

**MACON COUNTY BOARD  
SPECIAL FINANCE COMMITTEE MEETING**

**MACON COUNTY OFFICE BUILDING  
COUNTY BOARD ROOM #514  
121 S. MAIN STREET  
DECATUR, IL 62523**

**April 20, 2020  
3:00 P.M.**

**MEMBERS PRESENT**

John Jackson – in the board room  
Debra Kraft – in the board room  
Kevin Greenfield – in the board room  
Jim Gresham – in the board room  
Greg Mattingley – in the board room  
Laura Zimmerman – via phone  
Helena Buckner - via phone

**MEMBERS ABSENT -**

none

**COUNTY PERSONNEL PRESENT**

Carol Reed Auditor  
Jessie Smalley, HR  
Josh Tanner, County Clerk  
Mike Baggett, State’s Attorney’s Office  
Jeannie Durham, County Board Office

**LISTENING FROM ADJOINING ROOM**

Judge Webber, Courts      Mary Eaton, Recorder  
Lois Durbin, Cir Clk      Kim Fowler, SofA  
Jennifer Gunter P&Z

**CALL TO ORDER**

The meeting was called to order by Chair Jackson at the Macon County Office Building.

*Discussion of next steps to keep the county open due to loss of revenue associated with COVID-19. Final action anticipated: Finance Committee recommendation to the full County Board regarding next steps.*

Greg Mattingley – whether it is called a furlough or layoff, it is just a question about payment of benefits, correct?

Mike Baggett – to an extent. The issue that you have to keep yourself concerned with is that a furlough is by definition for a definite period of time. So, if you decide that you are going to furlough a group of employees, then the length of that furlough has to be set at the beginning. It has to be known when it happens. Whether it is 2 weeks, 2 months, however long, it has to be stated. The employees who would be furloughed would be eligible to draw unemployment but, at the same time, their employment is, if not maintained, then at least guaranteed. At the end of the furlough, they would be brought back as though they had never been terminated. They would be eligible for unemployment. They would not be eligible to have any accrued benefits paid out unless they resign voluntarily. If they resign voluntarily, they run the risk of not being eligible for unemployment. NO, that is probably not true. This would be constructive termination at that point meaning that they would still almost certainly be likely to be eligible for unemployment. A furlough has to be for a definite period of time. The employee would always have the ability to walk away from the job and if they did so, they would be entitled to a payout

of their benefits. If you do not set a period of time, then it does not matter what you call it, it is a layoff. A layoff is a termination of employment that triggers the obligation by the employer to pay out any accrued time off. That payout has to occur not later than the next scheduled payroll. You cannot push that out and say you'll pay it in a month from now or something. It just won't work that way. It does not matter whether you call it a furlough, if you don't set a timeframe when you do it. It is a layoff. A layoff will trigger immediate obligations to pay out accrued time. The employees would, of course, have the right to forego that payout, but that would be at their discretion.

Greg Mattingley – If a furlough is declared, for example for four months, and then you decide after 2 months that you don't need it, are there any repercussions for terminating it early.

Mike Baggett – Absolutely no. You can always recall the employees early. Extending it later would present some concerns. If you decide it has to be extended for some reason, after the end of the definite period, then it would simply constitute a layoff. The prediction would be that it would need to be extended because the county would not have the financial ability to continue to pay payroll. If you extend it at that point, you're going to trigger all of those payouts. That is going to put the county into that much of a worse financial position when and if you reach that point.

Greg Mattingley – Are we talking about all departments or simply about the shortfall that is being generated in the general fund?

John Jackson – It would have to be department driven. The board can only do oversight for amending the budget. That is the extent of it.

Mike Baggett – As it has been discussed to this point, the idea is to confine this to the general fund because that is where the general revenue shortfall is going to occur. If departments are funded or partially funded by grant dollars or through different taxing funds, then those aspects of each department that have that kind of funding stream would not be affected. It would only be for the parts of each department which are affected by the general fund shortfall.

Greg Mattingley – That was my understanding, but from some of the emails, it may not be everybody's understanding of what is being discussed. For example, Probation, even though it has a good number of employees, a lot of their funding comes from other than our general fund.

Mike Baggett – correct. Probation, with respect to the Probation Officers, their salaries are fully reimbursed pursuant to Statute by the State. The timeliness of that reimbursement could always become a problem. The State's fiscal 20 budget, the judiciary was, for the first time in many years, fully funded at the request that the Supreme Court made. We anticipated full reimbursement of all Probation Officers salaries as opposed in years past, only getting about 2/3 of what the State owed by Statute. Of course, the State is also going to have some fiscal issues to deal with going forward, so there is probably no guarantee that the reimbursements will be forthcoming and if they are, that they will be timely or even as timely as we are used to with the State. That is something to keep in mind.

Greg Mattingley – all road and highway projects are not involved with the general fund, correct?

John Jackson – No.

