

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Tuesday, June 3, 2014 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Caisley; Members Rankin, McIntyre, Wollrab, Schafer, Wendt, and Soeldner

Other County Board
Members Present: None

Staff Present: Mr. Bill Wasson, County Administrator; Ms. Hannah Eisner, Assistant County Administrator; Ms. Judith LaCasse, Assistant to the County Administrator

Department Heads/
Elected Officials
Present: Mr. Jason Chambers, State's Attorney; Mr. Will Scanlon, Circuit Court Administrator; Mr. Don Everhart, Circuit Clerk; Ms. Lori McCormick, Director, Court Services; Ms. Judy Brucker, Director, Children's Advocacy Center

Others Present: Mr. Ron Lewis, First Assistant Public Defender

Chairman Caisley called the meeting to order at 4:30 p.m.

Chairman Caisley presented the May 6, 2014 Justice Committee Minutes for Approval.

Motion by Soeldner/Rankin to Approve the Minutes of
the May 6, 2014 Meeting.
Motion carried.

Mr. Jason Chambers, State's Attorney, reviewed his Monthly Caseload Report and Asset Forfeiture Fund Report.

Chairman Caisley asked if there were any questions or comments. Hearing none, he thanked Mr. Chambers.

Mr. Will Scanlon, Circuit Court Administrator, presented a request to increase the Court Automation Fee and the Court Document Storage Fee. He indicated that the Court Automation Fee and the Court Document Storage Fee are established by the County Board and have been set at the amount of \$5.00 for the past 18 years

or more. He added that 1996 was the last review of these fee rates, and the last increase in either rate.

Mr. Scanlon noted that, in 2003, the Illinois General Assembly authorized an increase of the maximum rate for both fees to \$15.00 and, in December 2013, P.A. 98-606 was signed, raising the amount that the County may consider for both the Court Automation Fee and the Court Document Storage Fee to \$25.00 effective June 1, 2014.

Mr. Scanlon stated that since 2005, the Circuit Court and Circuit Clerk have found that the revenue generated with the fee funds has not been able to keep pace with the anticipated expenditures for equipment and contractual services. Annually, the funds contribute to 3.0 FTE employees plus an additional \$92,363 to the General Fund. Mr. Scanlon pointed out that this leaves a smaller and smaller portion of the fund available for equipment, contract services, software upgrades, software development, shelving and long-term storage of physical files, microfilming and other electronic storage solutions.

Mr. Scanlon indicated that the Circuit Court met to discuss the issue and had discussions with Mr. Everhart, Circuit Clerk, and their recommendation was to raise the fees for both funds and recommend that the Court Automation Fee be raised to \$20.00 and the Document Storage Fee be raised to \$15.00, effective October 1, 2014. He stated that this would put the County in line with some anticipated movement of fees in the surrounding counties and counties of similar size. Mr. Scanlon advised that every county in the surrounding area and every county of similar size in the State of Illinois had set the fee at the maximum rate of \$15.00 and most indicated to him during his survey that they were planning to move to the maximum rate of \$25.00 on or about June 1st.

Mr. Scanlon re-stated that the recommendation to the Justice Committee from the Court and the Circuit Clerk is to increase the fee on October 1, 2014 to \$20.00 for the Court Automation Fee and \$15.00 for the Document Storage Fee.

Ms. Wollrab asked what would be the total of fees prior to the increase. Mr. Scanlon replied that the fee would change depending upon whether it was a jury trial or non-jury trial. The fee for a jury trial is \$212.50 and the filing fee for a civil case is typically \$231 with an additional fee of \$131 for an appearance fee.

Mr. Wendt expressed concern that the fees are being increased from \$5.00 to \$15.00 and \$20.00.

Mr. McIntyre asked what the rationale was to increase the fees. Mr. Scanlon replied that the fees are being increased due to anticipated need for revenue in the Court Automation Fee to do some initial development for a new case management system.

Mr. Wendt asked if the County's cost for filing justifies such an increase in fees. Mr. Scanlon replied that the fees are being raised in anticipation of needing revenue to begin the development of a new case management system. The current case management system used by the Circuit Clerk's Office and the Circuit Court dates back to 1996. Mr. Scanlon noted that the case management system purchased by Kane and Peoria Counties was \$6 million.

Mr. Rankin asked how much of an increase in revenue is anticipated with this fee increase. Mr. Scanlon replied that it will not triple the revenue as there has been some drop-off in collection rates. He noted that in 2011 the Court Automation Fee generated \$154,000 in revenue, in 2012 \$149,000 and in 2013 \$148,000. Mr. Scanlon anticipated that the revenue will double by tripling the fee, to about \$300,000-\$325,000.

