

**JUSTICE COMMITTEE MEETING**  
**July 25, 2019 @ 3:00 P.M.**

**MEMBERS PRESENT**

Greg Mattingley - Chair  
Debra Kraft – Vice Chair  
Dave Drobisch  
Lloyd Holman  
Verzell Taylor  
Bill Oliver (came @ 3:02)  
Jim Gresham

**MEMBERS ABSENT**

**COUNTY PERSONNEL PRESENT**

Sheriff Brown  
David Ellison, Public Defender  
Mike Baggett, State’s Attorney’ Office  
Pat Berter, Probation  
Lois Durbin, Circuit Clerk  
Jay Scott, State’s Attorney  
Jon Perona, DPBC  
Carol Reed, Auditor  
Judge Webber  
Tammy Esposito, EMA  
Lisa Wallace, Auditor’s Office  
Aly Crist, State’s Attorney’s Office  
Jeannie Durham, County Board Office

**APPROVAL OF MINUTES OF PRIOR MEETING**

Ms. Kraft made a motion to approve the minutes from the 6/27/19 Macon County Board Justice Committee meeting, seconded by Ms. Taylor and the motion carried 6-0.

**CLAIMS**

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

**REPORTS**

***Circuit Clerk –  
Budget Presentation***

Ms. Durbin reported that everything is pretty much the same except:

- Page 1 of the General Fund Budget –
  - Lines 5003 & 5455, union contract raises plus Leap Day pay
  - Line 7140 – Legal Advertising – more publications are being done on juvenile cases so it was upped.
  - Postage was removed from general fund and put into a different fund
  - This page shows a net gain of \$5, 274.15
  - Page 2 of General Fund – Jury – The long time Jury Manager retired and was replaced by someone with a lower salary showing a page 2 reduction of \$11,600, so between page 1 & page 2 of General Fund, there was a reduction of \$6,326.35
- Fund 50 - Automation
  - The same raises were given to management team as union employees
  - Everything else is the same
  - With the new July 1 schedules, even though some of the amounts were reduced, there are more cases being filed, so it was left the same.
  - Due to the new fee schedule, the automation fees were reduced by \$25,000, but until there is a full year’s data, it will be hard to determine

- Fund 051 - Document Storage
  - Same as Automation – pretty much stayed the same
  - Same amount of wage increase to management as union employees got
- Restricted Cash
  - Major changes are just salaries
- Fund 053 - Clerk's Op
  - Postage was moved here – line 7150 – from General Fund
  - Travel and training were increased
  - Dues – Association dues have increased by \$55
  - Office supplies were reduced
- Fund 054 – Electronic Citations
  - Can only be used for e-citations
  - Reduced by \$2,000 because the most spent this year was \$300 and Ms. Durbin said she did not see that going up
- Jury Agency Fund
  - Reflects page 2 of General Fund budget

Ms. Kraft made a motion, seconded by Mr. Gresham to forward the budget on to the Finance Committee budget hearing and the motion carried 7-0.

***Circuit Courts –  
Budget Presentation***

Judge Webber reported that his budget was essentially flat per instructions from the committee. The court's budget is actually down by \$3,600. He said he found that he was not using the postage and telephone as in prior years and so reduced them to be more in line with actual usage. The interpreter line was increased. It just takes a couple of cases that require interpreters that have lengthy hearings. So, that is up.

The salary line has been kept flat. That is the same as FY19. Judge Webber said he always mentions to the committee that the Court has 11 employees that are non-contractual, but are governed by the handbook which says they are entitled to step increases every 24 months and their anniversary date. In the past, the committee and the board has invited the judge to revisit it and Judge Webber said he would like to do that again with a 2% increase on the steps. Last year, it cost about \$6,000 for that. However the budget being presented for the courts today has no increases for the staff in it.

**Law Library Budget –**

This is flat from FY19. The Law Library is self-financing entirely by Law Library filing fees. With everyone struggling with the Criminal and Traffic Assessment Act and not knowing what the impact is going to be. He said they've been rolling into it for a little over 3 weeks. The Act is silent as to the Law Library Fund filing fee. Counties are doing different things with it. He said they continue to impose it until a definitive word that it cannot be done has been received. In addition to funding the Law Library, it also funds all the electronic library for the judges. If we do not have that, there is no access to Case Law, Statutes or anything. If the present path is continued, it will probably be good for another 4 to 5 years. If the Law Library Filing Fee is lost, there is less than two years before it will be expended. That would mean, unless there is another funding

source, that there will be no Law Library, no self-help center and the judges would have to either do without access to Case Law and Statutes or find them somewhere else.

Mr. Oliver asked about the chances of getting funds from the Secretary of State. Judge Webber agreed that the Secretary of State does give money to the public library, but he said they never have in the past contributed anything toward the operation of the Court System. He said they could ask. Judge Bollinger has discussed seeing about the Supreme Court coordinating a statewide subscription to either Westlaw Lexus Nexus which would give 102 counties worth of buying power on that. Contracts were renegotiated last year and the amount dropped considerably. That postposed bankruptcy of the fund by several years.

Chair Mattingley asked what percentage of the budget is attributable to maintaining the self-help center. He said he believes there is now a duplication of effort because the Township is feeling the same thing and there have been some other local governmental groups who were doing something like that. Judge Webber said there has been no coordination with the courts on it and he did not know what their program is. The self-help center is supervised by the Law Librarian who is also in charge of the mortgage mediation program. The only cost is her salary, but it is not broken down between the various duties. Chair Mattingley asked if there were no additional costs for the terminals, etc. Judge Webber said no, but the terminals are multi-use.

Mr. Oliver asked if an increase in the number of people using the Law Library. Judge Webber said there is an increasing number of self-representing litigants, particularly on the civil side. If you are on the criminal side, you have the benefit of the Public Defender's Office. In landlord / tenant, a lot of probate, divorce and family, there are many self-representing litigants. If they did not have access to any resources, it is very hard on judges because people come in and have no idea what to do. They want us to try the case for them or tell them what to do. He said his Clerk fields 15 to 20 calls a day from self-representing litigants who want to increase child support, visitation, the landlord is no good, fighting eviction, etc. Judge Webber said they can't do it and so refer them to the self-help center and the Bar Association who is now supplementing the self-help center and coordinating a volunteer lawyer who is there 2 days a week to assist people. So that is where people are being sent who are self-representing. That would be lost if the library was not there.

Mr. Oliver asked if there was any way to get the word out to the general public about the self-help center being there. Judge Webber said that anyone that comes into the Clerk's office, who is forbidden by law to give any legal advice, is referred there on a daily basis. People come in to the courthouse and say they need help. They are sent up to the 3<sup>rd</sup> floor. Right now, the volume that comes in can barely be handled. The judges and court staff also refer people there.

Ms. Kraft made a motion, seconded by Mr. Drobisch to forward the budget on to the Finance Committee budget hearing and the motion carried 7-0.

***Coroner – No Report***

***Court Services / Probation –***

***Macon County Board Resolution Approving Donation from the Howard G. Buffett Foundation to Fund the Macon County Drug Court Probation Officers For FY2020***

Mr. Berter explained that he had sat down with Mr. Buffett and discussed the clerk program. He said they are very fortunate to have received more money from the state this year and in that discussion, the request was for funding just one officer's wages, fringes & health care plus one more officer's fringes & health care. The goal is to continue to reduce the amount that is received from the Foundation so that next year when that money is reduced or cut, it can be budgeted for.

Mr. Oliver made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Ms. Taylor, and the motion carried 7 -0.

Mr. Berter went on to explain that Peoria County had forwarded him a copy of the Illinois Department of Juvenile Justice inspection report for the juvenile detention facility. The report is very favorable and is good information to have.

***Emergency Management Agency –***

***Macon County Board Resolution Entering into an Intergovernmental Agreement with the Village of Mt. Zion Regarding the Use of Water Towers within the Village of Mt. Zion for the Installation of Radio Equipment by the Macon County Emergency Management Agency***

Ms. Esposito explained that the equipment supports the storm spotter radio network.

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 7 -0.

Mr. Oliver asked a question. Ms. Esposito said the radio equipment agreement is with Barbeck and is separate from this intergovernmental agreement. The only thing being paid to Mt. Zion, which is not a part of this intergovernmental agreement, is a \$10 a month utility bill for electricity. An outlet is going to be installed for the radio cabinet and only the conduit will have to be paid for. The current tower has a utility bill through Ameren that runs \$44 a month. Of that \$2 is actual usage of electricity. The rest is the cost of just having the electricity to the tower. That is being decommissioned. Mr. Oliver said he wanted everything on paper and agreed to without any of the handshake stuff that gets forgotten down the road. Ms. Esposito assured him that everything is in writing.

***Public Building Commission – No Report***

***Public Defender's Office –***

***Macon County Board Resolution Amending the Public Defender's FY2019 Budget for the Payment of an Expert Witness Including an Examination and Report***

Mr. Ellison explained that the costs include any needed testimony. One of the attorneys has determined that an expert is needed in the area of battered woman syndrome and has requested and received the attached estimate for what could potentially be needed. This is a homicide case.

Mr. Drobisch made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Ms. Taylor, and the motion carried 7 -0.

Mr. Ellison went on to report that the Westlaw contract is coming up for renewal. The current contract was for 2 years. He said he would get the breakdown for a 1 year, 2 year and longer contracts for cost comparisons. Included is a program called Clear which is needed by the investigator to assist him in finding people that are needed to serve as witnesses. That has a cost as well. He said he would have a contract soon.

***Sheriff's Department –***

***Macon County Board Resolution Approving Contract with the Macon County Sheriff's Deputies #144 Bargaining Unit***

Sheriff Brown explained that the contract had expired in November 30, 2018. This contract has been settled and gives a 2 ¼ % increase retroactive from December 1, 2018 to August 8, 2019. The increase would conclude at the end of the current fiscal year, November 30, 2019. An additional year, 2020, will also include a 2% wage increase. These increases are included in the FY19 budget, so no additional appropriations are being requested. This is a 2 year contract with the first year pretty much gone and it expires in 2020.

Mr. Holman made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Ms. Taylor, and the motion carried 7-0.

***State's Attorney's Office –  
Budget Presentation –***

Mr. Baggett explained that this is a flat budget from last year with no additional requests.

**General Fund Budget:**

- Additional revenue is expected from the state as a result of the Statutory Increase to the State's Attorney's salary. The state pays 2/3 of the State's Attorney's salary.
- Notification has been received from the Mental Health Board in regard to the renewal of the deferred prosecution money.
- Word is being awaited as to the Appellate Prosecutor's Drug Enforcement money. That has been received for years and the final confirmation on the number, which has been static over the last several years, is expected
- The State's Attorney's portion of the Circuit Clerk FY19 actual fees are substantially lower than what was budgeted for. That is the result of an MOU that the State's Attorney enters into with the Circuit Clerk's Office. They are holding the funds until the MOU (memorandum of understanding) is agreed to and signed and then they will disperse the funds.
- The Victim Impact Panel fees were lowered. They will not be changing as a result of the new Criminal Traffic Assessment Act, but based on last year's final year number, moving

it down would be in line with the Finance Committee's directives on trying to appropriately assess revenue.

- Cellular phone sales did not quite bring in what was anticipated this year. Those sales normally occur in October when the new phones are released. Those old phones will be sold and the funds used to purchase new ones.
- Expenses – The Governor's signature is being waited on, but the General Assembly has passed through both Houses, a cost of living increase that affects the State's Attorney's salary, so that is going up by law.
- The extra Leap Day has been accounted for.
- Changes in salaries are a result of movement between grants. Some employees were moved to grant units based on what they are making trying to offset the expenses in the General Fund which doesn't really help in the salary lines, but does help with the health expenses. One employee was removed from the General Fund health lines saving about \$9,800.
- The number for the Investigator salary is a placeholder. Contract negotiations are now beginning. Their contract expires in November. This placeholder may hold through the next fiscal year as the Sheriff just indicated that it can be a while before these contracts resolve. This is based on current payment schedules.
- Commodity lines (7000 series) – These numbers were carried over from last year even though some of them have not spent 50% at the half way mark of the year. Part of that is due to timing of expenses. Part is also that some expenses are covered by automation funds, but that fund is now down and doesn't cover a lot. It is continually refilled and is used as much as possible. The general fund is needed to help out. A lot is being spent on equipment right now trying to get ready for the conversion to the e-filing as well as the new Tyler software that the Circuit Clerk is overseeing. Mr. Baggett explained that they are trying to make sure everyone's computers are up to date so that next year when that process gets going, they will be ready on day 1 and not playing catch up.