Greg Mattingley – We've talked mainly about the sales tax hitting us, but beyond that I have concern that we are going to see property taxes affected. You may say we will get 100% of it because tax buyers will buy them, but with the economy as bad as it is, tax buyers may not be as willing to step into that market. Motor Fuel Tax funds are down. Who sees gas stations with cars loaded up? Nobody is driving. All of those revenues are beside our retail taxes are going down. Property taxes will go down. Maybe at some point we will get them but that does not solve our problem in the short term. What we get back from the state is likewise going to be affected. Everything is being hit by this. I like what Dr. Zimmerman wrote for us, but we cannot look at this as 1.3% of the County's budget because we are not dealing with the entire county budget. Part of the county budget is hands off for this. It looks nice, but it is a meaningless percentage.

John Jackson – We talked about borrowing against the outstanding for taxes. My concern is that if we borrow against that outstanding, we are going to assume everything is good now. We take the money and make it to that point with the unknown coming as far as what we will be bringing in as revenue and we will be too late to make a change at the end. It will be business as usual if you borrow against that. We will get a false perception.

Debra Kraft – Cathy Mansur advised us not to do that.

Jim Gresham – Did she have thoughts on inter-fund borrowing?

John Jackson – anything we bond, we pay back by putting it on the taxpayers.

Debra Kraft – you're asking inter-fund? There are some department heads that have indicated that they have some fund money that maybe they could move and use, but that would be at their discretion. We have to ask them to do that. For sure.

Jim Gresham – what is our line on oversight and using those other funds. We set the budget for those funds.

Mike Baggett – You have two things to concern yourself with. First, some of those funds, on a fund by fund basis, are restricted by Statute or with highway money, by constitutional amendment. They cannot be borrowed from or used for other purposes. Inter-fund borrowing can be done, but, in some cases, you can't touch certain kinds of funds. Second, with respect to the Board's oversight authority, the County Board adopted a budget last year for this year. To amend that budget down requires a super majority or 2/3 vote of the full Board. What is being proposed right now is that the Board adopt a policy position and a request of the various offices within the county. All of the elected offices as well as the Board of Health to do what is being asked and to follow the policy that the Board adopts. But, that is a request because the Board is not considering, at this time, to amend each individual department's budget in order to put some teeth into the request that is being made. You are asking for voluntary compliance right now. If

you get to the point where that is not working, the Board could come back and amend all of the budgets or particular budgets. At that point, though, you would have to have a 2/3 majority vote of all of the Board. The way the Statute is written, it does not matter how many people you have in the meeting, it requires 2/3 of the elected or appointed Board members. That would be 14 votes. That may be a difficult number to meet. Right now, this is a request and your oversight authority is broad, but difficult.

Greg Mattingley – Some questions are coming from Board members who have not sat through budget hearing after budget hearing after budget hearing about departments cutting their expenses. For four years, we have been paring their budgets backwards and backwards to the point where most of them have very little left, operationally, that they can cut.

John Jackson – agreed

Greg Mattingley – the LEST fund is, other than law enforcement and States Attorney, they don't have much latitude in that.

Mike Baggett - The LEST Statute that allows for that surcharge on the retail sales tax does specify that it can only be spent on very particular things like police, ambulance, detention, It's a list of things, but it is very specific as to what sorts of things constitute the term "public safety". It is very limited. Certainly the Sheriff's Office falls within that. Some, if not a sizeable portion of the State's Attorney's Office, might fall within that. It is possible the Coroner may, but I'd have to look it up in the Statute to be certain. Public Safety is defined within the Statute. The term "law enforcement" which is a broader term may not be used in the Statute. They use terms like fire fighter, ambulance, police, detention, etc... when you get that specific, it becomes harder and harder to square the circle.

Greg Mattingley – Again, I asked that because I saw a committee member question about the LEST fund which does not solve the problem for the Clerk, Recorder, or for any of the county offices except a few.

Mike Baggett – True. Both the State's Attorney's Office and the Sheriff's Office are significantly larger than a lot of the county departments. The payroll is larger for various reasons so it may make up a bigger chunk. At the same time, the LEST is a finite pool and subject to the same sales tax replenishment problems that the general fund has. So, you dip into it, it won't take long to bleed it dry and then you're in the same position you are now with no rainy day.

Jim Gresham – In regard to the LEST, one more reason not to dip deeply into that is that at some point in time, the Sheriff's department will lose their contributor. That can't go on forever. I kind of looked at that as a backup fund for when that time comes. It's there for a purpose. We've been very fortunate

John Jackson – let's hope that's not gone before this subsides.

Jim Gresham – we are self-insured for unemployment insurance. So, furlough or layoff, if those people go on unemployment, is that a dollar for dollar that we have to reimburse the state?

Carol Reed – We were talking about that with Cathy Mansur from May, Cocagne & King earlier. We are not quite sure. We think the extra \$600 per week people would get is excluded.

