

## Minutes of a Special Justice Committee Meeting

The Justice Committee of the McLean County Board held a special meeting on Monday, October 19, 2015 at 4:30 p.m. in Room 400 of the Government Center, 115 East Washington Street, Bloomington, Illinois.

Members Present: Members McIntyre, Wendt, Metsker, Cavallini, and Schafer

Members Absent: Members Caisley, Rankin

Other County Board  
Members Present:

Staff Present: Mr. Bill Wasson, County Administrator; Ms. Hannah Eisner, Assistant County Administrator, Mr. Don Knapp, First Civil Assistant State's Attorney; and Julie Morlock Recording Secretary

Department Heads/  
Elected Officials  
Present:

Mr. Jason Chambers, McLean County State's Attorney; Mr. Tony Cannon, Director, Metcom; Ms. Lori McCormick, Director, Court Services; Judge Kevin Fitzgerald; Judge Rebecca Foley; Mr. Will Scanlon, Trial Court Administrator - Eleventh Circuit Court

Others Present:

Mr. McIntyre called the meeting to order at 4:30 p.m.

Mr. Wasson presented for approval the FY 2016 Recommended Budget for the Jury Commission 0001-0018. He stated that he had no significant items to point out on the budget.

Motion by Wendt/Metsker to recommend approval of the Jury Commission 0001-0018 budget as submitted.  
Motion Carried

Mr. Wasson, County Administrator presented for approval the FY 2016 Recommended Budget for the State's Attorney's Office – 0001-0020 Fund. Mr. Wasson stated that the Victim Witness grant will increase from \$29,200 to \$32,120 and that some staffing modifications result in a .5 FTE reduction which is actually a full FTE as part of that position was funded by a grant that is no longer available. He stated that there have been conversations about the possibility of modifying this budget if a position is vacated to try to bring the ASA position back.

Motion by Cavallini/Schafer to recommend approval of the State's Attorney 0001-0020 recommended budget as submitted.  
Motion Carried.

Mr. Wendt asked about the bad check line item where we took in less than we budgeted. Mr. Chambers stated that in the past that number was much higher, but because businesses can check right way to make sure the funds are available, fewer people are writing bad checks. Mr. Wasson stated in the past there was not a line item for the Deferred Prosecution program so the funding was listed in the bad check diversion line, but this year there is a deferred prosecution line item so the funding can be listed correctly. Mr. Chambers stated that the deferred prosecution program is a work in progress in terms of figuring out how much it is going to bring in because EGUS does not allow us flexibility on how much to charge, so we have 3 dollar amounts no matter what the violation is. Mr. Chambers indicated that they are in the process of expanding the number of cases eligible for this program. Mr. Wendt asked what cases qualified for deferred prosecution. Mr. Chambers stated that they can't have a prior offense and possession of alcohol by a minor, misdemeanor possession of cannabis. Mr. Wendt asked if it included DUI's. Mr. Chambers stated no they do not do deferred prosecution on DUI because of the fatality risk. He stated that they added criminal damage to property as an eligible offense with the reasoning that if someone had \$80 in damage to their personal property they are more concerned about getting property restored or replaced than to have the person on court supervision. Ms. Metsker asked if Bloomington and Normal doing ordinance violations reduced the number that we see here. Mr. Chambers agreed that it is reducing them.

Mr. Chambers stated he reduced the amount in schooling and conferences line. He stated that he is trying to utilize online training as much as possible to lower costs but he wants to make sure that prosecutors get training related to the jobs they have to perform in court and sometimes they have to go to another state to get that training. Ms. Metsker asked that he confirm that these hours are those that are required. Mr. Chambers confirmed.

Mr. Wasson presented for approval the State's Attorneys IV-D Child Support Enforcement – 0156-0020 Fund FY'2016 Recommended Budget for approval. Mr. Wasson stated reduction in the 404.4000 because the balance of the revenue has been appropriately designated for line 407.40000 which is the Illinois Department of Public Aid line. He stated that there are two revenue sources accounted for separately, so there is no significant change to revenue produced by the grant.

