

JUSTICE COMMITTEE MEETING
March 28, 2019 @ 3:00 P.M.

MEMBERS PRESENT

Greg Mattingley
Jim Gresham
Debra Kraft
Verzell Taylor
Bill Oliver
Dave Drobisch

MEMBERS ABSENT

COUNTY PERSONNEL PRESENT

David Ellison, Public Defender
Mike Baggett, State's Attorney' Office
Jim Taylor, Probation
Lois Durbin, Circuit Clerk's Office
Carol Reed, Auditor
Judge Webber
Jon Perona, DPBC
Jeannie Durham, County Board Office

APPROVAL OF MINUTES OF PRIOR MEETING

Mr. Oliver made a motion to approve the minutes from the 12/20/18 Macon County Board Justice Committee meeting, seconded by Mr. Drobisch and the motion carried 6-0. Note: There were no minutes to approved for January or February, 2019 due to lack of quorum at both of those meetings.

CLAIMS

Ms. Kraft made a motion to approve the claims as presented, seconded by Mr. Drobisch and the motion carried 6-0.

REPORTS

Circuit Clerk –

Ms. Durbin explained that she had a resolution that did not make the agenda because she found out about it yesterday at 3:30 p.m. She said she would present it to them, but take it straight to the Finance Committee for approval.

The new schedules for the Civil filing fees that go into effect on July 1 need a resolution. There are four schedules. In the House Bill or Public Act, four different schedules are listed as well as what amounts are to be collected. They also broke it down with the 3rd part of the schedule being a lump sum going to the General Fund. That was to help finance the court system. It is a lot less money than what we were getting.

Schedule 1 directs the collection of \$306. Out of that, \$45 stays with the Clerk of the Court and goes to Clerk Automation, Doc Storage, and Clerk Op. Another order had to be filled out and be signed by the Chief Judge showing how that \$45 would be broken down and that was to be sent to the AOIC. Ms. Durbin explained that she had chosen to put \$20 in Automation, \$20 in Doc Storage, and \$5 in Clerk Op.

The 2nd part of Schedule 1, according to the bill, says that \$21 was to be collected. However, \$10 is not collected in this county because it is for Mandatory Arbitration. Macon County does not have that. That left \$11 and the directive is that it is to go to the Access to Justice Fund and the Supreme Court Special Purpose Fund, which used to be the e-filing fund.

The remaining \$250 goes to general fund. After attendance at trainings & meetings, this is how it is to be broken down. The Circuit Clerk Filing Cost, which was the old amount it cost to file the case, the Court Fee which finances the courts and the Court Security Fund. Ms. Durbin said she had tried to keep the amounts as close to what they were prior to the bill going into effect.

Ms. Kraft asked about what they were. Ms. Durbin said the Court Security is at \$75, Court Fees at \$5 and the Clerk's fee at \$160.

Schedule 2 goes down to \$256 that the Bill allows to be collected. The first two areas tell how this is to be done and C tells what goes to the general fund, which is \$200. \$120 went to the Circuit Clerk Filing Costs, which is the same. \$5 to the Court and \$75 for Court Security.

Schedule 3 is a little different. It goes way down to \$89. Circuit Clerk filing is \$30. That is a big hit. It is about \$95 down. \$5 goes to the Courts and \$21 to Court Security.

Schedule 4 is zero. That is for the cases where we don't charge now. Those are the adoptions, mental health cases, etc... That is a wash.

Fees for the Appearance in Civil cases show the same breakdown. If court security goes below \$60, it means everyone is taking a cut.

Going back to Schedule 1 B, the amount that came to the general fund was \$125, so \$5 was taken out for the courts and the other two were split between security and the Clerk's Office.

Schedule 3 has zero. Those were never charged to begin with.

Sub Section C explains the miscellaneous fees which are pretty much the same as being collected currently.

Chair Mattingley asked what the difference between the schedules was. Ms. Durbin explained that Schedule 1 are the big law cases, divorces, some family cases. Schedule 2 get into the LM cases and then there are the Schedule 3 (which she said she didn't have the breakdown with her, but the Act provided all of that).

Ms. Kraft asked when this would go into effect. Ms. Durbin said July 1, but she has to have it to Tyler to implement by May 3rd which means it needs to go to the April County Board meeting.

Ms. Kraft commented that she was under the impression that as of July 1, there was going to be a certain segment of individuals that would not have to pay fees. Ms. Durbin said they would have to file a waiver and it will be up to the judges. The judges will decide if it is to be 25%, 50%, 75% or 100% that gets waived depending on their level of income. She said they really don't do a lot of waivers right now. Right now they are being waived at 100%.

The Tyler project team has been in house since Monday meeting with the different offices.

Circuit Court –

Judge Webber reported that he had mentioned to the Justice Council that as of the end of February, the budget for foreign language translators for the year has already been exceeded. These are only in-court translators, not out of court consultations. This is the first time that has happened.

Sometimes it happened in October or November, but this is one of those line items that states that the County Board SHALL, so there is no choice. He said he is going ahead and paying it and then will see what he can reconcile at the end of the year, but he may have to come back and ask for an increase in that line. He said he does not know what it means, but DOVE says they have had a large uptick in the number of individuals involved in domestic violence who are foreign language speakers. The law is such that if an individual indicates that he / she is more fluent in a language other than English, neither the court nor the attorneys have much choice about providing a translator. There is a Spanish translator available all of the time, but the Language Line, which is basically a conference call, has to be used. This is a bit difficult and Judge Webber said they had had a situation not too long ago where an individual was going to have a fairly extensive hearing and spoke the Phillipine language. That did not end up happening.

On the filing fees waiver, right now it is very simple. The Statute says that these are for Civil cases. If an individual receives a form of public assistance or their income is less than, depending on the size of their family, 125% of the federal poverty guideline, it is an automatic waiver. The new Statute does a sliding scale which increases the waiver to 25%, 50% & 75% depending on family income and family size. What is unknown, is how much discretion a judge will have, if household income or only the petitioner's can be taken into account. There is going to be a meeting of the judges in the Circuit in a week and that is on the agenda for discussion. It is increasing the number of individuals and filers that will be exempt in whole or part.

Coroner – no report

Court Services / Probation – Mr. Taylor had no report

Emergency Management Agency – no report

Public Building Commission – Mr. Perona had no report

Public Defender's Office –

Mr. Ellison reported that they had been down an attorney, but they have recently hired a past County Board member, Kevin Kehoe who will be starting on April 15th. That will bring the office back up to full strength.

Mr. Ellison commented that his office has also seen a large increase in the amount of the need for interpretation in the courtrooms and when they meet with people and a lot of it is coming through the juvenile abuse and neglect cases. There is a little bit of an uptick in the criminal cases, but more in the juvenile abuse and neglect cases. The court has to pay for it when it is in court, but the office pays when they talk to the clients.

Sheriff's Department –

Lt. Butts reported on the jail population. As of 3 p.m., it is 263 with a general population of 224 and 39 federal inmates. Those numbers are up. That is probably the highest it has been in 18 months.

State's Attorney's Office –

Macon County Board Resolution Amending the State's Attorney's FY2019 Grant Fund Budget for Adult Redeploy Illinois (ARI)

Mr. Baggett reported that they had received notification that they would be awarded \$14,400 in addition to the annual ARI program funds. That is about a \$300,000+ grant. The condition is that the money be accepted and spent by June 30th. This resolution is to amend the FY19 budget to appropriate that additional money so it can be spent prior to the end of the State's fiscal year.

Mr. Drobisch made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Ms. Kraft and the motion carried 6-0.

Macon County Board Resolution Designating the Illinois State's Attorneys Appellate Prosecutor as its Agent to Administer the Operation of Appellate Offices and Process Appellate Cases for Macon County During FY2019

Mr. Baggett explained that this is done annually, but is a little late this year.

Mr. Drobisch made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Ms. Kraft and the motion carried 6-0.

CITIZEN REMARKS – PUBLIC COMMENT –

Old Business None

New Business None

Closed Session – none needed

NEXT MEETING Thursday, April 25, 2019

Mr. Oliver made a motion to adjourn, seconded by Ms. Taylor and the motion carried 6-0.

Notes submitted by Jeannie Durham, Macon County Board Office