Jim Gresham – What can people get on unemployment?

Carol Reed – mostly, it is 47% of their salary.

Mike Baggett – it is the \$600 per week that makes it potentially, financially more beneficial to certain employees under a certain salary threshold. As far as salary, it can be more money than they normally make working even after having to pay full premiums on COBRA depending on how low or high they are paid. It depends on the particular employee and their situation.

Greg Mattingley – On COBRA, you don't have to sign up for it immediately. You've got a 2 month extension into the future out there that you can wait out before having to commit. Technically, we've got a 60 day window with everybody furloughed or laid off where they are not going to have to be concerned with having to come up with the extra 75% to 80% of their healthcare insurance costs that the county currently pays for.

Carol Reed – that's right, but once they sign up, they have to go back and pay for it.

Mike Baggett – you don't get any free months.

Jessie Smalley – it retro dates to the day they lost their coverage.

Mike Baggett – I was able to pull up online the definition for public safety under the statute. It includes, but is not limited to (that's what gives us a little bit of wiggle room) "crime prevention, detention, fire fighting, police, medical, ambulance or other emergency services". There is some play in there, but given the specificity with which the list given, we would have to make sure we stay in line within those parameters if the Board decides to dip into that.

Carol Reed – when the LEST was originally enacted 15 or 20 years ago, the Coroner's budget was partially covered by that at that time.

Greg Mattingley – the reason for asking about the Coroner is because, the Coroner is actually, in terms of line of succession, he is right behind the sheriff.

Mike Baggett – In the absence of a designation by the sitting sheriff, then a vacancy in the office of Sheriff will result in the Coroner acting as Sheriff until a new Sheriff is appointed. However, as with what happened with Sheriff Schneider, if the Sheriff does designate a successor and files it with the County Clerk, then whoever that person is would become sheriff until the County Board appoints a new sheriff. That is a temporary thing. The LEST was enacted sometime back and the Statute governing it was amended recently and there may be a reason that the Coroner's office is no longer funded under the LEST. It was amended as recently as 2009 and it may have been amended more recently than that. I caution that you cannot look at the LEST as a panacea.

Laura Zimmerman – About that, I am not suggesting that we can move everything into that LEST, but we have to look at this as a whole. So, no we can't move a County Clerk expense to the LEST, but if there is something in the general fund that can be covered is moved to the LEST, then that takes the pressure off the general fund budget which does help the County Clerk. While we can't directly move every single expense there, we have to look at it as a whole. It's the same with the Highway Department. That was the same reasoning behind that question. Yes, that does not take the direct pressure off of our general fund, but if an employee shifts temporarily to complete some project in the Highway Department, that takes some of the pressure off of the general fund. We need to look at the budget as a whole.

Kevin Greenfield – Obviously these are tough times with tough decisions. As far as the Highway Department, I just confirmed with the Auditor that nothing comes out of the general fund for them. About our only decision here is . . . As Mr. Mattingley said earlier, the departments have cut and cut their budgets. The only thing left is personnel. I would suggest we furlough personnel until July 31<sup>st</sup>. We can ask Mr. Baggett if an extension there is possible and then we probably need to go through office by office and take a percentage of what is going to be furloughed for that office.

John Jackson – as it stands right now, if we do nothing, we will absorb any savings we have. Then we will get to the point where we are out and we have no idea what's coming.

Greg Mattingley – We can take the position, and we should, but we are not doing anything but taking the position. It is up to the officeholders to force our hand or to follow. For one, I think if we sit here and dither over this, it won't matter whether we take a position or not because it will simply be too late.

John Jackson – that's right.

Greg Mattingley – It would be nice if we had the time and could ask the office holders to run through the formulated steps Dr. Zimmerman has proposed to see if that will alleviate part of the problem. It's not going to eliminate the problem. It may alleviate part of the problem.

John Jackson – Actually, that has been expedited earlier. We are self-insured. We are on the hook for unemployment.

Kevin Greenfield – Even if we fire them, we are on the hook for them.

John Jackson – we can explore the FMLA side or let them take vacation or comp time, but we are still on the hook. It is still a cash outlay.

Helena Buckner – Have we gotten information specifically stating from the department heads, what numbers, if they are looking at it, what are the exact numbers? You can continue to say all day, yeah, we can furlough people, but what does it actually look like?

John Jackson - We can't furlough people. Department leads have to. All we can control is the budget.

Kevin Greenfield – I sent out a letter asking that each office holder send a list of what is mandated by law that their office had to provide and how few personnel they thought it would take to operate that office. I thought everyone had seen a copy of it, but maybe not. (Debra Kraft – that would have been a week ago)

Laura Zimmerman – We received your email asking for that, but no answers from the office holders were received. We saw that it was asked for, but we have not gotten anything from each individual department. I talked to the Sheriff and he said that would mean 60 people. That seems absurd that within a week, before we've even gotten any reduced revenue, that you want him to furlough 60 people. How many of those people are not coming back on July 31<sup>st</sup> because they gotten a job somewhere else? Other places are hiring, not laying people off or furloughing them and we're going to do this in just a week.

