

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Tuesday, July 1, 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. Don Everhart, Circuit Clerk; Sheriff Mike Emery; Ms. Lori McCormick; Director, Court Services; Ms. Kim Campbell, Public Defender; Mr. Jason Chambers, State's Attorney; Mr. Will Scanlon, Circuit Court Administrator

Others Present: Mr. Rusty Thomas, Chief Deputy Sheriff; Lt. John Sandage, Sheriff's Department; Ms. Cathy Waltz, Superintendent, JDC; Ms. Barb Nafziger, Chief Deputy Coroner; Mr. Seth Reynolds, Deputy Coroner, Coroner's Office

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

Chairman Caisley presented the Minutes of the June 3, 2014 Justice Committee and the May 20, 2014 Stand-up Meeting for Approval.

Motion by Soeldner/Rankin to Approve the Minutes of the June 3, 2014 Meeting and the May 20, 2014 Stand-up Meeting.
Motion carried.

Mr. Don Everhart, Circuit Clerk reviewed his May 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.

Ms. Lori McCormick, Director, Court Services, presented two requests that were acted upon together. The first is a request for approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance, Fund 0001 General Fund, Court Services Department 0022-0095 (Adult Redeploy Program). The second is a request for approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance, Fund 0001 General Fund, Court Services Department 0022-0095 (Juvenile Redeploy Program).

Motion by McIntyre/Wollrab to Recommend Approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance, Fund 0001 General Fund, Court Services Department 0022-0095 (Adult Redeploy Program); and to Recommend Approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance, Fund 0001 General Fund, Court Services Department 0022-0095 (Juvenile Redeploy Program).

Motion carried.

Ms. McCormick presented a request for approval of an Agreement between McLean County Court Services and Dr. Sesha Kethineni for the Juvenile Redeploy Program.

Motion by McIntyre/Schafer to Recommend Approval of an Agreement between McLean County Court Services and Dr. Sesha Kethineni for the Juvenile Redeploy Program.

Motion carried with Mr. Rankin abstaining.

Ms. McCormick reviewed her Monthly Report.

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

Ms. Barb Nafziger, Chief Deputy Coroner, reviewed the Coroner's May 2014 Report. She introduced Mr. Seth Reynolds, Deputy Coroner, and noted that she will be retiring July 31st as Chief Deputy Coroner and Mr. Reynolds will be assuming that role on August 1st.

Ms. Nafziger pointed out that there were 100 deaths and 18 autopsies, which is on the high side. She indicated that out-of-County autopsies were down and noted

that this will become a more average number of those cases. Ms. Nafziger added that one new county was added in the month of May, namely Williamson County.

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

Ms. Kim Campbell, Public Defender, presented her Monthly Report. She advised that there continues to be an increase in post-conviction cases and mental health cases. Ms. Campbell stated that mental health cases are being recognized more often due to the recent focus on that population.

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

Chairman Caisley presented the Children's Advocacy Center report and the CASA Report as submitted by Ms. Judy Brucker, Director, Children's Advocacy Center. There were no questions on the report.

Mr. Jason Chambers, State's Attorney, reviewed his Monthly Caseload Report and Asset Forfeiture Fund Report. He advised that his First Assistant State's Attorney will become the next 11th Circuit Associate Judge so he will be appointing a new First Assistant.

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

Ms. Hannah Eisner, Assistant County Administrator, reviewed the Justice Committee critical personnel position requests received by the County Administrator's Office through June 25, 2014. All positions listed below are budgeted and funded through the end of FY 2014.

State's Attorney's Office

1) 1 FTE Office Support Specialist I

This position performs a variety of routine tasks under the supervision of legal assistant staff, including but not limited to: preparing and maintaining case files, data entry in EJS program, sorting incoming rap sheets, answering incoming phone calls and greeting walk-ins at the front desk and referring or directing them as appropriate, assisting the legal assistant staff in the Traffic/DUI division as needed, alphabetizing paper filing, preparing arrest cards.

