but this time her understanding is if they don't provide a resolution, then the county can determine how the mandatory multi-township assessment districts will be. Linda Little asked if it wouldn't just stay the same. Daysa replied they have, yes, and that is what she did because they have always been that way, and she doesn't know how taxpayers would feel about changing them now except for Whitmore/Oakley.

Linda Little commented on page 12 it says the township shall be part of the originally suggested MTAD. Daysa replied which would be the one that the SOFA sent this map out this time so yes, she is right. Mark Wicklund suggested reaching out to those that haven't contacted us and push them to get something done.

Daysa said they sent a letter, they contacted them twice, and she doesn't know if it would help if Randy Waks sent out another letter since last time ten years ago we had to have the DOR help us with that, and there were two townships that had not followed through and gave us a resolution last time, but that is ten years ago or even 12 years ago or no ten years ago. Jay Dunn asked how committee feels about just setting up that open hearing on November 8 prior to the board meeting; Chair Ashby said that works for him.

Daysa's other question would be, she is not positive whether you would just send a letter over with a map and say the county board held the meeting, or does she need to provide a resolution, or how do you want to handle that one since she is not sure the county board has to have a resolution but is not sure. Jay Dunn suggested checking to see if we have one from ten years ago, and Daysa indicated she might have something on that but is not positive on that. Kevin Greenfield added that Bryan Smith should be able to answer some of the questions. Daysa said yes and the DOR which she can call them to ask about whether it is a resolution or just holding the hearing and sending the map over to them with all the resolutions she has received from the townships. Jay Dunn commented we just can't arbitrarily put some of these townships together. Daysa said the townships have to be involved in that, they do have a little more time, look at the page 15 and it does say by October 1 that they can do suggested or alternative districts by the township boards. Linda Little said when you contact the townships again, should it just be saying that the November 8 board meeting will be holding a public hearing, this is going to be the map we are going to be adopting unless you do your job first. Daysa said or the resolutions for the mandatory townships.

Randy Waks said he can get with Daysa and send a letter out from the State's Attorney's office, and Daysa said that would be great.

Daysa reported the publications have been made, and the filing deadline for the majority of the townships is September 28.

Treasurer

Resolution to Execute Deeds for Delinquent Taxes

Ed Yoder distributed copies of resolution, and asked for a motion to approve; Linda Little said so moved and seconded by Susanna Zimmerman. Mark Wicklund asked about the property off North Country Club Road, Macon County Conservation District, what is the actual location and does it have anything to do with our project going on Country Club. Ed Yoder replied it is up in Oakley Township, and he doesn't know just exactly where it is but in that area. Motion carried 7-0.

Circuit Court

Resolution Approving Increase in Appropriations in the Circuit Court's Budget for Attorney's Fees in Certain Appeals

Judge Webber distributed copies of resolution for additional funding for appeals in certain juvenile cases and also one appeal in a sexually dangerous person case. Chair Ashby pointed out to him the resolution does not have emergency language which he would propose to include prior to its presentation to the full board. He has two types of appeals involved; one is involving cases of juvenile abuse and neglect resulting in termination of parental rights, in those cases the statute provides that a parent(s) have the right to appeal a termination of their rights to the Appellate Court in Springfield, and to have that appeal paid for by the county. These are civil proceedings, are not criminal proceedings, therefore the state Appellate Defender will not take these cases, so the statute has placed the burden on the counties.

For some years their line in this budget has been \$15,000, they have a contract with local attorney Monica Hawkins to do these for \$2000 a piece plus her expenses, so that pays for about seven appeals per year; he just signed the week before last the order to pay her for the seventh appeal this year, we have three months left in the year, there is no way of knowing how many of these we are going to have per year, they guess based on historical experience, there could be things happening right now which could result in yet another proceeding which would require an appeal at some point, so he is asking for an additional \$6000 to pay for the potential of about three more appeals this year because he has been running a little over one per year this year. It may be an aberration this year, he did increase his line with the approval of both the Justice and Finance \$18,000 for next year, so maybe that will take care of it.

The other appeal, he attached a copy of a bill from Ms. Hawkins for that, is for a sexually dangerous person case; this is a civil proceeding, not a criminal proceeding, and with these types of cases what has happened is a person has been convicted of a sex crime, has served their sentence with DOC, is eligible to be discharged, a proceeding is brought sometimes by the State's Attorney, sometimes by the Attorney General, to have that person declared sexually dangerous/sexually violent, placed in a locked down state mental health facility until they have received treatment, and it is a potential life sentence; the legislature has determined that because of the nature of the deprivation of freedom the fact the person can be actually kept in a locked facility for a period of years, decades, until all the physicians decide that person is cured. The person has a right to appeal that determination, and have that appeal paid for by the county.