Kevin Greenfield – I had suggested that the Sheriff's Office not take such a big hit because of the public safety issue. I did not recommend 60 people to the sheriff.

John Jackson – The Sheriff came up with all of his own numbers and started executing it before we even knew.

Helena Buckner – I just don't think we can move forward without the knowledge of what this would actually look like.

John Jackson – Bet there are a lot of people out there that have their businesses closed that wish they had the same insight.

Mike Baggett – Trying to make sure what is being sought. Is it that the committee or the board reach out and on top of what Chairman Greenfield sent out previously and say, “ the board is looking at a 50% reduction in your general fund expenses and personnel specifically. What would that mean as far as the number of employees you would have to furlough or lay off? How much, exactly, would that save in terms of letting the office holder identify the particular employees. That way you would have specific salaries, given the names of the employees. A request saying that if these people were laid off, how could your office function or how well could it function? Is that the kind of information you are wanting before you will move forward?

Helena Buckner – yes.

Mike Baggett – what timeframe would you think is reasonable to ask for that kind of information?

Helena Buckner – All departments understand that this is a pressing issue, so maybe by the end of the week?

Greg Mattingley – that is probably not unreasonable. They've already had a week to think about it since the Chairman sent them a letter. We've been getting some, but without a response of how they'd function, other than, we're going to lose people and we need . . . everything is full

staff, full staff, full staff. There isn't a single suggestion that a person be cut from the courts or the Assessor. That's just two I've seen so far.

John Jackson – Right. As far as that ask would go, I would also like to see what the workload is compared to Feb 1 vs this week.

Mike Baggett – Using the SA office as an example, if we were asked to do this right now, during the reduced operations that all of the courthouses in the State of Illinois are experiencing, this is doable. But, we will have a problem in that there will be a trial calendar resumption at some point. Right now, they are on track for resuming in mid May. We don't know when those trials are going to occur, but there are over 100 cases set for jury trial in May. If we furloughed people today, we can't bring them back the Friday before the jury term. That is not a reasonable analysis of how we function. There are murder cases set for trial. There are DUIs set for trial. There are over 100 cases set for trial. Those cases require some sort of prep work. That prep work requires attorneys and administrative staff. We would have to be back on the job weeks in advance of when we would resume normal operations which are currently scheduled for May 18. We don't know whether that date is going to happen. He said he does not know how other offices would be able to function or not function given these parameters, but the SA & Public Defender's Office exists under the same types of constraints as the SA office. Given the nature of the client / attorney relationship their attorneys have more so in some circumstances. That is something the Board would have to keep in mind. Different offices have different obligations and functions that it may not work out on a nice timetable. It may not work out on the same timetable as might be applicable or available to other offices.

John Jackson – Agreed. For example, the Circuit Clerk's office, post court have fees and stuff.

Laura Zimmerman – Agreed we need to see the plan, but on the other hand, if we are going to ask them to make these kinds of plans themselves, why are we suggesting a 50% reduction? Where does that number come from? We have that projection of a 34%, but why are we trying to make up any reduction in revenue in an entire month. I feel like we are taking an ax for this when we can at least try the scalpel, right? We're not going to go to zero dollars revenue in the next month. Where does that 50% come from? The office holders will want to know why that number is set. What's the goal for reduction that we want to reach? There won't be any buy in if we don't have that information provided to them.

Kevin Greenfield - I set the 50% mark because I knew it would be a good talking point, which it obviously has turned out to be. Am I locked in on the 50%? Absolutely not. But do I think it is somewhere around 30% to 40%? You bet.

John Jackson – We don't have anything to go forward with do we?

Kevin Greenfield – we can make a motion (John Jackson – what would it be?) Cut the budget 35% with maybe the Sheriff at 25% or something like that?

Helena Buckner – are we agreeing to get the information that is needed from the office holders?



John Jackson – I’m saying the officeholders are going to make the decisions. What if we send out again and ask what they could get by on based on today’s work load? They know their workload.

Helena Buckner – but we don’t.

Kevin Greenfield – According to Cathy Mansur, the KPIs are in the back of the CAFR (Comprehensive Annual Financial Report) book, which are the numbers of accounts payables, birth and death certificates, jail bookings, etc... They are KPIs for all of the departments. They are historical with trends over time for every department.

Helena Buckner – I would rather get information from the departments themselves.

Laura Zimmerman – Can we include, not just the payroll, but non-payroll expenses are changing because of this including travel, training, postage. Everything will add up. It might not be a huge number, but it will add up.

Carol Reed – you could, but things like postage, travel, etc... will be very minute. Probably less than 15%.