1) 1 FTE Assistant State's Attorney V (First ASA)

This position serves as the chief back-up administrative officer overseeing, coordinating and supervising the administrative activities of the State's Attorney's

Office. This ASA supervises and evaluates the performance of criminal prosecution staff and helps develop and implement office policies and procedures. This ASA also receives and reviews police reports for filing decisions, coordinates and directs criminal investigations by County law enforcement agencies and prosecutes major felony cases. They also may prepare and conduct legal training for police agencies and legal staff, attend meetings with the Court when issues arise, and represent the State's Attorney at various meetings and functions upon request. This position requires a remarkable knowledge of the principles and practices of criminal law and rules of evidence and the principles and practices of supervision and administration. It involves skill in effective listening and communicating, problem solving and team work and the ability to oversee, supervise and coordinate the work of staff attorneys and support staff.

Mr. Chambers stated that Mr. Pablo Eves, the current First Assistant State's Attorney, Civil Division, will be promoted to First Assistant State's Attorney, Criminal Division.

Mr. Wasson advised that the description of this position will be changed because a transfer within grades can be done without Critical Hire approval. It will now be a request for one ASA V (First Assistant, Civil Division). He indicated that this will be amended in the final Critical Hire report that goes to the Executive Committee.

Court Services Department

- 1) 1.0 FTE Adult Probation Intake Officer

The Intake Officer is the primary officer who conducts the initial orientation of all new adult probationers sentenced in McLean County. This intake usually occurs immediately after sentencing, is detailed in nature where the officer explains to the probationer their responsibilities pursuant to the probation order and in addition conducts the first major intake interview that assists in the completion of an evidence based assessment. This assessment allows for the department to insure proper placement of the probationer in the appropriate risk category for supervision and programming purposes. The Intake officer since 2011 has averaged 650 intakes per year. It is critical that this position be allowed to be filled as soon as possible in order that Intakes can be completed in a timely manner this will not only insure that the probationer is aware of their responsibilities pursuant to the probation order, but also that monitoring and supervision can occur immediately.

Circuit Clerk's Office

- 1) 1.0 FTE Office Support Specialist II position

The retirement of a staff member has left a vacated 1.0 FTE in the Circuit Clerk's Administrative Division. The vacated position is primarily responsible for court

approved records destruction, which includes, but is not limited to: prepping court case files for microfilming/destruction, scheduling pickup of files for microfilming/destruction, proofing microfilm, updating indexes/case number lists with reel numbers and destruction notations, filing microfilm reels and forwarding copies to State Archives, assisting with exhibit destruction. Other duties as assigned.

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

Motion carried.

Sheriff Mike Emery presented a request for approval of an Intergovernmental Agreement between the County of McLean, City of Lexington and the McLean County Sheriff. He explained that the Chief of Police of Lexington resigned from his employment with the City of Lexington on June 7th. Sheriff Emery advised that in an effort ensure police services and protection for the citizens of Lexington, he worked with the Mayor of Lexington to provide patrols until a decision is made to appoint a police chief and resume operations of their police department. As a result of those conversations and with the assistance from Assistant State's Attorney Mark Messman, an intergovernmental agreement was produced that outlines the terms of the agreement, duties and obligations by all parties involved.

Sheriff Emery reported that the Sheriff's Department will provide 40 hours of overtime patrol, reimbursed by the City of Lexington to McLean County to provide public safety services until Lexington can hire a police chief. He noted that Lexington has four part-time officers who were suspended due to their contractual union agreement that requires them to have a supervisor. McLean County is now the primary law enforcement agency for Lexington.

Sheriff Emery stated that the Sheriff's Department is starting to work through a lot of cases now. He indicated that there are over 100 cases that need attention. Sheriff Emery stated that cases are being prioritized by the severity of the offense.

Sheriff Emery stated that one of the major goals is to re-establish the confidence and trust of the citizens of Lexington, which has been successful.

Sheriff Emery indicated that Lexington is hopeful that they will be able to identify and hire a new police chief within 30 days. He advised that this is a one-year agreement with a 30 day cancellation.

Mr. Soeldner asked if the McLean County Deputies will be working on an overtime basis and if the \$45.50 per hour from Lexington will cover that expense. Sheriff Emery replied that, on average, it will cover the cost.