Motion by Cavallini/Schafer to recommend approval of the State's Attorney IV-D Child Support Enforcement 0156-0020 FY'2016 Recommended Budget as submitted.  
Motion Carried.

Mr. Wasson indicated that the State's Attorney's Office – Multidisciplinary Domestic Violence Grant – 0160-0020 had been discontinued.

Mr. Wasson presented for approval the Metro McLean County Centralized Communication Center FY-2016 Recommended Budget. Mr. Wasson stated that significant change in this budget is in the funding from ETSB, Town of Normal and McLean County. He stated that in 2015 purchased consoles at \$1,000,000 and now that the purchase has been made the purchase and revenue needed to make purchase goes to zero. He stated that because of changes in state legislation, State funding levels are being reduced to keep more at the State level or move funding to other programs so we will see future reductions from ETSB in their support of Metcom.

Motion by Cavallini/Metsker to recommend tentative approval of the Metro McLean County Centralized Communications Center – (0452-0039) FY'2016 Recommended Budget as submitted.  
Motion carried.

Ms. Schafer – asked if the E911 funding that was not being provided by the State was part of the funding that ETSB provided to Metcom. Mr. Wasson confirmed that was correct.

Mr. Cavallini asked is if the surcharge was re-directed or eliminated. Mr. Cannon stated that the County currently collects \$1.25 per landline, but in the future the surcharge will be reduced to \$.87 and collected by the State. He stated that the State will allocate a little bit more to the ETSB's than they did previously but not enough to make up for the \$1.25 loss that the County was collecting before. Mr. Wendt asked if the proposed budget took into consideration the reduction in fees. Mr. Wasson confirmed that it did. Mr. Wasson stated that in the past ETSB has provided upgrades to phone systems and equipment and they will not be able to that in the future. Mr. Wasson stated that part of legislation includes a directive that governmental units do everything possible to reduce number of peace aps within a county to 2 or less. He stated that we are currently in discussions about a possible modification to our structure.

Ms. Metsker asked if the revenue had not been decreasing already because of the decrease in the use of landlines overall. Mr. Wasson confirmed that landline revenue has decreased greatly from 6-8 years ago and wireless has increased, but it has not matched. Mr. Wasson stated that they are unable to provide good numbers because the cell phone charge is based on where the bill is sent, not where the cell phone is used, so while we have a large student population in this community using cell phones, their cell phone bill is not to a McLean County address so we do not receive the revenue from their wireless service.

Ms. Schafer asked about the maintenance line item that increased and whether that was to replace the battery and if that will go down next year. Mr. Wasson confirmed.

Mr. Wasson presented for approval the Emergency Management Agency – 0001-0047 FY' 2016 Recommended Budget. Mr. Wasson stated that Mr. Hawk was unable to be there this evening, but there are no significant changes to the budget, and if the committee had any questions he would try to answer.

Motion by Schafer/Cavallini to recommend tentative approval of the Emergency Management Agency – (0001-0047) FY'2016 Recommended Budget as submitted.  
Motion carried.

Mr. Wasson presented for approval Court Services Department –0001-0022 General Fund FY'2016 Recommended Budget. Mr. Wasson stated that this budget was done before we received the SAMHSA grant. He indicated that they amended the current year fiscal budget and an amendment to the 2016 budget will need to be done but usually we wait until the beginning of the fiscal year. Mr. Wasson stated that new SAMHSA grant required to be used for new or expanded services and cannot be used on current services so will possibly be reducing budget expenditures trying to fine tune a system so that we can continue to operate current programs.

Motion by Cavallini/Wendt to recommend tentative approval of the Court Services Department 0001-0022 General Fund FY'2016 Recommended Budget as submitted.  
Motion carried.