Laura Zimmerman – I understand that it is a small amount, but when an employee only makes \$20,000 a year, it might add up to one employee and that will be important to that one employee. We shouldn’t be dismissing anything just because its small.

Debra Kraft – Total payroll is \$875,000 for the entire county. General Fund is about \$508,000.

John Jackson – How about if we ask the office holders for opportunity in their area and they bring it to us?

Kevin Greenfield – Obviously, you’re a very well educated lady, but have you read anything or are you thinking that in the next 5, 6 or 7 months things will be any better than they are today?

Laura Zimmerman - I am not disagreeing with any of that. But, why are we trying to make up a year’s . . . We’re trying to project ahead. And, like you said, you just came up with the number of 50%. I think we need to be taking a look at these numbers and setting a goal that makes sense on whatever we can project and not try to make up . . . OK . . . We think, in 10 months, we could lose this much. I’m not disagreeing. We could. We could lose more. We could lose less. It is just so uncertain that why are we trying to make it up in one month, in one week and we’re trying to figure out the best approach to this? What I laid out in my document gives us the chance to be flexible but also not leave any stone unturned in that process. Even if we lose a million dollars out of our budget, we’re not losing the million dollars tomorrow. While we do need to cut back maybe within the next month, that is fine, but we need to be more certain on our end what we’re asking for as much as we can.

Kevin Greenfield – I would agree with you but there are so many unknown factors here that but we don't know: 1) when the Governor is going to open things up either part way or 100% of the way and

Laura Zimmerman – exactly my point, so why are we trying to decide that we need to cut, like you said you just came up with the number of 50%? If we start to tighten our budget and then those layoffs or furloughs can happen later if they become absolutely necessary because yes, if this does continue for 10 months or a year, then those decisions might become necessary, but why not maintain some flexibility because there is a cost to acting too quickly and that cost is our deputies go and get hired by the State Police and then we're paying for 12 weeks of training when we hire a new one. There is also a cost to not acting. We don't have to leave the budget exactly how it is, but we need to think about our goal that we want to set for the budget, not just 50%. What do we want the office holders to legitimately be able to do? If we're just throwing out numbers, that is not going to get a lot of buy in.

Kevin Greenfield – won't argue that point, but by the time we find out, it's going to be too late. From everything I've read, nobody is painting a pretty picture. At least if they are furloughed or whatever, we can bring our employees back as soon as we can, but . . . I don't see any light at the end of this tunnel.

Helena Buckner – although we can't just sit and wait on the federal government and whatever may or may not happen there, they did approve a stimulus package which is going to state and local governments, but then they are also working on another package that would have \$150 billion that would actually come to communities of 500,000 or less. So, things are moving slow even with the state government and the governor . . . There will be some sort of relief or assistance coming our way. That is one thing to stand out hope for. Not saying we have to depend on that, but it is something that could be coming our way.

Kevin Greenfield – I just had a talk with Senator Rose and Congressman Davis on Friday. Neither one of them promised the county any money whatsoever. There is a program to help offset some of the money the County has spent on this virus, but as far as lost revenue, there isn't anything available to any of our knowledge.

Helena Buckner – maybe not at this point, but the general assembly has not been in session, so there may be budget conversations going on, but it takes time, especially during this pandemic with how they have to meet, but we've reached out to Manar's & Durbin's office and we received information that was a little bit different which is what I just shared.

John Jackson – Do we have anything that has come out of this committee? Do we have a motion for anything?

Laura Zimmerman – I don't think we have a motion, but I think if we can all agree that if we can get that information that Helena wants, that is a way to move forward. There were also some questions submitted to the Finance Committee and we got to some of them, but it would be nice if the Auditor and maybe Mike could look through them and make sure we get those answers, I think that would be a good step forward.

Mike Baggett – if the committee’s pleasure is to send something out to the department heads with the questions Dr. Zimmerman & Ms. Buckner put forth, I can work with Ms. Reed in drafting a questionnaire as quickly as possible and send it out to the committee, give all the committee members a chance for input prior to sending it out to the officeholders, we should be able to turn that around in a day or two, maybe getting it out Tuesday or Wednesday and asking for the information back no later than early next week. Obviously, no action at a board meeting scheduled later this week, but you could always call a board meeting or another finance meeting next week to address it. If you want to move forward with something today, that is also your prerogative.

Laura Zimmerman – That sounds good.

Greg Mattingley – for point of clarification, exactly what are you asking? Are you asking for the office holders to tell us what cuts they can make and still perform the functions of their office or are you asking for something different?

Mike Baggett – I had written down, based on what I heard Dr. Zimmerman and Ms. Buckner say, What does 50% mean to you? How much is that? How many employees is that? How will your department be able to function without those employees? What will be the impact of furloughs? What services would be impacted, specifically, what services would have to be discontinued for some period of time, or what services would take a big hit? The ones with a sizeable public impact where it will be very noticeable. Those kinds of things where the office holders are in better position to tell the board what these numbers mean as opposed to be given the numbers, running with it and everybody crosses their fingers and hopes.