Ms. Schafer asked if the increase in fees will impact the collection rates. After a discussion, it was determined that those people who are not paying the fees now, will probably not pay the fees after the fees are increased while those who do pay, will continue to pay.

Mr. Wendt asked how this increased revenue will be spent. Mr. Scanlon replied that the revenue will be used to purchase a new case management system which is anticipated to cost \$6 million. He pointed out that revenue for both fee funds has been flat over the past six to eight years. Mr. Scanlon noted that a contribution is made from both fee funds to the General Fund to support FTE positions in the Circuit Clerk's Office. He added that those positions have been funded at a lesser percentage through those fee funds due to the flat rate.

Mr. Soeldner asked if this revenue will stay in those accounts. Mr. Wasson replied that they will as they are designated funds. He stated that the Document Storage Fund started the fiscal year with \$325,000, noting that options are being evaluated to address court document storage in the 2015 budget as storage space in the County is depleted. The Circuit Clerk Automation Fund has \$161,000 left in the fund balance. Mr. Wasson pointed out that neither of these funds is carrying large balances at this time. He stated that the Administrator's Office agrees and believes that it is appropriate to begin to develop funding to explore options for a new case management system.

Chairman Caisley expressed his opposition to increasing court fees. He stated that he is opposed to increasing the fees because it prices some people out of the justice system, particularly people with small claims. Mr. Scanlon responded that persons who have small claims have a waiver of the filing fee process available to them.

Mr. Wendt expressed concern with raising fees without justification for the increase. He stated that if there was justification showing that the cost of processing a case had gone up, he could support the increase. Mr. Rankin responded that the justification has been provided by Mr. Scanlon, as follows:

- Increased expenditures for equipment, contract services, software upgrades, software development, etc.;
- Long-term storage of physical files, microfilming and other electronic storage solutions;
- Development of a new case management system.

After additional discussion, Chairman Caisley called for a motion.

Motion by Soeldner/Schafer to Recommend Approval to Increase the Court Automation Fee \$20 and the Court Document Storage Fee to \$15 for Circuit Court and the Circuit Clerk's Office.

Motion carried with Mr. Wendt and Chairman Caisley voting "no".

Mr. Scanlon presented a request for approval of a revised contract for services for a Hearing Officer in the Title IV-D Child Support Enforcement Program. He indicated that in May, the State's Attorney, Circuit Clerk and the Court appeared separately for approval of contracts for Child Support Enforcement Services. The Court employs a Contract Hearing Officer who is a licensed attorney in good standing in the State of Illinois with at least four years of experience and has substantial experience in domestic relations matters.

Mr. Scanlon noted that the last time the Committee reviewed the contract was in 2005. He stated that the revised contract will be for the SFY'2015, which would be July 1, 2014 through June 30, 2015. Mr. Scanlon reviewed the changes made to the contract, as follows:

- Substitute the word "Department of Healthcare and Family Services" with the "Department of Public Aid;
- That the "Office of Chief the Judge" be used instead of the "Office of the Circuit Court" as contract supervisor.
- The "NOW, THEREFORE" section two needs to be changed to "...but in no instance shall payments to the Hearing Officer exceed the amount of \$16,500 for services provided between July 1, 2014 and June 30, 2015."
- Section 14 should reflect a termination date of June 30, 2015.

Motion by Schafer/Rankin to Recommend Approval of a revised Contract for Services for a Hearing Officer in the Title IV-D Child Support Enforcement Program.
Motion carried

Chairman Caisley asked if there were any questions or comments. Hearing none, he thanked Mr. Scanlon.

Mr. Don Everhart, Circuit Clerk reviewed his March 2014 Statistical Reports. He stated that there was nothing unusual in the reports.

Chairman Caisley asked if there were any questions or comments. Hearing none, he thanked Mr. Everhart.

Chairman Caisley reviewed the May 2014 Detention Facility Population report as submitted by Sheriff Emery who was unable to attend the meeting. There were no questions on the report.

Ms. Lori McCormick, Director, Court Services, presented two requests that could be acted upon together. The first is a request for approval to apply for and accept the Department of Human Services Juvenile Redeploy Grant for SFY'2015. She indicated that the Department of Human Services notified the Court Services office that the Juvenile Redeploy Grant will be extended and she expects to receive \$165,482 for SFY'2015. Ms. McCormick stated that it is anticipated that the award documentation will be received prior to July 1, 2014.