Sheriff Emery reviewed some issues that the Sheriff's Department has encountered with other rural law enforcement agencies, such as having some of them reduce their hours and rely on the Sheriff's Department. He stated that, at some point, the rural agencies need to realize that there is a price for utilizing County resources. Mr. Sandage stated that the Sheriff's Department is happy to assist and to teach them how to process a crime scene. Sheriff Emery stated that it may be necessary to address some of these issues in the future.

Chairman Caisley asked if expenses such as Social Security, health insurance and IMRF are taken into consideration in the \$45.50 per hour Lexington will be paying. Sheriff Emery replied that, in the future, agreements such as this will require a fee schedule to account for all expenses.

Chairman Caisley asked if consideration is being taken on a possible discount on the rate of reimbursement since the people of Lexington are already paying a portion of the cost of the Sheriff's Department. Mr. Wasson noted that the municipalities are responsible for providing police protection within their communities.

Mr. Wasson advised that it is not anticipated that this will be a permanent situation at this time. He noted that conversations have been held to establish a long-term program that would address the need for the Sheriff's Department to expand to provide services on a regular basis to incorporated areas within the County that would identify and recover that cost.

Motion by McIntyre/Soeldner to Approve an Intergovernmental Agreement between the County of McLean, City of Lexington and the McLean County Sheriff.

Motion carried.

Sheriff Emery reviewed his May 2014 Detention Facility Population Report. He noted that the population is up, but they continue to work on that through the CJCC.

Chairman Caisley asked if there were any additional questions or comments. Hearing none, he thanked Sheriff Emery.

Mr. Wasson reviewed the memo and provided an information item under his General Report that would address one issue. He stated that Mr. Chambers has requested that the Justice Committee concur with a proposal to restructure the staffing in the State's Attorney's Office.

Mr. Wasson reviewed the proposed restructuring, as follows:

<u>Title</u>	<u>GF Budget FTE</u>	<u>Proposed FTE</u>
ASA I	4	4.5
ASA II	5	5
ASA III	9	7.15
ASA IV	2	3
 <u>DV-Full Year</u>		
ASA I		0.5
ASA II	1.6	
ASA III		0.85
Total:	21.6	21

Mr. Wasson reiterated that, with the changes in staffing and positions, including the loss of an ASA V and the movement of a number of personnel, this is a budget-neutral proposal.

Mr. Chambers stated that this proposal is an effort to retain long-term employees in the office.

Mr. Wasson advised that if the Justice Committee concurs with this plan, it will be taken to the Finance Committee for concurrence.

Mr. McIntyre noted that Mr. Chambers is balancing out his staff, rewarding people to retain staff and avoid attrition while remaining budget-neutral. He asked if this will affect the budget in the future. Mr. Wasson replied that it should not impact future budgets.

After additional discussion, the Committee concurred with Mr. Chamber's proposal to restructure the staff in the State's Attorney's Office while remaining budget-neutral.

Chairman Caisley referred to the letter from the County Auditor regarding departments that are over budget in certain categories.

Mr. Chambers noted that the over-drawn line item included on the Auditor's memo was budgeted, but it was paid from an incorrect fund. Mr. Wasson stated that in the past, the expenditures for the telephone costs for the purchase of the IP Telephone System have previously been billed to and budgeted in 0795.0003 which is the Telephone line. He noted that the expenditures should more appropriately be associated with a "Transfer to Other Funds," which is then transferred to the General Fund to the IT Department for the recovery of the cost of

the telephones. This will necessitate a transfer of funds from the Telephone line to the "Transfer to Other Funds" line.

Ms. Eisner reminded the Committee that when the new budget policy was adopted, a provision was included to allow for more visibility, which is what is being seen on this memo from the Auditor.

Mr. Wasson reviewed the other items on the Auditor's list of overdrawn funds, as follows:

- The Merit Board had to purchase new forms this year, which was not budgeted for. The recommendation for the Merit Commission is to transfer \$800 from the 0701.0001 Line for Advertising to the 0629.0001 Letterhead and Printed Forms Line;
- The Circuit Court Books/Videos/Publication line item is used for the procurement of the on-line services for Westlaw, which dates back to when the books were hard copies and continues with the on-line books. Since 1999 there has been a combined contract between the State's Attorney, the Public Defender and the Court to have the Westlaw services. In December 2012, the contract for those combined services and multiple users were \$41,340, or \$13,780 for each department. Westlaw is billing the Court, and the Court then bills the other two departments at the end of the fiscal year. The Court did not budget \$41,340 for that service, but only \$14,000. The recommendation is to transfer from the Contract Services line to Books/Videos/Publications to cover the current shortage in the fund and to make sure the transfer to other departments be made in a timely manner moving forward.
- The Court Services has contractual expenditures that will, before the end of the fiscal year, require Emergency Appropriation Ordinances. Budget Amendments will be sought in two line items in November or December. One is the Court appointed Defense Attorney Line 0722.0001 which was used for necessary conflict council in two criminal cases in the amount of \$31,500 and \$36,568 over the course of 15 months and 18 months, which was not budgeted for this fiscal year. The second issue is in regard to the Guardian ad litem line item on juvenile case appeals where there are juvenile abuse cases, which are prosecuted by the State's Attorney's Office and represented by the Public Defender's Office and claims were made that the public defender provided inadequate council. These situations are cyclical and the attorney bills come in all at once. These items have been identified and a request will be made for an Emergency Appropriation to address those issues.
- The Court Security Fund in the Sheriff's Department had two items. One item was a \$96.85 expenditure for food and one was a \$1,350 expenditure for Laundry & Cleaning. The Court Security Fund has, due to the fact that Court Security Fees have not been able to meet the obligations to provide

Court Security at the Law and Justice Center, removed all expenditures in this fund other than personnel, which will also be a challenge to meet. It was the intent, during the budget process, to expend these line items out of the General Fund. It is recommended that the department request to the Auditor that these expenditures be “journalized back” to the appropriate fund and program to address this issue rather than do an interfund transfer.

- The State’s Attorney’s Office item previously discussed was taken out of the 0795.0001 Fund and should more appropriately come out of the 0999.0001 Transfer to Other Funds. Recommendation is to transfer the funding from Telephone Service to “Transfer to Other Funds” as earlier discussed.
- ETSB replaced Emergency 911 signage in rural areas that was not budgeted in the amount of \$4,725.96. The recommendation is to transfer \$4,725.96 from Contract Services to Operating Supplies in Fund 0450.0001.
- Metcom had \$1,960 used to purchase a server with the anticipation that this would be a charge for a virtual service through the IT Department, but it was determined that they would be better to purchase the equipment. The recommendation is to transfer the \$1,960 from 0778.0001 Data Processing User Fees to 0833.0002 Purchase of Computer Equipment.
- The final item on the Auditor’s list was one with Court Services, namely for the 0160 MDV Grant Fund, which is 19% over budget currently. A restructuring took place that was previously approved by the Board this year for the personnel and grant staff for Court Services. As part of that restructuring, there is a direct impact on the MDV Account and the funding must still be used for these purposes, which is why they have begun to overdraw the 700’s. Recommended that a Budget Amendment be brought to the Committee to address this and to address the restructuring that was previously approved by the Board.

Mr. Soeldner asked if this process is something new. Mr. Wasson replied that it is new because of the recently passed budget policy that requires additional information be provided. He indicated that in the future these transfer sheets will be included in the packet. Mr. Wasson added that the Administrator’s Office was not advised that this information would be included in the Auditor’s memo, nor was it communicated to departments. He stated that an effort will be made to work with the Auditor’s office to ensure that the departments are given ample time to respond and prepare these documents in the future. Mr. Wasson advised that if a department incorrectly codes a bill or codes a bill and the Auditor’s Office or Finance Department identifies that there are not sufficient funds, the first communication, it is hoped, will be with the department to let them know of the error and give them an opportunity to correct the issue.

Chairman Caisley presented the June 30, 2014 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a Prepaid Total of \$610,544.59 and a Fund Total that is the same.

Motion by Schafer/Wollrab to Recommend Approval of the Justice Committee Bills and transfers as of June 30, 2014 as transmitted by the County Auditor.
Motion carried.

A motion was made to recommend approval of the transfers.

Motion by McIntyre/Wollrab to Recommend Approval of the Transfers.
Motion carried.

Chairman Caisley asked if there was any other business or communication for the Justice Committee. Hearing none, he adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary