

**JUSTICE COMMITTEE MEETING**  
**July 28, 2016 @ 3:00 P.M.**

**MEMBERS PRESENT**

Greg Mattingley, Chairman  
Jon Baxter, Vice Chairman  
Dave Drobisch  
Jay Dunn  
Grant Noland

**MEMBERS ABSENT**

Matt Brown  
Bill Oliver

**COUNTY PERSONNEL PRESENT**

Lt. Jon Butts, Sheriff's Dept  
Lisa Wallace, Deputy Auditor  
Lois Durbin, Circuit Clerk  
Judge Webber, Courts  
Doug Brackett, DPBC  
Carol Reed, Auditor  
Pat Berter, Probation  
Jay Scott, State's Attorney  
Mike Baggett, State's Attorney's Office  
Sheri Wallace, HR  
Rodney Forbes, Public Defender  
Debra Kraft, County Board Member  
Mike Day, Coroner  
Jeannie Durham, County Board Office

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

**APPROVAL OF MINUTES OF PRIOR MEETING**

Mr. Drobisch made a motion to approve the minutes from the June 23, 2016 meeting, seconded by Mr. Baxter and the motion carried 5-0.

**CLAIMS**

Mr. Drobisch made a motion to approve the report of the claims as submitted, seconded by Mr. Dunn and the motion carried 5-0.

**REPORTS**

Chair Mattingley announced that the budgets would be reviewed at the end.

***Circuit Clerk –***

Ms. Durbin reported that the collection agency has hit the \$1 million mark for collections.

The e-citations with Digitickets are going to be going live by the end of August or beginning of September.

***Circuit Court –***

Judge Webber said he wanted to give the committee a “heads up” that he has heard that there was a sexually violent persons petition filed by the Attorney General’s Office two days ago. So, by Statute, there will be an evaluator psychiatrist appointed to examine the defendant. This is one of those “the County shall pay” and is one that has been handled on an ad hoc basis and somewhere down the line we will be getting a bill for several thousands of dollars for the psychiatrist in that case.

***Macon County Board Resolution Authorizing Adoption of Memorandum of Understandings for Service Providers for the Residential Mortgage Mediation Program***

Judge Webber reported that he has spoken with Mr. Baggett and has included the language in both memorandums that has been accepted by the U of I Law School that the County's exposure on these payments will be no greater than what we collect or the \$75 filing fee. So, this is basically a pass through on both of these. One is the Land of Lincoln Legal Foundation and the other is the Community Investment Corporation of Decatur.

Mr. Dunn made a motion to forward the resolution to the Finance Committee with recommendation for approval, seconded by Mr. Drobisch and the motion carried 5-0.

***Coroner –***

Mr. Day had no report

***Court Services / Probation –***

***Macon County Board Resolution Approving Revenue in the Macon County Mental Health Court***

Mr. Berter reported that this is a grant timing issue. Money was received from the Macon County Mental Health Board that helps fund the Mental Health & Specialty Courts.

Mr. Drobisch made a motion to forward the resolution to the Finance Committee with recommendation for approval, seconded by Mr. Dunn and the motion carried 5-0.

***EMA***-No report

***Public Building Commission*** – No report

***Public Defender –***

Mr. Forbes distributed his monthly report explaining that 287 cases were opened while 250 were closed. He said this is for the month of June and thought that July will show more closed than opened. The jail population today is 273 and includes the federal inmates. That number is way down as it had been up over 300 for quite some time. That is good for the county and the sheriff. Chair Mattingley asked how the reimbursements to the county on the public defender appointments were running. Mr. Forbes said he has been getting those from Ms. Durbin, but did not know what they are without the report. He offered to provide those numbers at the next meeting. He said they've been coming in regularly.

As a follow up to Judge Webber's comment about the sexually violent persons petition, Mr. Forbes has checked into availability of experts after recent changes were made in qualifications for the person who does the evaluations. The attempt was to try to make it easier for people to evaluate, but the effect was that the persons that we used to use can no longer do them. Mr. Forbes has contacted Sangamon, Champaign, McLean counties and spoke with the AG's office in an attempt to find someone that is good and reasonably priced. He said they've found a person by the name of Dr. Lesley Kane who is one that was downstate, not in Chicago or out of state who could do the

evaluation. She has provided services for McLean and Sangamon Counties. She charges about \$200 an hour. For an initial evaluation, we are probably looking at about \$4,000. That seems to be comparable to what Dr. Killian and Dr. Jekyll used to charge. That is just for the evaluation. If she has to testify, there will be additional fees.

*Sheriff* –No report

***State's Attorney's Office***

***Macon County Board Resolution Amending the State's Attorney's FY2016 Budget for the Teen Court Grant Fund***

Mr. Baggett explained that the Community Foundation has granted some additional money in the amount of \$30,000 plus to the Teen Court Program. This resolution appropriates those funds and allows them to be spent in this fiscal year.

Mr. Dunn made a motion to approve forwarding the resolution to the Finance Committee with recommendation for approval, seconded by Mr. Drobisch and the motion carried 5-0.

**CITIZEN REMARKS – PUBLIC COMMENT** –None

**BUDGET PRESENTATIONS**

***Circuit Clerk*** –

Ms. Durbin presented grant information saying that they only get one grant. It was reduced for next year and said they have already been told that it will be reduced by about the same amount again next year. It is for handling the 4D Child Support cases. This is what the Health Care and Family Services pays us. It pays part of software maintenance costs. This allows them to go onto the website and see the docket sheets. It is a certain amount per case. They get a monthly report on it. Mr. Dunn asked if it has been going down every year. Ms. Durbin said that when she came in, it was \$65,000 and now it is down to \$26,848 and is expected to take another decrease of about the same amount as this year. Mr. Dunn questioned Mr. Scott & Mr. Baggett if this was the same in the State's Attorney's office. Mr. Baggett said that theirs has stayed the same for the last 2 years.

Page 1 of the budget, the General Fund was reduced by 6.5%. Most of the reductions came in the 5455 Clerk Typist line and a couple of salaries have been moved out. There has been some staff leave the office, some that are retiring that have been there 16 or 17 years. The replacement staff salaries are a lot less. That helped the salary line and the hospitalization line. Mr. Dunn asked if the same number of staff is being retained. Ms. Durbin confirmed.

Page 2 is also the General Fund, but is strictly the jury page. Judge Webber has reduced the number of jury weeks for next year down to 16. With that reduction, this came down about 14%. There may be a further change to line 7276, parking. With the number of weeks being reduced, the City may allow a reduction as well. The person in charge of this will be back in the office on Monday or Tuesday of next week. We currently pay \$600 a month for the jury to park. There are some months when there are no jury weeks so no parking was needed. Then there are some when the full ten days are being used. It kind of evens out.

Page 3 is Automation and with the new collection agency, more money is coming in, so the revenue line 4210 has been raised to \$300,000. A salary has been moved from the General Fund to this fund. The e-citation bill is coming and the electronic filing will have some costs so that went up a little.

Page 4 is Document Storage. There were a couple of salaries switched around in there. Everything else remained the same. This ends up being almost a 1% cut on this page.

Page 5, Restricted Cash is one that when Ms. Durbin came into office was being used to pay salaries until it was depleted. It has been building back up since then and now there is enough to put a salary back in. It was moved from the General Fund into this account. The postage line was raised a little.

Page 6 is Clerks Op. It was left the same as last year.

Page 7 is e-citation fund. There will be some expense there as it is brought up and running. (\$13,000)

Page 8 is Juror Agency funds and matches what comes out of the General Fund.

Mr. Dunn made a motion to forward the budget on to the Finance Committee Budget Hearing, seconded by Mr. Drobisch and the motion carried 5-0.

### ***Circuit Court***

Judge Webber said he had in his budget a total reduction of a little over 5%.

On page 1, the judicial staff stays the same with no increases or step increases being given this year. The way the savings was achieved the savings was to reduce a small number of items. A lot of the budget is mandated spending by state law. Some of those were cut down, but cannot be cut entirely. He said he could take out all the discretionary spending such as phone, postage and office supply and still not meet the 7%. So, he said on line 7575, the Judicial Library has been reduced by \$27,000. Those expenses have been moved to the Law Library, line 7232 which is electronic research. The Law Library is self funded by an assessment of \$21 on some civil cases and the Law Library fund has been building throughout previous judge's terms and over the years. That bumps a few thousand a year. The money will now come, rather than from the General Fund, from the Law Library Fund under the Law Library budget. That will tide us over for a few years, but will be gone in a few years too. The only other way to achieve that savings would be to lay off a judicial court which would leave a judge without a secretarial clerk. He said he felt that he does not have to do this now and that he did not want to do.

The only increase in the budget is in the telephone line for the Law Library where the Mortgage Mediation Program has ended up. This necessitates a lot of phoning by our librarian / navigator & now scheduler.

Mr. Dunn made a motion to forward the budget on to the Finance Committee Budget Hearing, seconded by Drobisch and the motion carried 5-0.

### ***Coroner***

Mr. Day expressed appreciation for the help in the coming budget year through the additional \$20,000 to sure up the weak areas in the budget. He assured the committee that every nickel, dime and penny would be used as conservatively as possible.

