

**JUSTICE COMMITTEE MEETING**  
**September 22, 2016 @ 3:00 P.M.**

**MEMBERS PRESENT**

Kevin Greenfield, Chairman  
Greg Mattingley  
Jay Dunn  
Dave Drobisch  
Matt Brown  
Bill Oliver

**MEMBERS ABSENT**

Grant Noland  
Jon Baxter, Vice Chairman

**COUNTY PERSONNEL PRESENT**

Lt. Jon Butts, Sheriff's Dept  
Lisa Wallace, Deputy Auditor  
Sherry Doty, Circuit Clerk  
Judge Webber, Courts  
Jerry Lord, 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  
Jeannie Durham, County Board Office

The meeting was called to order by Chairman Kevin Greenfield at the Macon County Office Building.

Chairman Greenfield announced that Mr. Mattingley has stepped down temporarily as chairman of the Justice Committee, so he has appointed himself to the Justice Committee and also as chairman for the time being.

**APPROVAL OF MINUTES OF PRIOR MEETING**

Mr. Dunn made a motion to approve the minutes from the August 25, 2016 meeting, seconded by Mr. Brown and the motion carried 6-0.

**CLAIMS**

Mr. Drobisch made a motion to approve the report of the claims as submitted, seconded by Mr. Dunn and the motion carried 6-0.

**REPORTS**

***Circuit Clerk –***

Ms. Doty reported that the tentative date for e-filing in civil cases will be November 2. The e-citation training will be October 3 & 4 for Law Enforcement and the Circuit Clerk's office.

***Circuit Court –***

Judge Webber explained that the Supreme Court released an opinion this morning which held unconstitutional, the Statute which reduced the number of civil jurors to six and also increased the fees to \$25 for the first day and \$50 for the second day. He said he would leave it to Mr. Baggett to explain how we go about adjusting fees because there is a jury term starting on Monday. He said he had read the opinion and it is clear that the reduction of civil jurors to six is unconstitutional and that is the end of that. However, it leaves the door open if the legislature would choose to revisit

the issue on the amount of jury fees only. They could, probably as an unfunded mandate, increase the fees, but as things stand today, that law, in its entirety, is unconstitutional. The County should be free to reset the fees under the old statute. He suggested that the legislative committee keep an eye on the legislature because they could revisit the jury fee question separately and still increase the fees in an unfunded mandate.

Judge Webber informed the committee that they will have Judge Hugh Finson back, reassigned from Champaign to Macon County as of Monday, October 3 which will put us back at full strength.

Mr. Baggett said he agreed with Judge Webber that the Supreme Court was very clear in the issue of juror fees. They did find that it was intertwined with the reduction of the size of jurors and that the General Assembly would not have done one without the other, so there may be hope that the General Assembly will not revisit the issue of juror fees independently. However, there is nothing in the Supreme Court opinion that would prohibit the General Assembly from raising those fees and there has never been any suggestion that the General Assembly does not have that power. Hopefully, they won't have the same type of incentive to try and pass such a massive change in an unfunded mandate on the county. They sold it the first time by saying that the number of jurors would be reduced and that is how it can be afforded. They won't have that argument if they try it again. Logistically, it is Mr. Baggett's opinion that, since research showed that the County Board never took official action to adopt independently the fee structure set forth by Statute. We were just governed by the State Law. Because the Supreme Court has voided that Act and declared it unconstitutional, Mr. Baggett said it is his opinion that beginning immediately, we are no longer required to pay juror fees at the amount set by that Statute. In effect, it would revert back to the place it was before that Statute went into force. Where we were before is where we would be at now. Mr. Drobisch asked if the Board would need to pass a resolution. Mr. Baggett said no, what the County Board did was adopt a resolution amending the Circuit Clerk's budget to authorize her to pay it, but never actually adopted a resolution or an ordinance setting the fee and we did not need to. There would have been no point because Statute trumps anything the County Board could do. The Statute was fairly clear what we had to do. The good part is that we do not have to have an emergency County Board meeting before Monday. He said the County Board does not have to take action to revert back to where we were. Chairman Greenfield asked Ms. Doty to let the County Board Office know. He went on to say that in speaking with Mr. Baggett, there will probably not be a reason to change the Circuit Clerk budget for FY16, but knowing that a lot more money for the jury fees was allotted in the FY17 budget, the Finance Committee would probably want to ask her to come back and change the budget.

### ***Coroner –No Report***

### ***Court Services / Probation – Macon County Board Resolution Amending the Probation's FY16 Budget***

Mr. Berter explained that he needed to request more money in the Juvenile Detention line because of the quarterly invoice that was distributed to members from Peoria County in the total of \$56,176.51. He said they actually had money in the budget to pay this, but he needed to bring it

forward because there will be another quarterly bill around the 1<sup>st</sup> of December. Currently, there is \$14,349.66 left in this line.

So far this year, 79 minors have been detained. 30 were for warrants, 13 for firearms or weapon related issues, 14 for residential burglary, and 3 for armed robbery or attempted robbery. The current average for custody is 8.6 per day. There are currently 5 individuals that have been in custody for over a year. Four for murder that have been in for 374 days and one for attempted murder that has been in for 569 days. If these individuals had not been in there, our rate would be about 3. The kids that are being locked up are the ones that need to be in there.

Mr. Drobisch asked what the reason was for them being there for such a long length of time. Mr. Berter explained that they are being tried as adults and that process takes a while. He explained that this is the only line item in the budget that he cannot control.

Mr. Dunn made a motion to forward the resolution to the Finance Committee with recommendation for approval, seconded by Mr. Brown and the motion carried 6-0.

Mr. Berter reported that he had received a phone call last week from Joel Gorden, the Director of Champaign County Probation Department. We have an inter-agency agreement with them for detention bed spaces in case of overflow. They will be cancelling that contract with us. We have 90 days to remove 2 individuals that are in custody over there. He explained that Champaign went over capacity and had to send 2 of their minors to Vermillion County and the rate they had to pay them was a lot more than what we were being charged. Mr. Berter said he has a call in to Sangamon County to see if we could use them for an overflow and to Peoria County to see if we could raise the number of bed spaces with them. Mr. Berter said he would bring the information to the committee when he got it. Mr. Dunn commented that he thought that Sangamon County had closed theirs down. Mr. Berter said they had not closed the facility, but they closed some wings down. When that happened, they refused to take any out of county kids, but their numbers right now are really low, so they are discussing it.

***EMA – No report***

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

***Public Defender –***

Mr. Forbes reviewed his monthly report which shows that for the month of August, 267 felony cases were opened and 240 were closed. Slightly more were opened than were closed, but last month more were closed than were opened, so the numbers are staying level.

57 in Drug Court, 18 in DUI Court, 22 participants in Mental Health Court, 12 Shelter Care Hearings that involved attorneys 30 times, 10 detention hearings

One attorney left the office. Steve Perbix has been hired. He is a very good attorney that has been practicing for a long time and we are very lucky that we will be able to have him. He will be a great addition to the office. He is in process of wrapping up his practice and will not be able to start until November 1. At this time the office is trying to maintain.

Jail population today is 292 and includes the federally housed inmates that the county is reimbursed for. That number is down. A lot of cases are moving through. A lot of plea agreements are being worked out up front.

The FY17 budget was presented to Finance and pursuant to that, the Westlaw contract has been signed and we're good for the next 3 years with that with only a 1% increase. The office got a new copier this past week. The car is the only other major piece of equipment and it is in good shape. It will be paid off next year.

***Sheriff*** –

Lt. Butts reported that they are working on an RFP for the jail phone contract and hope to have a new contract in place by the end of October.

A squad car was damaged in a fire that was caused by an electrical problem in a K9 vehicle and they are trying to get that replaced.

***State's Attorney's Office***- No report

**CITIZEN REMARKS – PUBLIC COMMENT** –None

**OLD BUSINESS** - None

**NEW BUSINESS** – None

**CLOSED SESSION** – None

**NEXT MEETING** – Thursday, Oct 27, 2016

**ADJOURNMENT**

Motion to adjourn made by Mr. Brown, seconded by Mr. Oliver, and Chair Greenfield adjourned the meeting at 3:20 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office