Linda Little asked the number of times they get to appeal it. Judge Webber replied typically there is one appeal at least to the state system, first to the Appellate Court, and then a request the Supreme Court take the case. Linda Little asked if we are only obligated to pay for the one. Judge Webber stated we are obligated to pay for the appeal until there is a final determination but most of these cases do not make it to the Supreme Court, he has not seen one go that far but theoretically it is possible, but the Supreme Court in cases like this has discretionary jurisdiction and usually does not take an appeal like this so the Appellate Court is the final stop in most of these cases. On these cases, the sexually dangerous/sexually violent persons' cases, in discussions with the board leadership earlier we decided to take these on an ad hoc basis and not have a line item for them but take them as they come up because they are somewhat rare, and this is the only one he knows of this year. The abuse/neglect parental termination cases come along regularly, 6 or 7 per year historically, this year we have had a larger number than we have had in the past.

Linda Little said on the child neglect or abuse, it boggles her mind that it is a civil thing and not criminal which is a different issue, but if you have got a mama with four kids that have been taken away for abuse/neglect, is that four different \$2000 tabs. Judge Webber replied sometimes yes, sometimes no, ordinarily those can be combined into one if it comes out of a single situation; usually those are the end of a long road, in these cases what usually happens is there is DCFS involvement to begin with, children may be removed from the home, statutory goal is to reunite the family, the state agencies go through quite a long process of creating safety plans, interventions, provision of services to attempt to unite the parent(s) and children, if that completely fails and there is never a chance of sending the children back to a safe home, then the last resort is termination; it is rare termination is the first resort although that could be possible in a most egregious situation, and his request is to fund based on his experience this year three more appeals in termination cases and of course he does have the one bill presented in the sexually dangerous person case.

Motion to approve resolution amending this year's budget made by Linda Little, and seconded by Mark Wicklund. Chair Ashby noted that we will amend his resolution for the declaration of emergency. Kevin Greenfield asked what would happen if we didn't have the money. Judge Webber said that would be an interesting situation, the state law says it is the obligation of the county board or the county to pay for these appeals, if it were not done he is speculating since there are various ways it could go, the Court would still have to or he says have to, one possibility would be for the State's Attorney to go ahead and drop the proceeding, dismiss the case, send the children back to where they came from whatever that situation might be, it would be a situation where it was felt that the home situation was so bad that the rights of the parents would be terminated, we would be sending a child back to that situation if the State's Attorney chose to dismiss the case, that probably would not happen; second possibility would be that the Court would go ahead and because the person has the right to an appeal, appoint an attorney and have that attorney go ahead and prepare an appeal, put it on file, and present a bill to the board; if the board would fail to honor the bill, that attorney could ask for a mandamus action directing, ordering, the board to pay the bill; if the board refuses, he does not want to speculate after that. Motion carried 7-0.

Sheriff

Resolution Approving Increase in Appropriations in FY12 Budget for Salary Increases Per Command Officers Contractual Agreement

Max Austin distributed copies of resolution, and would like to move on that. Mark Wicklund said so moved, seconded by Jay Dunn, and motion carried 7-0.

Resolution Approving Increase in Appropriations in FY12 Budget for Salary Increases Per Correctional Officers and Correctional Officer Corporals Contractual Agreement

Max Austin distributed copies of resolution, and would like to move on that. Mark Wicklund said so moved, seconded by Tim Dudley, and motion carried 7-0. Linda Little asked what was the percent of increase, and Max Austin replied 3%.

Resolution Approving Increase in Appropriations in FY12 Sheriff's Budget for Motorcycle

Max Austin distributed copies of resolution, and would like to move on that. Chair Ashby said this is a gift, and Max Austin said yes. Tim Dudley said so moved, seconded by Mark Wicklund, and motion carried 7-0.

NEXT MEETING

September 10, 2012

ADJOURNMENT

Motion to adjourn made by Linda Little, seconded by Jay Dunn, motion carried 7-0, and meeting adjourned at 5:47 p.m.

Minutes submitted by Linda Koger
Macon County Board Office