There was an \$1144 savings in the salary line due to a retirement and a rehire. Line 7110, maintenance of equipment was raised by \$1100 so that equipment payments could be made to the Capital Fund through the Auditor's Office. They've always had problems with that line running out before the end of the year. The autopsy / medical line, 7295 was upped by \$19,044. That is the only place there is discretionary money. The office has no way of knowing what will transpire. Sometimes that line is dipped into when there is nothing else available realizing it could cause a shortage later on. The equipment, line 9040, is up \$1,000. A few years ago when they first went on to the Starcom Radio System, the office paid nothing for the radio service. It was a given that they were just under the Sheriff's umbrella. All of a sudden, they were facing monthly bills and a charge of approximately \$1,200 - \$1,400 a year. That had to be cannibalized from somewhere else.

The total budget for the coming year is \$227,348 which is exactly \$20,000 over last year's.

Mr. Dunn asked who the Starcom bill is paid to. Mr. Day said it is paid to the City of Decatur. Lt. Butts said it is actually a fee that Motorola gets.

Mr. Dunn made a motion to forward the budget on to the Finance Committee Budget Hearing, seconded by Mr. Drobisch, and the motion carried 5-0.

### ***State's Attorney***

Mr. Baggett said that they had been asked to cut \$131, 142 from the General Fund and they have done that to the dollar.

The award notification from the 708 Board Deferred Prosecution has been received. The signed contract should arrive within the next month or so.

State salary reimbursement, mandated by State Statute, has been coming in as scheduled in spite of all the budget issues.

The Appellate Prosecutor notification award has not been received, but it comes in every year in roughly the same amount. That notification normally comes in August or September.

AG Victim Witness is being zeroed out this year because they are going to request it be moved to its own grant fund. The State is asking for the monthly reporting and reimbursement requests be prepared a little differently and this move should make the accounting a little easier.

Victim Impact Panel & Fees from Collections are placeholders. The Victim Impact Panel is fairly close and is approximately 10% off the revenue projection for this time of the year, but fees are not something that can be counted on coming in consistently. There can be spurts. Fees from Collections is nowhere near what was budgeted for this year, partly because there is a lapse in the

MOU with the Circuit Clerk's Office. They are receiving money through the collections programs. The State's Attorney's Office gets a cut of that, but until the MOU is updated, she cannot send that money along. This will be squared away so by the time the budget is presented at the Budget Hearing, there will be an idea as to whether it is high or low. For right now, it is a placeholder.

Once a year, the State's Attorney is selling the County owned cell phones through a service that are being used by the 7 staffers who have those. The best price possible is gotten which is about \$370 per phone which more than covers the cost of purchasing new phones that are gotten under contract with a discount. The new phones cost about \$200.

The State's Attorney's salary line is higher because there is an extra day within the budget year. He is not getting a raise, but the extra day is being accounted for.

The remaining salary lines remain the same. \$140,000 is being cut from the support staff line in order to make the budget cuts as requested. Hospitalization also decreased by about \$23,000 plus due to the layoffs.

The commodities lines include requests to increase certain ones to more accurately reflect the actual expenses. These include the phones, postage, etc... The Automation fund has been utilized over the past few years, but that is not what that fund is designed for and now it has been tapped dry. Since the cuts that were asked, these lines are being increased in order to keep the office working.

The Library and copy machine lines have increased a little. Appellate Services is \$24,000 and the bill doesn't come until fall. This rarely changes.

Investigations stays the same. Sexually violent and dangerous expert exams are ad hoc. In the last year and a half, the State's Attorney has made efforts to pursue fewer of these civil petitions that require the appointment of experts.

Court costs & appeals stays the same.

Supplies are being increased dramatically as a result of running the automation fund dry. This is much more accurate. No changes to the equipment line.

Chair Mattingley asked Mr. Scott about bonuses paid last year after being over and above what the county had put into the budget for raises. Mr. Scott confirmed that he had paid out some merit bonuses with some of the extra money within the budget. He said they had tried to be careful with what they had, didn't give out pay raises and people who worked hard got a bonus.

Mr. Baggett continued with the 4D, Child Support Grant. He said they have received notification of the award. It has not changed from last year. It is money in / money out. There is going to be about \$23,700 that has been awarded that is not anticipated to be spent. He noted that it is important to note that there has been a battle with the state in regard to the payment of health insurance. This is considered a grant fund. The State will not reimburse for payments of health insurance premiums the county's portion for employees who do not actually take health insurance

regardless of how the Auditor allocates the charge of health insurance expenses to the departments. That means there are 2 to 3 employees in this unit who do not take county health insurance, but the department is charge \$705 per month per full time employee. The state will not reimburse that amount. That adds up. The state says that the funds come from the Federal Government and this is the rules & restrictions from them. They won't let us do it because they can't do it and get reimbursed from the feds. This is a situation where we have a health insurance cost to the county that, in theory, should be paid for through the grant, but in reality is not.

The Judgment Fund has the same number as last year as a placeholder, but the Auditor will work with the Finance Committee to determine what the proper amount is.

Interest on checking stays the same.