Mr. McIntyre asked if you can apply for extensions. Ms. McCormick stated that redeploy grants are on a year to year basis where you know that there is no end in sight, but Federal grants have an end in sight. She explained that the extension for Federal grants is not an extension of additional funding but an extension to use funding that has already been granted and when they grant an extension we have to re-allocate the funding. She stated funding is on a use basis and that we only get the funding when we put in the expenditures.

Ms. Metsker asked about Midwest food bank. Ms. McCormick stated officers went out and talked to them and on a monthly basis we go out and get food items to keep a food bank for our clients. Ms. Metsker thanked her for that initiative.

Mr. Wasson presented for approval the Court Services Probation Fee Services Fund – 0146-0022 FY'2016 Recommended Budget. Mr. Wasson indicated that the funds come from probation fees that are paid by individuals on probation and they go to assist with cost of services we are required to provide. He indicated that these are expenditures we previously had to offset in the general fund, but because the Court Services department identified opportunities to increase the collection of probation fees, we have been able to generate additional revenue which allows us to offset of the cost that the County incurs. Mr. Wasson stated that these fees are there to make up gap in State funding when that occurs.

Motion by Metsker/Cavallini to recommend tentative approval of Court Services Probation Fee Services Fund – (0146-0022) FY'2016 Recommended Budget as submitted;  
Motion carried.

Ms. Metsker stated that there is a public concern about fees being charged to those in the judicial system who cannot afford to pay the fees. She asked if Ms. McCormick thought there might be legislation in the future to reduce the fees. Ms. McCormick stated these fees are on probation or on court supervision from an order through the criminal justice system. She stated that while you would think they may have trouble paying, they do not have trouble paying the \$25/month for probation. She indicated that many times the individuals on probation can pay the fines because they are gainfully employed and judges have provided probation instead of a sentence so they can stay gainfully employed. Ms. McCormick stated that the fee is also an incentive to complete the service because the faster you get done the faster you can stop paying the fee.

Ms. Metsker asked about the number of hours that the probation officers are putting in and if the fees are high enough to reimburse the County. Ms. McCormick indicated that this helps keep the number of hours down on following up on cases. She also indicated that the fees are as high as they can go by statute.

Mr. Wasson stated that the Multidisciplinary Domestic Violence Grant no longer exists so there is no budget to approve.

Mr. Wasson presented for approval the Circuit Court – 0001-0016 FY'2016 Recommended Budget. Mr. Wasson stated that some revenue going away relative to activity in the court and provided the example that residential foreclosures have gone down so not as much revenue from the residential foreclosure mediation fee. Mr. Wasson stated that there is a concern about the new way to assess juror fees. He stated that we were assured there would be a trailer Bill signed to address the additional juror expense, but this has not been addressed yet and if no relief given then may have to discuss a change to this budget.

Motion by Schafer/Metsker to recommend tentative approval of Circuit Court General Fund – (0001-0016) FY'2016 Recommended Budget as submitted;  
Motion carried.

Ms. Metsker asked if revisit meant an amendment to the budget. Mr. Wasson stated that the Bill was just being implemented when we were discussing this budget but we now have 3 months of payments and if this is a reflection of what we anticipate for the next year and we get no legislative relief, we will have to appropriate funds from unencumbered fund balance to pay the juror expenses. Mr. McIntyre asked if \$165,000 is an underestimate of what we will spend in the future. Mr. Wasson stated that we need to know that is going to happen with legislation so we can tell the public what the impact of these legislative changes will be. Ms. Metsker asked if we had to increase revenue to cover this cost could it potentially mean an increase in taxes from our constituents. Mr. Wasson stated that yes that was a good possibility in the future years because we would not continue to fund from the unencumbered fund balance.

