

JUSTICE COMMITTEE MEETING
April 27, 2017 @ 3:00 P.M.

MEMBERS PRESENT

Jay Dunn
Jerry Potts

Jon Baxter
Greg Mattingley

MEMBERS ABSENT

Grant Noland
Bill Oliver
Dave Drobisch

Chairman Jay Dunn called the meeting to order at 3:00 p.m.

COUNTY PERSONNEL PRESENT

Mike Baggett, State's Attorney's Office
Rodney Forbes, Public Defender
Lt. Jon Butts, Sheriff's Dept
Pat Berter, Probation
Jerry Lord, DPBC
Judge Webber
Carol Reed, Auditor
Lisa Wallace, Auditor's Office
Jeannie Durham, County Board Office

APPROVAL OF MINUTES OF PRIOR MEETING

Mr. Potts made a motion to approve the minutes from the March 23, 2017 meeting, seconded by Mr. Mattingley, and the motion carried 4-0

CLAIMS

Mr. Potts made a motion to approve the claims, seconded by Mr. Mattingley, and the motion carried 4-0.

REPORTS

Circuit Clerk – no report

Circuit Court –

Judge Webber reported that Judge Scott Diamond retired. The process of filling his seat has begun with the application process closing on May 12th. After that list of applicants has been collected, depending on who applies and whether they applied previously or not, the interview process may be done with some or all of the applicants. The goal is to have a person selected by the end of May and seated by the 1st of July.

The Specialty Court program is under review including the Hybrid & Mental Health Courts. The plan is to continue the programs, but if so, some things will have to be done to satisfy the Administrative Office. These are valuable programs, but if the requirements are too much, a different direction may be sought. A review of the entire process is being done.

Coroner – No report

Court Services / Probation –

Mr. Berter reported that he had received correspondence from Dan Hunt, Director of Peoria County Probation. They are willing to increase bed space up to 8 beds. We can do an additional 6, 7 or 8. The cost per bed is \$46,289.44. On December 1st, that number goes to \$47,678.12. This is

something that, when we do next year's budgets, a breakdown of the numbers of individuals we house will be provided. So far this year, we have 6.1 individuals per month are housed. Last year, we were at about 8. We will continue to look at those numbers and trying to get the individuals out of detention if possible. Some of them have been sent to IDJJ that need to be sent. It boils down to about \$126.81 a day per kid with transportation. In other counties, like McLean & Vermillion, we pay from \$120 to \$125 a day without transportation. So, we are getting a pretty good deal.

EMA – no report

Public Building Commission – No report

Public Defender –

Mr. Forbes passed out and reviewed the monthly report saying that 291 cases were opened and 211 were closed. That is opening about 80 more than closing. There was a large influx of cases that came in. The numbers go up and down month by month but the office has been able to maintain. It is expected that there will be a decrease in the number of cases opened in the month of April.

Drug Court participants are at 59. Capacity is about 60. Mr. Berter explained that with another officer, they'd like to get that number up to about 80 - 100.

Mental Health Court was at about 19. Judge Bollinger said he could accept more applicants.

There were 29 Shelter Care Hearings. That was a pretty substantial increase. Normally the average is about 10 to 15 hearings per month. Those require a lot of resources from the Public Defender's Office. Attorneys have to be present for those hearings.

Juvenile Detention Hearings increased. Usually in January and February, there are only about 5 per month. In March, there were 10.

Employee evaluations are being done right now. In years when raises were given, the evaluations were done so raises were given merit based. There will not be any raises this year, but Mr. Forbes said he thought the practice was good to continue anyway.

Some items are being moved around in the office. PBC has built a workspace for the interns. There will be a secretary on maternity leave and some interns will be covering for her. The space right behind her desk will be used for training.

Additional space upstairs will be utilized for an attorney or two. That will open up some space within the office. This is a big change and is something that is really needed. The office has been short spaced and now we can have a little more space allowing for an interview room to interview clients, a storage room so boxes that are a safety hazard can be stored away.

Sheriff –

Macon County Board Resolution Approving the Macon County Sheriff's Office to Accept Thirty-Five (35) Firearms and STARCOM Radios from the Howard G. Buffett Foundation

Lt. Butts explained that there is a large demand in training, this will include, but not be limited to, scenario based training. These firearms will be used for the officers to train for things like hostage taking situations, barricade subjects, active school training, active shooter training, felony vehicle stops and other high stress types of scenarios that these might be used in. They are very accurate, very reliable and the training for using these firearms would be a benefit to the office.