Greg Mattingley – besides what does 50% mean, I would suggest you leave them alternatives on exactly what they think they could cut and to what point it would significantly impair the ability of the office to do its job. Because we cannot pretend that we are not going to face an economic crisis as well as the health crisis we are facing because it is going to cause that economic crisis. The backbone of most of our economy are small businesses. Most of them are not deemed essential, so they are sitting there with bills, employees, product they can’t sell or move or services they can’t render until this lifts. That is going to take a long time for them to recoup. It is going to reflect in the monies we receive to operate these offices.

Kevin Greenfield – the 50% was a talking point to get your attention. I strongly suggest, as Mr. Mattingley said, to set it up at 30%, 40% and maybe some 50% where applicable.

Debra Kraft – where applicable – because each department is different.

John Jackson – we know the Coroner can’t cut a person.

Mike Baggett – I can also put a request in, do you have alternative funding sources that might be available to offset? That will be applicable to some departments, but not all.

John Jackson – I would also like to have their work load. Current state vs a historical time of 3 months back. It can’t be the same today as it was six weeks ago.

Mike Baggett – Going back to management, you have to be weary of how much importance you put on that question because of the fact that right now, that all offices are working at reduced functions because of the shutdown or Stay-At-Home order because of the social distancing guidelines. We don't know how long that will last. Right now, they are set to expire 4/30/2020, but the Governor certainly has the ability and has shown a willingness to extend that timeframe and if so, we don't know how long. He has already closed schools for the rest of the year. He could extend the social distancing guidelines or the Stay-at-Home through the middle of May, end of May or he could open the state up with certain types of restrictions on May 1. That is going to have a significant impact that your officeholders will not be able to predict in answering your questions.

John Jackson – Agreed. That gives an as is state and lost opportunity for not moving faster.

Greg Mattingley – We need to take the position that puts the office holders in the mindset that they have to do something and make them tell us what they can implement. It is them, not us that has to say. Going back to when the city was 500 people less and the county's population was 35,000 to 40,000 more than it was and the State's Attorney's Office functioned with 7 attorneys and the Public Defender's Office functioned with 4.

Mike Baggett – can't speak to that. Been here 12 years now and the office has never had less than ? Right now, there are 17 and that is the lowest its been in that time. It was well over 22 when I came on.

Kevin Greenfield – All officeholders are aware of the situation and I don't think it should take a week to put this together. Why can't we meet Friday and receive this information. The other thing we need to act on is that we are still paying people to stay home. ( John Jackson -That is why if you capture an "as is" you can capture lost opportunity.) So, we need to have this discussion now as to whether we continue or what the plan is.

Laura Zimmerman – While we wait for the officeholders to come up with their plans, I think the committee needs to think about how we are going to set that number of 30%, 40% or 50%. I have already put forward how I would set that number, looking at projecting that 34% for half of March and then going forward with that. If they're going to give us these different options, we are going to need a set of criteria of how we are going to say which option we think would be best to give them that direction. I think that should be our homework assignment while we are waiting for them.

John Jackson – You want us to clarify based on their recommendations?

Laura Zimmerman – I want us to think about do we want them to plan for 50%? 30% or 15%?

John Jackson – I don't want to plan for anything. I say an "as is" state. Currently, if you look at what you've got right now, not even projecting anything, how can you get your workload done? Not putting a crystal ball out there, but what is it right this minute?

Laura Zimmerman – So, that is a different question than what we said when were discussing what we would ask from the officeholders. That's fine. It's just different. We just need to

clarify what we are asking for . Are we asking for them to give us those percents – what is a 50% cut in your budget? Or are we asking them, what is your bare minimum? There is usefulness in both of those, but we just have to decide what we are asking of them to provide us.

John Jackson – take a number off of it. Ask them what they can get by with? What are they processing now? Are they making 50 widgets? Did they make 500 with the same group? You can start to rationalize it out. There's x amount of people doing x amount of work.

Mike Baggett – It can be asked both ways. We can put a 30%, 40% or 50% while we can also put what is the current state of your workload? What was your workload 3 months ago? Going back to cautioning about asking offices what they can do now. You can do that and base decisions on that right now, but you also have to be prepared to change gears and bring a lot of people back real quick if that is the criteria you are using because what offices can function at right now may not be the same in two weeks.

John Jackson – agreed, but at the end of the day, we don't make any decisions. They do. They have to sell us. We are not the specialists in their area. If they have 0, I guess they have 0.

Kevin Greenfield – at the end of the day, though, we are going to be the ones to make the decision and we're going to make it with the budget.

John Jackson – true, but as far as cutting anyone. We're not going to do that. It will be in the budget.