Birchwood Settlement contains a court order decree where they are supposed to be paying \$1,000 per month. They haven't paid in a little while and needs to be looked into.

Salaries, fringes, and contractual fees were left the same. The contractual fees are set pretty high. It is unknown how much will be spent, but this is to pay outside firms, primarily Ed Flynn's firm for representing the county with respect to employment, workers comp matters and a few other matters that are not covered by our insurance carrier. \$7,500 has been requested to be allocated in the past for the appointment of a special prosecutor if that would be needed. That has not been done is quite a few years. The Appellate Prosecutor or other State's Attorney's offices, by law, are required to be asked first and they almost always do it.

Mr. Dunn pointed out that the math in the spreadsheet didn't seem to be making sense in a couple of areas. It was determined that there could be an issue with the spreadsheet and Mr. Baggett will work with the Auditor to get it corrected.

Page 4 & the next several pages of the budget are non-allocated funds which include the State's Attorney's Drug Fund, the Federal Drug Forfeiture Fund, the Automation Fund, the Sex Offender and Investigation Fund and the Grant Fund which is all of the grants rolled into one.

Page 7, Department 050, the Child Advocacy budget has not yet been received, so Mr. Baggett was unable to present that portion of the budget.

Page 8, Hidden Victims Grant, which is a signed grant with the 708 Board is \$6,350 and is money in / money out

Page 9, Teen Court, is anticipating fees through the Circuit Clerk's Office of about \$23,000, the Community Foundation Grant of about \$13,500, and the Community Foundation Administration Grant of \$37,018. This is a planned deficit spending plan of about \$4,000. Teen Court has a fairly substantial fund balance of close to \$100,000. The plan is to make use of that, but the superseding plan is to find new dollars / revenue, possibly from the Community Foundation. Keyeria Rogers has been very good at finding new sources of revenue. By the end of the year, it will probably not be a deficit as she will find a way to bring that revenue in.

The DUI Grant informal notification has been received by the State that we are going to be awarded the grant again this year in either the same or close to the same amount as last year. Formal notification typically does not come until around August. These are placeholder numbers on what the informal notifications have been.

Adult Redeploy is a signed contract that begins July 1 with significant changes from last year because Probation has scaled back their involvement. Because of the budget impasse, ARI went for 6 or 7 months in a suspended status where new clients were not being accepted. However, the service providers operated on pro-bono basis with the expectation that if we got retroactively funded, we would pay them and we have after the state finally came through on that. Everything is back up and running now with some changes made so that probation does not have to be out on the edge of the cliff again if there is another budget problem.

Page 12 is the Juvenile Justice Council which is a grant through the state that has been discontinued effective July 1. It has been phased out already.

Community Foundation Grant (068) is another grant where there is a signed contract. It is money in / money out.

JABG Grant (069) is another state grant that has been discontinued by the state effective July 1.

Elder Victims Crime Unit Grant (070) is from the Buffett Foundation. We are going to begin year 3 or the 4 year money in / money out grant.

Mental Health Board 708 grant (071) is for an attorney. They pay part of an attorney's salary and is money in / money out. We have the award and the contract in hand, but it has not yet been executed.

Community Fund Grant (072) has been phased out and discontinued.

Attorney General Victim Witness Grant will bring in \$27,000 plus and will be to pay the majority of the salary of one of our Victim Witness personnel in the office. The Auditor will be asked to add line 073 for this grant.

Chair Mattingley commented about the ARI Grant and said that he was glad to see the program being funded because some of those people who have been in a revolving door in and out of DOC can stay in the community and make positive changes in their lives. It has changed the community. It is a worthwhile program and he said he was afraid it would be going away with the state budget issues. Mr. Baggett agreed saying it costs a lot more to incarcerate than it does to keep them in probation and help them.

Chair Mattingley questioned Mr. Scott about whether last year was the first year since he had taken over as State's Attorney that he was able to do bonuses. Mr. Scott said he had done one other year as well.

Mr. Dunn made a motion to forward the budget on to the Finance Committee Budget Hearing.



He went on to comment that he appreciates, over the last several years that Jay has been in office and Mike has been working with him on the budget. When the research was done on the expenditures over the last few years for all of the offices, last year Jay's expenditures were less than when he started. He commended the office for being fiscally responsible, but said he was a little upset with the bonuses last year and hopes the money that is left over because he knows cuts have already been made in the budget come back at the end of the year this year. Good job in getting control of the spending and doing a great job on that in the State's Attorney's office.

Mr. Drobisch seconded the motion and the motion carried 5-0.

**OLD BUSINESS** - None

**NEW BUSINESS** – None

**CLOSED SESSION** – None

**NEXT MEETING** – Thursday, Aug 25, 2016

**ADJOURNMENT**

Motion to adjourn made by Mr. Drobisch, seconded by Mr. Dunn, the motion carried 5-0, and meeting adjourned at 4 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office