Ms. McCormick stated that the second is a request to apply for and accept the Illinois Criminal Justice Information Authority (ICJIA) Adult Redeploy Grant for SFY'2105. She stated that the ICJIA notified the Court Services Office that that the Adult Redeploy Grant will be extended, and she expects to receive \$195,325 for SFY'2015. Ms. McCormick stated that she anticipates receiving the award documentation prior to July 1, 2014.

Motion by Soeldner/Rankin to Recommend Approval to Apply for and Accept the Department of Human Services Juvenile Redeploy Grant for SFY'2015; and to Recommend Approval to Apply for and Accept the Illinois Criminal Justice Information Authority (ICJIA) Adult Redeploy Grant for SFY'2015.
Motion carried.

Ms. McCormick reviewed her Monthly Report.

Chairman Caisley asked if there were any questions or comments. Hearing none, he thanked Ms. McCormick.

Chairman Caisley advised that Ms. Kimmerling, Coroner, was unable to attend the meeting. He presented her request for approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Coroner's Office 0031 (Death Certificate Surcharge Grant).

Mr. Wasson explained that the state provides the Coroner's Office with a percentage of the funds from a year's worth of Death Certificate Surcharge Funds. The amount of funds received this year was \$4,320, which may be used to purchase equipment for the Coroner's Office. He noted that these funds are not budgeted under revenue because there are times when the funds are not made available by the state. Mr. Wasson stated that it is unlikely that these funds will be available next year.

Motion by Wollrab/Soeldner to Recommend Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Coroner's Office 0031 (Death Certificate Surcharge Grant).
Motion carried.

Chairman Caisley reviewed Ms. Kimmerling's April 2014 Report. There were no questions on the report.

Mr. Ron Lewis, First Assistant Public Defender, presented the Public Defender's Monthly Report. There were no questions on the Report.

Ms. Judy Brucker, Director, Children's Advocacy Center, reviewed the Children's Advocacy Center report and the CASA Report. She indicated that, through the end of May, the Advocacy Center has seen 94 children, which is a little down from the same time last year. She advised that, through the month of April, 45 CASA volunteers advocated for 86 children. Ms. Brucker noted that eight new CASA volunteers were sworn in on Monday.

Chairman Caisley asked if there were any questions or comments. Hearing none, he thanked Ms. Brucker.

Mr. Wasson reminded the Committee that as a result of the new Budget Policy, Critical Personnel Hiring requests are presented for action to each of the Oversight Committees for departments under their purview. He noted that the Critical Personnel Hiring request for Justice Departments was distributed prior to the meeting.

Ms. Hannah Eisner, Assistant County Administrator, reviewed the Justice Committee critical personnel position requests received by the County Administrator's Office through June 3, 2014. All positions listed below are budgeted and funded through the end of FY 2014.

State's Attorney's Office

- 1) Fill 1.0 FTE Assistant State's Attorney which has been vacated

The resignation of an Assistant State's Attorney has created a vacancy in the State's Attorney's Office. This ASA I position handles misdemeanor cases, including screening of reports, filing charges, preparing cases for trial and advocating contested hearings, and handling expungement petitions. There are no other staff members who can absorb the duties of the position.

Coroner's Office

- 1) Fill 1.0 FTE Deputy Coroner Position which has been vacated

The retirement of a Deputy Coroner has created a vacancy in the Coroner's office. This position will involve scene response, documenting scene observations, photography and evidence collection, conducting family/friend/witness interviews, notification of next of kin, scheduling autopsies, performing case follow-up, report writing and entering data into the forensic filer, and other duties that may include being responsible for accounts receivable, maintaining training records, evidence room management, providing juvenile probation presentations, and coordinating mass casualty response. There are no other staff members who can absorb the duties of this position.

Ms. Eisner advised that there was also an individual hired in the Children's Advocacy Center that is a grant-funded position the County is required to fill. She noted that this hire was not reflected on this request because it does not require your approval.

Motion by Wollrab/Schafer to Recommend Approval of
the Critical Personnel Hiring Requests.

Motion carried.

Chairman Caisley presented the May 31, 2014 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a Prepaid Total of \$697,983.89 and a Fund Total that is the same.

Motion by Rankin/Wollrab to Recommend Approval of the Justice Committee Bills and transfers as of May 31, 2014 as transmitted by the County Auditor.
Motion carried.

Chairman Caisley asked if there was any other business or communication for the Justice Committee. Hearing none, he adjourned the meeting at 5:23 p.m.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary