

JUSTICE COMMITTEE MEETING

July 26, 2012

3:00 P.M.

MEMBERS PRESENT

Keith Ashby
Jon Baxter
Bill Oliver
Jay Dunn

MEMBERS ABSENT

Merv Jacobs
Mark Wicklund
Dave Drobisch

COUNTY PERSONNEL PRESENT

Rodney Forbes, Public Defender
Tom Wheeler, Asst. Public Defender
Randy Waks, Asst. States Attorney
Judge A.G. Webber IV, Circuit Court
Lois Durbin, Circuit Clerk
Jerry Lord, Building Commission
Jonathan Butts, Sheriff Office
Tony Brown, Sheriff Office
Judge Thomas Little

This meeting was called to order by Chair Dunn at the Macon County Office Building.

CLAIMS

Motion to approve the claims made by Jon Baxter seconded by Keith Ashby, and motion carried. (4-0).

APPROVAL OF MINUTES

Chair Dunn informed Committee the previous special meeting minutes, which was quite lengthy, was not completed by the time the agenda was posted, they will be approved at the next meeting.

REPORTS

Circuit Clerk

Lois Durbin gave an update on their new credit agency. As of yesterday, they have collected \$113, 217.30 in 4 ½ months.

Circuit Court

Judge Webber stated no report.

Coroner

Mike Day not present at meeting.

Court Services/Probation

Lori Long stated she has two resolutions to present. These resolutions are related to four grant that their department currently has; Juvenile Redeploy, DUI Court, 2nd Chance Juvenile Reentry and Drug Court.

The first Resolution has to do with a timing issue that comes up early. The State and the County Fiscal Years don't coincide 100% so basically they are moving funds over into the current County Fiscal Year so it can be spend. Also one of the Resolution includes an additional supplemental

award that they received for the Juvenile Redeploy Grant, which had to be expended before the end of June, and they were successful doing that. What Ms Long provided to the Committee is an outline of the additional revenue and expenditures and the breakdown into which lines those expenditures land.

Bill Oliver made the motion to approve both the Resolutions that were presented and seconded by Keith Ashby. All members present answering, Aye. Motion Carried 4-0.

EMA

Jim Root was not present.

Public Building Commission

Jerry Lord had no report.

Public Defender

Tom Wheeler stated Rodney Forbes was running late and he was there on his behalf, but he did not have any report available. Mr. Forbes will be coming after his hearing, and should present his report when he arrives.

Sheriff

Jonathan Butts stated the Sheriff's jail population for today is 331 inmates. Mr. Butts reported that their office has received from an anonymous source a 2012 Harley Davidson Police Motorcycle. The Sheriff wants to use it for special events such as funeral escorts, parades, and also on patrol for cost saving measures on fuel. The course is very rigorous that officers will need to take to be certified to ride it. It is an 80 hour course. There are courses available in Evansville IN, in the spring that is free. The officers will need to pass the entire test. Sheriff wanted the Committee to know that it will be probably limited to, who is qualified and who would be interested to ride it. They should receive it by Tuesday. He stated a motorcycle license is required before you can attend the course, and at present time only 3 or 4 officers have their motorcycle license.

State's Attorney

Atty. Randy Waks stated he has two resolutions to present to the Committee. The first is a resolution approving an increase in the appropriation in the Teen Court Budget. Teen Court collects money through the Circuit Clerk's Office on every fine paid and has built up a good fund balance in the past. This present year the cost during the year has increased dramatically and they are in dire need of getting additional funding through their balance of the restricted funds. Otherwise, they will have shut down and will not be able to finish out the rest of the year. Attached is a copy of the Teen Court Expense the old and new balance for FY 2012. They are asking for the budget be amended to allow Teen Court to expend the funds in their fund balance.

Chair Dunn asked where the money is coming from. Atty Waks stated the Circuit Clerk's Office collects \$5.00 out of every criminal and traffic fine paid. Chair Dunn asked if this is a fund balance. Atty Waks stated yes. It is money in their fund balance.

Keith Ashby asked what the fund balance is. Atty Waks stated, he does not know. He imagines the balance is in the \$100,000 range.

Keith Ashby made the motion to approve the resolution, and seconded by Bill Oliver. All members present answering, Aye. Motion Carried (4-0).

Atty Waks said the second resolution involves modification in appropriation in the WAVA Grant for FY 2012 Budget. They are decreasing the budget in four categories and increasing it in one category. It has to do with the termination of the Grant. It doesn't run through the end of the year, so they are trying to clean up the accounting for this particular grant. Most of the decreases are fairly large numbers; the one increase is \$574.64.

Chair Dunn noted a correction be made to the resolution, Paragraph 5 to read "and will not be renewed". Atty Waks made note of that correction and stated it will be corrected for the Finance Meeting.

Bill Oliver asked if this was the Domestic Violence Program. Atty Waks stated, yes. Mr. Oliver asked if there was a substantial increase in these cases. Atty Waks said he does not know the exact number, but he guess they would be constantly increasing. Mr. Oliver asked why it didn't work. Atty Waks commented it worked great, and as the recipient of the grant, they were thrilled to get the money. But the entity that is funding the money is ceasing. Atty Waks stated this grant was approximately \$500,000 that was disbursed over several years and was to expire in April 2012 and it was extended to Sept. 15th, so they are just spending all of the money by then. Atty Waks stated this grant is not being renewed. Chair Dunn asked if this resolution is the closeout process for this grant. Atty Waks stated, yes it is the closeout/cleaning process. Bill Oliver asked if this was a viable program. Atty Waks stated yes.

Lori Long addressed Mr. Oliver questions. She stated this is the SMART Probation Grant that targets Domestic Violence Offenders. This is the grant that Probation is still waiting to hear back on. They should hear whether or not they will be receiving this grant within the next 30 days. She said this is part of the plan to sustain the activity in this Grant, but there is a gap between the end of the States Attorney's grant and hopefully the beginning of Probation's Grant.

Chairs Dunn commented, hopefully the program will still go on. Mr. Waks stated it is a very good program and it is worth funding if they can continue to receive funding for this. Ms Long stated they ended up not having to lay anyone off, because they had an opening in another Grant Program, but she lost 1 ½ officers for this. They transferred all of the Domestic Violence Cases to the existing Probation Officers.

Jon Baxter made the motion to accept this resolution, and seconded by Keith Ashby. All members present answering, Aye. Motion Carried (4-0).

CITIZENS REMARK

None

OLD BUSINESS

None

NEW BUSINESS

Circuit Court

Judge Webber thanked the Committee for allowing him to postpone his budget presentation until today; he was in court last Wednesday. He stated he is acting for a 2.3% increase on his staff's salary line which would result into a \$2804 increase. The 2.3% increase is the overall cost of living increase from April 2011 to April 2012. The figure is as presented; one of their clerks left at the beginning of this fiscal year. She was one of their higher paid clerk as a Clerk V or Clerk VI and was replaced with a Clerk I. This should be coming in under budget since the replacement was made with a lower paid position. This year there are two clerks with step increases; last year there were eight or nine. This results in a fairly modest request. It is in your discretion to allow the 2.3% increase. He stated if this is not given, that is a reduction salary by that amount to loss of purchasing power.

Judge Webber the only other increase would be a request for an increase in lines (#7390) Appeals and (7205) Transcripts; Appeals in the amount of \$3000 and Transcripts in the amount of \$1200. These are related lines; every appeals line receives a transcript. These relate to juvenile, abuse, and neglect cases or typically termination of parental rights. The statute states if a parent rights are terminated, they have a right to appeal at the cost to the County. There is an attorney on contract for this, Monica Hawkins; she does these cases for \$2000 flat fee plus her expenses. They also have a transcript prepared by court reporters for those hearings. Our appropriation for this has been enough at six per year. They are currently running at seven or eight per year. Last year he did fund the additional appeals by taking money from the Telephone, Training, and Court Supply lines. He stated he has been informed now, that interfunds transfers are to be discouraged. That is why he is asking for an increase for both of these lines. They have no control of how may they have per year. For the last couple of years, they have been running ahead of what has been appropriated.

Judge Webber stated one other modest request to increase the Chief Judges Office. There is a new Chief Judge since the retirement and death of Judge Shonkwiler, Chief Judge Dan Flannell of Moultrie County. He is moving the Chief Judge's Office to Moultrie County. Judge Dan Flannell sent Judge Webber a memo with his cost projection. Judge Webber stated the attached copy is self-explanatory. He did indicate that Piatt County where Judge Shonkwiler was headquartered absorbed almost all of the cost for his office. Judge Flannell is asking for each of the Counties in the six circuits to make equal contribution to the Chief's Office. Chair Dunn asked if this was Line #7560. Judge Webber stated, yes.

Judge Webber is also asking for a \$2000 increase in Line #7290 (Interpreters) simply reflecting the need for a person who does not speak English. There has been a need in the last year for Spanish, Arabic, Chinese, and Mongolian interpreters. They have to do this by telephone which is a little difficult. This need has increased each year. This also includes deaf interpreters (most expensive interpreters). The statute states the defendant, witness and spectators are entitled to have a sign interpreters. The statute states it is a County's expense.

Judge Webber is also asking for a small increase in supplies due to paying for toner ink and paper. At this point, he has expended almost 80% of his supply line. He will request to his staff to try and decrease the amount copies made.

The largest increase for this coming fiscal year is for CASA (Court Appoint Special Advocates.) That is an essential a volunteer program. He has discussed this with Chair Dunn prior to today's meeting. These volunteers are present for the child who has to appear in court on abuse and neglect child cases. At these hearings, you have the State present advocating on behalf of a petition to modify or terminate the parental rights. You have the Public Defender's Office present to advocate on behalf of the family. What CASA does is to provide independent set of eyes and ears for the Court. It is a small full-time organization. Judge Webber brought Bert Gray, Executive Director of CASA, Judge Tom Little and Retired Judge Ted Payne to speak on behalf of CASA. Judge Payne is a member of the CASA Board. He realizes this is a significant increase.

Keith Ashby stated CASA has increased by 50% from \$10,000 to \$15,000. If CASA is mostly made up of volunteers, where does this \$15,000 go towards? Judge Webber stated there was a grant loss. What the money goes toward is a small part of the organization funding. Bert Gray addressed the funding sources for Mr. Ashby.

Bert Gray stated CASA works on a small budget of \$154,000. Last year was \$139,000. There are 3 ½ full time position for CASA. The full time staff recruits, train, and support the core of volunteers who go out and do the research on the child's cases; write up the report for the Judge; and appear in court when they need to. The CASA organization is a national and state organization and 31 Counties have the program. Macon County is fortunate to have one. Most of the dollars raised are through corporate grants, foundation requests, and fundraisers. The money goes towards the training, recruiting, and supporting the core of volunteers.

Bill Oliver asked if he anticipates spending more money. Mr. Gray said they experienced a significant loss of funding from United Way this year. Much larger than the \$5000 amount, that is being requested. They are working very hard to find money in other places, so they can continue to operate. Every child who's in the system and has a CASA volunteer gets out of the system statistically 7 or 7 ½ months faster. That means a kid gets an earlier start at a better life. It also means the State saves money, because they're not in foster care. Seven months equates to about \$24,000. This is not \$24,000 out of County's budget, but it is \$24,000 out of State's budget and that affect us all. These children that have a CASA volunteer generally do better in school and are healthier. The CASA program is a win-win situation. Win for the children, because they have someone paying attention to them, and a win for the taxpayers because there is money saved throughout the Community.

Chair Dunn stated CASA is very good about sending him monthly activity reports. He stated these people deal with a lot of extraordinary tragic situations. Chair Dunn stated Dennis Trump and his wife are CASA volunteers. A lot of time is sent with these kids. Mr. and Mrs. Trump has a great success story with the child they helped; a very favorable outcome for this child.

Bill Oliver asked what CASA stood for. Mr. Gray informed him, (Court Appoint Special Advocates.) The volunteers must pass a background check; an interview; 30 hours of training before they are presented to the Judge to be sworn in as Officers of the Court.

Judge Little thanked the Committee for having him today. He said he is the Judge that has the pleasure handling these cases. He cannot begin to examine to them how much work the volunteers do. It is absolutely incredible. Every time he has a case in his Court Room, he has received a written report from each CASA volunteer. It is extremely helpful. When he has a CASA volunteers in his court room, he has extra ears and eyes that is looking out for the child. In most cases, a CASA volunteer makes a huge difference in the life of a child. He stated it is an extremely valuable resource and he is amazed every week when he takes the bench, that these folks are volunteers. It is a very valuable program.

Judge Paine thanked the Committee for having him today. He doesn't have much more to add, but that all of us in aware of the State's lack of responsibilities in providing for the children through DCFS. DCFS has had budget cuts and they are going to have fewer line staff in the field working for abused and neglected children. CASA of Macon County started in 1998 when Judge Paine was hearing the Juvenile Abuse/Neglect Cases and they were of great value to him and every Judge who has handled those cases. It is a benefit to the Judges, as well as the children, if the Committee would approve and pass the request for additional funds for CASA.

Chair Dunn stated he was aware of United Way cutting their budget drastically and they did several others. He does not know what they are focus on; it seems like kids was not one of them.

Judge Webber stated children who are the subject to abuse disproportionately enter into the criminal justice system, as they become older. Those are direct cost for the States Attorney, Public Defender, Sheriff, Jail plus what happens to our Community if those children don't get the guidance that they need at a younger age. They become the adults that you read about in the paper every morning. He feels this is a modest investment with a big return.

Chair Dunn asked Judge Webber if he was going to address the Law Library. Judge Webber stated yes. He stated the Law Library should be self-sustaining this year with the increase in the Law Library fees. The fees collected should cover the operation of the Law Library. Judge Webber will get with Mr. Baxter and go over the subscription and uses, to see if there are some other subscriptions or services that are not necessary, so they can make sure their expenditures stay in line with their revenues.

Keith Ashby said he noticed the Law Librarian had a salary increase of 7.4% and asked if he could justify that. Judge Webber stated it should be 2.3% increase. He said with his step increases, the Law Librarian is a Step 3, she is actually paid as a Clerk, and her Step 3 was \$30,075.29 at the end of this fiscal year. He assumes that she had moved from Step 1 to Step 2 sometime during this last year, which took her from \$28,643 to \$30,075, and so he applied the COLA to her present salary, \$30,075.

Chair Dunn stated other than the Step it is a 2.3% increase. Judge Webber stated that is correct.

Jon Baxter made the motion to send it onto the Finance Budget Hearings, seconded by Keith Ashby. All members present answering, Aye. Motion Carried 4-0.

Circuit Clerk

Lois Durbin presented her budget to the Committee. Ms. Durbin stated there are no changes in the General Fund. The contract of her office is up on November 30th, so once they negotiate a salary that will be amended.

The changes on her automation funds are the (Court Technology) Line #5030. That is Melanie Millman's salary. She had spoken with Judge Webber and stated Ms. Millman was given a 2.4% increase. Everything else remained the same.

Keith Ashby stated on Line Item #7180, \$21,033 was spent in 2011 and you budgeted \$100,000, he asked what has happened. Ms. Durbin stated her office is getting ready for the new e businesses, so she is replacing some computers. Her office's microfilm machine and reader is very ancient and so they have purchased computers, and are transferring all the microfilm onto DVD to be read from computers. The public can access these records via computers. The statute mandates everything to be microfilmed.

Keith Ashby inquired about Line #7185, is this a timing issue; you only spent 8% of your budget. Ms Durbin stated that is a question for Judge Webber. Ms. Durbin stated she does not spend out of that line. She stated there will be more expense coming out of that line in the next couple of years, because of the e-businesses that the Supreme Court is working on. She is also updating her website, because of the implementation of the new e-businesses.

Judge Webber stated last year they bought new servers from that line and that was approximately \$25,000. He stated they tend to accumulate for a couple of years, until they find something that needs to be replaced.

Ms Durbin commented on her Document Storage Line. There have been more filings so she did raise the Line (#4840) by \$10,000. They have received more revenue since they have a collection agency.

The salary line is her management and some other staffs that is not management is in there. That is the 3% increase. She had spoken to Mr. Dunn regarding this. 3% pay across the board for her management. With all the new changes and fees, they have had to be on the top of things. Their hours are 8 to 4:30PM. All other offices work schedule are 8:30 to 4:30PM, they are working additional hours all year long.

Bill Oliver asked if these were contractual employees. Ms. Durbin stated no these are strictly her management. Chair Dunn asked what line she is referring to. She stated Line #5700. There are 3 or 4 management in this line and 2 in the restricted cash which is on the next page. There is also some of her other staff that she pays their salaries out of these funds, as well.

Keith Ashby asked if this was the same explanation for Line #7180. Ms Durbin stated, yes. She split this between the two, Automation and Document Storage, because of the microfilming. She hired HOV which is a microfilm that will take the cases and place them on the microfilm. They will do 2 rolls and per statute one has to be stored at the Archives in Springfield. They are so far behind on microfilming, because of the equipment they have.

Ms. Durbin commented on her Restricted Cash Fund. The Clerk Adman Fee, that is the \$36 fee that she has collected for the last 4 years, is starting to equal out. It might be a little more than \$50,000. They are really close to that amount with 4 months remaining. Also a 3% increase is reflected for salary increase for her Management.

Keith Ashby asked how many people are listed under Support Clerk. Ms Durbin said she believe it is 3. Mr. Ashby states this would be a 4.5% increase. Ms Durbin stated she will check, but it should only be 3%.

Ms Durbin stated under the Clerk OP, new fees have been added through the Legislation where Clerk OP gets a part of the fee. The fee is split two different entities, and so she did raise that \$5000. Everything else remains the same.

Keith Ashby stated she has only used 6.5% this year, but you are asking for the same amount of money. He asked where she was going to spend the rest. Ms. Durbin stated she has new computers coming that will hold more data.

Ms Durbin stated the Electronic Citation Fund is a new fund starting last year. The money is being collected, until it is mandated that they are using electronic citation out on the streets, and sending it to her office. They will purchase new equipment that is needed for this. There will be no expense associated with this account, until it is mandated.

Ms Durbin stated the Juror Agency Fund remains the same as last year.

Bill Oliver asked if the fees remain pretty constant, and not much variation. Ms. Durbin stated they have no control on how many trials or deliberations they have. For the last two years, this is what it has been.

Bill Oliver asked would pay for the expertise witnesses at a trial. Ms Durbin stated it is usually the attorneys. Judge Webber stated none of those fees come from the Circuit Clerk's Office.

Bill Oliver stated who pays the tab for the expertise in certain cases. Ms Durbin stated whoever subpoenas them. It would be the parties in the case, not the Circuit Clerk's Office.

Bill Oliver asked about the criminal cases. Judge Webber stated in criminal cases those fees will come from the State's Attorney Office or Public Defenders Office. Atty. Forbes stated the Public Defender's Office has allotted \$12,000 for this. \$1500 is allocated under the Special Witness Expense line.

Bill Oliver made the motion to send it onto the Finance Budget Hearings, seconded by Keith Ashby. All members present answering, Aye. Motion Carried 4-0.

Chair Dunn stated this time last year; a discussion was made regarding the virtualization program or whatever it was. How is that working out?

Judge Webber said they talked about on his automation line of the Circuit Clerk's budget that is where the money came from. The virtualization was the new servers, which were installed. These were successfully installed last winter. Now they have the capacity and the backup that they need. That is where the \$25,000 went last year.

NEXT MEETING

August 30th, 2012

ADJOURNMENT

Motion to adjourn made by Bill Oliver, seconded by Keith Ashby. All members present answering, Aye motion carried 4-0, and meeting adjourned at 4:00 p.m.

Minutes submitted by Angie Sarver, Macon County Planning and Zoning Dept