Laura Zimmerman – are we going to ask departments as a whole which is what I think we should do, or how they would manage their general fund. They should be asked how they can manage their general fund in the context of all of their funds in case they have opportunities to move things. Then they can present that kind of plan.

John Jackson – good point. Any opportunity.

Mike Baggett – to restate – Carol & I will work on a draft series of questions, send that out to the committee for input for editing. It needs to come from the committee to be signed off on. Then it will go out. There will be a draft sent out prior to going out to officeholders for input. We have guidance and the two of us can put together questions that summarize what the committee wants to know and gives you enough information going forward.

John Jackson – Can we meet Friday afternoon.

Kevin Greenfield – I didn't hear anything here about the people that are at home right now. I believe there are still some there. Do we still have employees that are at home, not working, but still being paid?

Josh Tanner – Not in this building.

Kevin Greenfield - what about in the other building?

Mike Baggett – I think you do. Yes.

Kevin Greenfield – if we do, we need to address that at this time and I think there are.

Helena Buckner – are you saying they are at home and NOT working?

Kevin Greenfield – I don't know if they are working or not. They are home being paid.

Note: Mr. Tanner left the room. Office holders that are present in the adjoining room will come in one at a time.

Mary Eaton – I have one employee that took a week's vacation this week, but all other employees are working.

Helena Buckner – I agree with Mr. Baggett when he said that due to this epidemic, that is the reason why people are at home and are working from home.

John Jackson – at home & working are two different things. If you are at home getting paid and not working, you are not working.

Kim Fowler – All of staff is currently working in the office.

Kevin Greenfield – but you are in this building. Anybody in there from the courthouse?

Lois Durbin – half of the hourly staff (12) is working M-W-F and the other half (12) is working T-TH. Then the next week, they switch. They are not doing the same work. In a two week period, they all do a full week's work. Management staff (6) works every day. That makes 18 in the office daily. (Emergency Order 2020-03 COVID-19 from Chief Judge of 6<sup>th</sup> Circuit was read. It restricts courthouse hours, trials, supports social distancing & Governor's Stay-at-Home Orders) This is what I am going by in my office.

John Jackson – does that say you only have half staff?

Lois Durbin – social distancing

John Jackson – but with half staff

Kevin Greenfield – what about the 10 people in a room rule? Is there anyone in courthouse that wouldn't fall under that order? What about Court Security?

Lois Durbin – They are in different areas. Staff is there every day til 4:30. Filings are being done electronically. Child Support and Maintenance are in person at the window. Court fines are paid online. Revenue is coming in. Filings are coming in.

Mike Baggett - The courthouse only has judicial offices working out of it.

John Jackson – Are your people still working half time and staying home half and getting paid while they are at home not working?

Lois Durbin – if you want to look at it that way, but we are behind in our work.

Helena Buckner - to clarify, cutting people would possibly exhaust your staff?

Lois Durbin – yes.

Helena Buckner – so when the mandate is lifted and there are members of your staff no longer with us, what would be the case?

Lois Durbin – if this is mandated, I will lose a lot of staff that probably won't come back. It is really going to be hard. Not only do I deal with my office, but also with 9 courtrooms. When they get back to 100%, it is going to hurt.

Kevin Greenfield – what is your suggestion to fix it?

Lois Durbin - Maybe ask for volunteers to furlough. Do it on a voluntary basis and see where you get there first before starting to mandate things.

John Jackson – the department leaders will come up with their plan. That could be part of your plan. We can't make the plan.

Mike Baggett – at the end of the day, the board is able to set a policy and send it out for compliance by department heads. In County government, all elected officers have internal control and authority over their offices. You can't mandate what manner in which an office holder implements any type of policy, but the policy itself does have to come from the board in order to make it as uniform or meaningful as possible.

Lois Durbin – As long as I've been Circuit Clerk, at one point I had 45 employees. I am down to 29. That is 16 people and now you're asking me to cut up to 50%. It can't happen.

Mike Baggett - Reminding the committee and the Board, depending on how severe the situation gets, the Board has to remain cognizant of the fact that it has an obligation under the law to fund offices to the point where they can perform the duties that are imposed on them by law and the failure to do so exposes the board to a lawsuit by an officeholder or officeholders if they deem that the board has failed to adequately fund the operations of their office so that they cannot complete those. Over the years, offices have been reduced down to where they are at a point of being at the bare minimum to be able to function. When the social distancing guidelines are lifted or relaxed, when the courts go back to some semblance of normalcy and things resume, defendants have to be tried. Cases have to be disposed of. Those things will not go away. There is only so much that can be cut in order to remain functional. Talk about maintaining public safety. To remind the board, public safety doesn't stop once the sheriff goes out and arrests somebody and puts them in jail or writes a ticket. That is the beginning of the process.

Judge Webber – Right now, there are 3 clerks home for medical reasons; 1) medically fragile because of chemotherapy she went through some years ago, 2) COPD. Those two were sent home some time ago. 3) home with severe flu symptoms but does not yet qualify because she is not sick enough to get tested. She has been directed to remain home until she is medically cleared by her doctor. Right now, the courts are under restriction from the Illinois Supreme Court which said that until the end of this month, we take care of criminal cases, but no trials, juveniles – that is shelter care hearings and detention hearings, and domestic orders of protection. Anything else is to be, essentially, continued. That is what we've done. To be consistent with that order, and also to try to preserve the health of the court staff, we are on an every other day schedule. So, yes, the answer is on any particular day, half of the court staff is at home and not working. This is due to a Supreme Court Order and my order and not their fault. We hope, because we can see as Mr. Baggett has alluded to and because the cases are still being filed every day. At one point, we will have trials, not in March or April, we'll see about May. But, everyone of those has probably 75 – 100 criminal trials set. We will have a backup. Because of not knowing how much would be accomplished at today's meeting, I sent a letter about the effect of the reduction in the court staff. If we lose a clerk, we will lose a courtroom. At some point, we start swapping people around, but ultimately what it means is that I must prioritize criminal because of the constitution. After prioritizing criminal, which is probably about 15% of the cases in volume, it takes all that time. Three courtrooms are devoted to criminal. The rest are divided among the 6 courtrooms. Whatever courtrooms are lost, cases are compressed. What that means is basically everything except criminal. That would translate to delay. How long, is unknown.

Kevin Greenfield – Back in the day, how did you get by then?

Judge Webber – The courts got by because they had the same number of judges in the courtrooms as we do now. We were just as busy in those days, but as far as volume goes, about every year, about 1,800 felony trials are being filed and probably somewhere just under a thousand misdemeanors. I don't know if those numbers have changed since when Mr. Mattingley was the Chief Public Defender.

Greg Mattingley – that is probably 500 to 600 a year more in felony filings.

Judge Webber – in the letter I sent out to board members this morning, in round numbers, we get about 22,000 filings a year now and dispose of about 20,000 cases. We have a little under 16,000 cases pending because some cases take a couple of years to get through the system. As it is now, we dispose of about many cases as come in. So, if we lose personnel, we lose courtrooms and that backup will keep growing and growing. We have no choice, even though the Supreme Court has taken upon itself to suspend the speedy trial rule for a while, we will see how that eventually works out. Eventually, it will all go to trial to be disposed of and all the other cases, whether small claims, divorce, landlord/tenant, and on down the line will have to take a backseat. When the board asks for what our authorization is, it essentially comes from the Illinois constitution. It establishes the court system. The general assembly has seen fit to assign Macon County 4 elected Circuit Judges and 5 Associate Judges. If we defund a courtroom, it is essentially telling the General Assembly that although you told Macon County it could have 9



judges, we will not fund 9 judges. As Mr. Baggett knows, that sort of thing has resulted in litigation in other parts of the state.

Jennifer Gunter – All P&Z staff is back.

John Jackson – Do we have any action items open other than that you will assemble the letter.

Mike Baggett – that is the plan. We don't really need a vote. Based on the conversation at this point, I will work with Carol Reed and we will get that out as humanly possible. As soon as we get the green light, it will be sent to Jeannie to be distributed to office holders. It does need to come from the Board, not me or Carol.

John Jackson – do we want to set up another meeting for Friday afternoon?

Greg Mattingley – one remaining question – What are we predicting the shortage to be, forgetting about the \$800,000 we were in the hole? What is the additional shortfall in revenue?

Debra Kraft – she (Carol Reed) is anticipating it to be about one million.

Greg Mattingley – what would the cost to the taxpayer, if it were to be passed on to the taxpayer over 20 years be to float a million dollar bond?

Mike Baggett – that is certainly something to look into, but be cautioned. It is a question that has been thought of and conversations with Ed Flynn have been had. Ed Flynn has, in the past, been bond counsel for several different bond issues. Issuing a bond is not something that can be done in any type of expedient way. It will take a significant amount of time and it may not be the solution to this problem, at least not right now. But, it could certainly be something that if you decide you want to pursue it, the earlier you get started, the better. As far as it solving the crunch that the committee is concerned with today, this is not the solution. It may be the solution to the problem as it metastasizes down the road. Because of the length of time that it would take for a bond issue to occur, the committee should not think that that might be something that can be addressed right now.

If you will be reconvening on Friday, then you can recess until a time certain. Before that goes forward, we need to address the issue of public comment. Ms. Durham is indicating that no emails were received. Let it be stated on public record that there were no comments for today and let it be further stated on the record that public comment will still be available to anyone wanting to submit public comment prior to the resumption of this hearing on Friday.

### **RECESS**

Motion to recess the meeting until 3 p.m. on Friday, April 24, 2020 made by Chair Jackson, seconded by Mr. Mattingley and the meeting recessed at 4:30 p.m.

Minutes submitted by Jeannie Durham, County Board Office