Along with that, 12 STARCOM radios would be received that would be issued to auxiliary deputies. There have been several events, one as recent as last Sunday, where several auxiliary deputies were needed at one time and were down to one extra radio. The Buffett Foundation is graciously willing to donate 12 additional STARCOM Radios to the office to be used for auxiliaries. The total value of the training firearms is \$5,328.50 and the radios value is \$11,928 or \$994 per radio. These are refurbished radios that have had any new part replacement that was needed and put out into service with a warranty. Prior to the firearms coming over to the Sheriff's Office, even though they are training firearms, they would have to go through a federal firearms licensee to make sure all the paperwork is done correctly.

Chair Dunn asked if the simulator guns would replace the ones currently being used with the rubber suction on the end. Lt. Butts confirmed saying that these are hard, more like a crayon and shoot a realistic crayon bullet to make the training more realistic. It puts stresses into the officers that are using them. There is also a laser mechanism that they use where the officers wear mechanisms showing if they have or have not been hit. It makes the training very realistic and stressful. It is something the officers will be using throughout the year.

Mr. Potts asked about the price per gun. Lt. Butts explained that it depends on the guns. Some are rifles and some are handguns, but along with them comes software that keeps scores and calculates misses and hits and lets them know what they did right or wrong and what they could do differently. Mr. Potts asked if these are in addition to what they already have. Lt. Butts explained that they do not have these. They have been using these weapons from the Buffett Foundation through an agreement, but at this time he is going to give them to us and they will become property of the sheriff's department.

Motion to approve forwarding the resolution on to the Finance Committee with recommendation for approval made by Mr. Potts, seconded by Mr. Mattingley and the motion carried 4-0.

Macon County Board Resolution Approving the Macon County Sheriff's Office to Accept Funds from the Howard G. Buffett Foundation for Patrol Vehicles and Equipment

Lt. Butts explained that the fleet has not been replaced for about 2 ½ years. In recent months, a lot of mechanical problems have been experienced. These are some that are driven 24 hours a day / 7 days a week. A used motor was replaced in one. There have been steering column problems, replacement of a couple of windshields, etc. The Buffett Foundation will give funds for 5 new patrol vehicles along with the required equipment for them. Since there have been shortfalls in the Macon County funds, these vehicles would be a transition prior to the county receiving funding from the recently passed public safety tax ultimately saving taxpayer money that would eventually be used for patrol vehicle replacement. The five vehicles will be purchased locally at a total cost of \$173,850. The equipment including in car cameras, multi data computers, emergency

equipment and installation would all be donated also. The total cost of equipment and installation is \$126,313.60, but 4 used SUVs and 2 Impalas would be sold at auction. That money could possibly be used to offset expenses that might come up unexpectedly or the funds could go back into the vehicle line. The total donation comes to \$300,163.60 with expenditures for vehicles coming to \$173,850 and expenditures for equipment \$126,313.60. The vehicles have been very reliable. SUV's have been used since 2014/2015 due to having more room for officers and equipment and ease of getting around during inclement weather. This is their office for an 8 hour shift. Lt. Butts expressed gratitude to the Buffett Foundation for saving taxpayers money. Mr. Potts asked how many miles are on the vehicles that are being replaced. Lt. Butts said they are all over 100,000 or approximately 120,000 to 140,000. That's not a lot, but those miles are different from miles put on a personal vehicle. They are driven 24 hours a day. They are driven by 3 different drivers each day and each driver drives a little differently which is hard on a vehicle. It is hoped that some maintenance costs can be saved down the road. In the past, new vehicles could be purchased yearly or every other year and that helps keep down on the maintenance costs, but the longer you have them, the higher the costs.

Motion to approve forwarding the resolution on to the Finance Committee with recommendation for approval made by Mr. Mattingley, seconded by Mr. Baxter, and the motion carried 4-0.

State's Attorney's Office-

Macon County Board Resolution Approving Intergovernmental Agreement Between Department of Healthcare and Family Services and Macon County State's Attorney for State FY2018 for Child Support Enforcement Funding

Mr. Baggett explained that they had received notification that the funds would be allowed for this coming state fiscal year at the same amount as last year which is approximately \$286,000. That would cover 2 attorneys and at least 3 support staff. The same issue that we have had in previous years still exists. It will not cover all of the fringes for the employees because the state's reimbursement procedures dictate that they will not use our cost allocation accounting techniques in order to assess healthcare the way we do. They will only reimburse us for what the employee is actually responsible for incurring. Meaning that an employee that is taking health insurance on him / herself plus a spouse or family member is going to be worth more than the \$9,800 that the Auditor allocates, but an employee that does not take the county's insurance is not going to be reimbursed anything despite the fact that the unit will incur the \$9,800 cost for that employee. Mr. Baggett explained that they've gone round and round with the state on this because it is a federal grant that the state acts as a pass thru on and they cannot receive reimbursement because of the federal regulations except for the actual cost. Their backs are up against the wall. They are unable to adopt our accounting practices in order to fund our fringes fully, but they can fund part of it.

Chairman Dunn commented that he thought this issue had come up several years ago when Amy Stockwell was Auditor and she had it resolved in our favor. He asked what had changed. Mr. Baggett explained that two years ago, there was some changeover in the Department of Healthcare and Family Services and when they examined the practice made a decision not to reimburse based on our accounting practice of allocating uniformly for health care, but would only reimburse for what we can show documentation for what we expended. That was attempted. Our accounting practices are in line with federal guidelines and Generally Accepted Accounting Principles, but

because of the nature of the way the state receives its reimbursements from the federal government, they will not reimburse and say they cannot reimburse because they do not get reimbursed from the federal government for the allocated costs, but only for the actual costs of health care. That depends on whether and how much insurance the employee is taking. Mr. Dunn asked if they were doing that in the past. Mr. Baggett confirmed that prior to 2 or so years ago, that was the position. Last year, a claim was submitted stating our position and submitting documentation as to past practice as well as the legal foundation for why we were submitting the request the way we were. They considered, sided with the state and sent a decision and reimbursed for only part of what the claim had been. Mr. Dunn asked if the law had not changed, just the way it is being interpreted. Mr. Baggett agreed – by the state – and we have litigated it. In the past, we tried to fight with the state, but the state sided with itself and here we are.

Mr. Mattingley asked about a previous budget discussion on this matter when he recalled something about there may be other fringes that they might take similar positions on. He asked if there was anything more on that. Mr. Baggett said he was not familiar with any other fringes that would be subject to the same type of issue. Healthcare is the only one the Auditor's Office does a cost allocation based on the number of employees in the county. The other fringes are based on a percentage of the salary for the individual employee. That is the technique and position they want taken on healthcare. The problem is that we don't lose as much as we could. They are not refusing to fund it at all, but we don't get fully reimbursed for it.

Chair Dunn commented that this, again, is a program we provide to the state to save them a lot of money. Mr. Baggett agreed saying that if the state did not use their federal monies which are through the Social Security Act to provide for us to hire attorneys and support staff to litigate these directly in the Macon County Circuit Court, the Attorney General's Office would come in and do it. They have a Child Support Enforcement Unit. The position our office would take, especially if you asked Ruth Waller in the Child Support Unit and much more informed on how this works, she would strongly assert that we do a better job as far as the collection of child support for those families who need it. This is a situation where if we relied on the Attorney General, who has a statewide support unit, but it is statewide as opposed to a dedicated unit. You would see a ripple effect in the community where parents who are due and need child support from the other parent simply would not see it because the enforcement would not be there. Mr. Dunn expressed surprise over the funding being the same as last year. He said that they have been cutting it every year. Mr. Baggett said they were also shocked. Mr. Dunn reminded the committee that this is one of several programs that Judge Webber talked about such as Adult Redeploy that we don't necessarily have to do in this county, but we do and we save the state way greater revenues than you'd sometimes expect, but after saving all that money, they keep passing on more costs to us or delay in sending payments.

Mr. Mattingley asked how much was not being reimbursed and the county is eating in order to maintain the unit. Chair Dunn said it is more than just not paying all the insurance. There are more costs the county bears that they don't cover. They've been cutting the program for several years. Mr. Baggett explained that at one point, they covered phones, postage, equipment, paper, supplies, furniture, and dictation equipment. Now, it is only personnel expenses and not quite all of what is incurred. Word has been received from the state that if we have additional funds and are not going to expend all of the funds in personnel as expected, we can amend our grant budget upon

request and shift those expenses from personnel to non-personnel. That would require county board action as well to amend the budget. This coming end of the fiscal year, we are going to be able to do quite a bit because the office has been operating at short staff for a while. Efforts are being made to hire another attorney, but it is proving to be harder than hoped. However, toward the end of the State FY, there will be significant amounts of money that should be able to be shifted to help pay for some of the items the county has been subsidizing since July 1 of last year. Mr. Mattingley said he was looking for an annual figure. Ms. Reed said for insurance only, it would be 2 to 2 ½ people or in the neighborhood of \$20,000. As far as supplies, a lot of postage is used and paper costs are significant.

Motion to approve forwarding the resolution on to the Finance Committee with recommendation for approval made by Mr. Potts, seconded by Mr. Mattingley, and the motion carried 4-0.

CITIZEN REMARKS – PUBLIC COMMENT – none

NEXT MEETING – May 25, 2017

ADJOURNMENT

Mr. Potts made a motion to adjourn, seconded by Mr. Mattingley, the motion carried 4-0 and the meeting was adjourned at 3:40 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office