#### Judgment Fund Budget:

- Most everything is a placeholder. The Auditor and Finance Committee will work together on the tax levy as well as how much should be put in reserve for the payment of judgments. Some staffing has been moved around explaining the fluctuations between the ASA's and support staff.
- Retirement went up a little this year. SS stayed the same.
- Line 7250 – Contractual Services has been set at about 125,000 a year, but beginning last year, the County became self insured. As a result, our insurer still pays for the attorneys we hire to represent us in complex litigation. The only difference is that it is now our money. We have a lot of pending litigation where the County Officials have been named as party defendants and each one of those is farmed out to retain Counsel and we pay those invoices where the insurance companies previously paid them. Now, until we reach our self-insured

retention of \$100,000, it is on us. As a result, we are paying a lot more to outside Counsel in complex litigation. Mr. Baggett said he did not know if the \$125,000 would be met or exceeded this year, but based on the invoices, he expected it to be exceeded by quite a bit. \$125,000 has been put into the FY20 budget as a placeholder, but will work with the Auditor to see if that is realistic or needs to be increased for next year. Those expenses will not go down as long as the County continues to be self-insured.

- The Special Prosecutor was put in at \$7,500, but those are for when the court appoints someone to replace a State's Attorney in case there is a conflict. It is there if needed, but won't be used if not.
- Payment of judgments number will be put in by the Auditor and Finance Committee.

#### State's Attorney's Automation Budget:

- Non-appropriated fund funded through fees assessed in criminal cases. It is used as much as possible when it is there.

#### State's Attorney's Sex Offender Investigation Fund

- Non-appropriated fund where fees are collected, but it is not sure if it will continue once the new Criminal Traffic Assessment Act is in full force. This balance is used as much as possible in sex offense cases.

#### Child First Center Budget:

- Many of these figures are placeholders
- Circuit Clerk fees have been revised down somewhat and an email has just been received asking it be brought down a little more. Also, not sure how this will be affected by the CTAA. Until we are a bit further into this, it will remain unknown.
- Piatt County Fees / Donations – seeking through Friends Board
- Salary / Health Insurance amounts are partials
- Violent Crimes / Victims Assistance Grant – through Attorney General's Office. Confirmation has been received that the award, already in FY20, is same as last year. Only changes are in regard to SS & IMRF
- DCFS Grant- one of the two significant grants received. Amount is same as last year.
- VOCA Grant – final confirmation shows this went down a bit from last year. Mr. Baggett said he would work with Jean Moore, Director of the C1C, to make sure the money in her budget with the fines / fees is taken into account and covers all personnel expenses.

#### Teen Court Grant Budget:

- There is a contract with Millikin University where they administer the program. We take the fees received through the Circuit Clerk's Office and give it to Millikin and they fund the program. If they have any excess expenses, we pay it out of the Teen Court Fund Balance.

Mr. Oliver asked how the program was going. Mr. Baggett said Keyria Rogers, the Director of the program, Millikin's Director of Finance and the Provost all say it's going very well and are now hitting their stride with their criminal justice program. Mr. Oliver asked for more details on the program. Mr. Baggett explained that it helps them understand issues regarding youth recidivism rates and alternative approaches to justice. With the Teen Court Program, it is a kind of a diversion program. Teens who get into minor types of trouble can go through the Teen Court process and it is more of a peer counseling, peer review situation as opposed

to going through the formal criminal justice system and either being charged in juvenile court or having interactions with law enforcement on an ongoing basis.

Adult Redeploy Grant Budget:

- The FY20 ARI grant was cut a bit. The reason for the slight deficit right now is that when the grant was applied for and awarded, the right IMRF contributions were not included. So, it was requested under last year's IMRF percentage. An amendment on the grant needs to be done to bring it in line. Current numbers are being used for this budget.

Elder Victims Crime Unit Budget:

- This is the last year of that grant. It expires in November. So, next year it will be zeroed out.

Mental Health Board Grant Budget:

- This funds the partial salary of an attorney that helps out with mental health cases

Attorney General Violent Crimes Victims Assistance Budget:

- This helps fund part of the salary of our Victim Witness Coordinator

Opioid Prosecution Fund Grant Budget:

- Funded through the Howard G. Buffett Foundation
- This coming year will be the last year of that grant
- Some staff is being moved into this grant in order to help alleviate pressure on the general fund budget. The goal is to zero this out next year.

Mr. Oliver asked about the grants that are not renewable that departments are not ready or able to close out and how many there are. Mr. Baggett explained that both the Elder Victims Crime Grant and the Opioid Prosecution Grant, the County was informed at the time the grants were awarded that they would not be renewed at the end of the terms and that has not changed. So, when the time comes, a budget will be presented and the County Board will have to decide what it wants to do as far as continuing good work or making cuts that could have a negative effect on the criminal justice system. Mr. Oliver commented that it would be interesting to see what good the grants have done and what has been accomplished. He asked if a final report would be seen. Mr. Baggett said he was not sure if reports would be prepared at the end of the grant period or not. With a lot of grantors, there is some type of report required, but he was not sure in this case. It is very difficult if a lot of your budget relies on grant revenue. If the grant revenue dries up for whatever reason, you're left holding the bag. Anyone who is funding staff in their offices through grants knows the risk.

Mr. Oliver made a motion, seconded by Ms. Kraft to forward the budget on to the Finance Committee budget hearing and the motion carried 7-0.

**CITIZEN REMARKS – PUBLIC COMMENT** –None

**Old Business** Chair Mattingley thanked the officeholders for trying their best to comply with the directives regarding the budget and the directives from the Chairman of Finance last year about bonuses.

**New Business** -

*Auditor*

***Macon County Board Resolution Setting the Salaries for the Office of State's Attorney and Public Defender Effective July 1, 2019***

Ms. Reed explained that they had received a letter from the State dated July 9, 2019 stating that the salary reimbursement rate would go up and setting the new salary for the State's Attorney. According to State Statute, the Public Defender's salary follows at 90% of that. This would be effectively raising both salaries to the new levels as stated.

Mr. Baggett encouraged the committee to table the resolution or to pass it on the Finance with recommendation to table it. The reason why is that Mr. Baggett said he had checked on the status of HB837 two days ago. It has been re-referred to the Rules Committee in the House. The reason for this, despite the fact that it passed both Houses of the General Assembly and was waiting on the Governor's signature, it got pulled back. Two to three weeks ago, a judge in the Circuit Court of Cook County ruled that the prohibitions on cost of living increases for the last 10 fiscal years had been unconstitutional. As a result, depending on how that decision holds up on appeal, it may have a pretty substantial impact on local governments and the state. Back pay would probably be ordered to everyone who was denied it for 10 years. The Cost of Living Increases that would have gone into effect had the Statutes not been enforced would have been based on an exponential increase in the salaries. So, the Governor has not signed HB837 yet and Mr. Baggett said he would not encourage the Board to adopt this resolution finally. Although, certainly it could be passed on through to Finance and something may be known before the next Board meeting. He said he did not want the committee today to think . . . The law has changed and until it does, he said he would not encourage them to change the salary, because once they did so, in the absence of State Law, you still cannot reset it. If you find out later that the law is never going to get signed, you can't take it back.

Per Chair Mattingley, the resolution will be deferred to the Finance Committee and when we get to Finance, we will see if we have an update. Mr. Baggett said he would keep on top of it and let them know.

**Closed Session** – none needed

**NEXT MEETING** Thursday, August 22, 2019

Mr. Oliver made a motion to adjourn, seconded by Mr. Drobisch and the motion carried 7-0 and the meeting was adjourned at 3:50 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office