Ms. Schafer asked upon what information they based the budget. Mr. Scanlan stated they had some data to help them determine a rough estimate but you do not always know how many days the juror will be serving and there is a variation in costs as day one is \$25.00 and each subsequent day is \$50.00. He indicated they only had the June information and also had to take into account the 6 person jury when they made their budget projections. Mr. Wasson stated that selection for 6 person as opposed to 12 person jury may take longer and that will increase costs.

Ms. Schafer asked them to confirm that this number will not be enough. Mr. Wasson stated that they could not confirm that. Ms. Schafer asked if legislation is passed that does give us relief, then do we have to pass an ordinance to put funding it back. Ms. Metsker asked if we would see an amendment to the budget regardless because have to amend to see more money or amend to get expense back. Mr. Wasson stated that if relief provided, the funds would go back to the general fund.

Judge Fitzgerald stated that we have to pay this no matter the cost because it is mandated by statute. He indicated that they have tried to change process for jury selection by not calling them in until the afternoon because in the past they would be called in and then not need them because cases pled out or witness did not show. Judge Foley stated that jury selection is largely within the discretion of the judge presiding so they can keep the selection moving along. Judge Fitzgerald stated that the number of preemptory challenges has not changed and there is case law that allows a judge to limit the number of minutes attorneys are allowed to ask questions so Judges can keep the process moving.

Mr. Wendt asked if we should be pushing for the 6 man jury because it might save money. Judge Foley stated it is not clear if it will save money or not. Mr. Wasson stated that initiative was provided by the trial court attorneys and the increase of fees was used as a justification in the reduction in number of jurors. Mr. Cavallini stated he thought it would be cost effective to have 6 instead of 12 man jury, but does not seem to be the case. He asked if we were moving in the direction of 6 man jury or not. Judge Foley stated that the move applies to civil cases only as defendants in criminal cases have always had the right to waive down to 6 but that rarely happens. She also indicated that this only comes to play with those cases filed after June 1 so we won't see the 6 person juries for a year or two because it takes a while for a case to come to trial.

Mr. Wasson stated that the Circuit Court IV-D Child Support Enforcement Program is no longer there so there is no budget to approve.

Mr. Wasson presented for approval the Circuit Court Neutral Site Custody Exchange Fund 0170-0016 and Children's Waiting Room 0171-0016 FY'2015 Recommended Budgets.

Motion by Cavallini/Metsker to recommend tentative approval of the Circuit Court Neutral Site Custody Exchange Fund (0170-00016) FY'2016 Recommended Budget as submitted.

Mr. Wasson stated that this is an area where we are seeing reduced revenue and the reduction dictated that services be reduced. Mr. Cavallini asked if this is a self-funding service paid with a fee. Mr. Scanlan confirmed it was and indicated that services are paid for through a fee associated with all civil filings but because we have had a decrease in civil filings we have had to reduce services. Mr. Wasson confirmed we can only provide services with the revenue we have. Ms. Metsker asked Mr. Scanlan to confirm revenue is not coming just from those using the service but from all civil filings, so if civil suits down then revenue down. He confirmed that was the case.

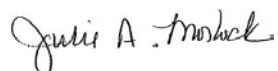
Motion by Metsker/Cavallini to Amend the original Motion and move to consider together the tentative approval of Circuit Court Neutral Site Custody Exchange Fund – (0170-0016) and Circuit Court Children's Waiting Room (0171-0016) FY'2016 Recommended Budgets as submitted;

Motion carried.

Ms. Metsker asked where people go for these services if we are unable to provide for this. Judge Foley stated that they bring the children into the court room or they have to make other arrangements outside of the Law and Justice Center. She stated that the exchange site program is used in high contentious cases where people can't meet at the McDonald's and exchange children, and without this program they will have to go back to exchanging at the police station

Mr. McIntyre asked if there was any other business or communication for the Justice Committee. Hearing none, he adjourned the meeting at 5:54 p.m.

Respectfully submitted,



Julie A. Morlock  
Recording Secretary