

JUSTICE COMMITTEE MEETING
August 24, 2017 @ 3:00 P.M.

MEMBERS PRESENT

Jay Dunn
Grant Noland (came at 3:01)
Jerry Potts
Greg Mattingley
Dave Drobisch
Bill Oliver

MEMBERS ABSENT

Jon Baxter

COUNTY PERSONNEL PRESENT

Mike Day, Coroner
Mike Baggett, State's Attorney's Office
Dave Ellison, Public Defender
Lt. Jon Butts, Sheriff's Dept
Pat Berter, Probation
Jerry Lord, DPBC
Judge Webber
Carol Reed, Auditor
Lisa Wallace, Auditor's Office
Lt. Brown, Sheriff's Department
Lt. Root, EMA
Lois Durbin, Circuit Clerk
Sheriff Schneider
Howard Buffett, Undersheriff
Jeannie Durham, County Board Office

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

APPROVAL OF MINUTES OF PRIOR MEETING

Mr. Potts made a motion to approve the minutes from the July 27, 2017 meeting, seconded by Mr. Mattingley, and the motion carried 5-0.

CLAIMS

Mr. Drobisch made a motion to approve the claims, seconded by Mr. Oliver and the motion carried 5-0.

REPORTS

Circuit Clerk –

Ms. Durbin reported that Macon County is in the first phase to start e-filing criminal and traffic cases. Hopefully, by the end of November, we will be doing that.

Chairman Dunn commented that Ms. Durbin does a great job for us.

Circuit Court –

Judge Webber had no report. Chairman Dunn asked how the new judge was doing. Judge Webber said he is doing very well. He has received no complaints and everyone is saying that he had hit the ground running. He is 2nd backup for probate which is the first docket.

Coroner –

FY18 Budget Presentation

Mr. Day reported that the 6.2% cut was made. The bottom line shows \$235,380. There was an adjustment upward of \$427 to the Coroner's fees. The Deputy Coroner salary reflects a 2%

increase of \$929 to \$47,346 in line with what is anticipated that the union employees may receive. The Clerk Stenographer who is the union employee will also receive a 2% increase of \$454 to \$23,114. Line 7295, the Autopsy Medical line, reflects the decrease of \$16,924 to \$37,506. That is how the cut was achieved.

Mr. Drobisch made a motion to forward the proposed budget on to the Finance Committee Budget Hearing with recommendation to approve, seconded by Mr. Oliver and the motion carried 6-0.

***Court Services / Probation –
FY18 Budget Presentation***

Mr. Berter distributed his budget proposal packet. He reported that he had gone ahead and sent a memo to Finance Chairman Greenfield because they had only been able to cut 5.2% out. He said he would like to go through the budget and explain the cuts.

Line 3884, reimbursement from Probation fees, is at \$540,000. Last year, the proposal was \$580,000. Mr. Berter says he has a 5 year plan within the department to decrease that amount each year by \$50,000. If that isn't done, the department will experience massive layoffs in a few years. The department is only collecting at about \$320,000. He said he wanted to make sure that at around the 4 or 5 year mark, spending is actually equal to what is being brought in. That should eventually give a cushion of about \$200,000, but they have to make sure they continue to decrease that amount.

Line 3888, reimbursement from the Sheriff's Grant. Mr. Berter said he has been fortunate, and will be bringing a resolution in November to receive some funding from the HGB Foundation for the two drug court positions. That will take care of the two salaries, fringes & hospitalization.

In the 4000 lines, there is still money from the Mental Health Grant that covers all juvenile evaluations, treatment and sometimes adult evaluations. As of today, the allocation amount is still unknown. An email was sent last week, and they are hoping to get something out by Friday of this week.

The 5000 lines contain no raises because a new contract is due for negotiation.

Line 5707 SE OT pay has always been set aside for officers if they had OT, but the department has been very good at watching that. There are no on call union staff for detention like in years past. That was negotiated with Peoria County. That OT pay now goes to when the Sheriff's Department conducts transports for juveniles that are detained, but do not go to Peoria County.

Line 6010, hospitalization, went up. This is for the Mental Health Specialty Courts Coordinator. 10% has been cut from the Macon County Mental Health Board. As a result, part of his hospitalization had to be moved into this line. Currently, the department is going through the certification process with the state for the Specialty Courts. The staff goes through a training in September. Eventually, Mr. Berter said he would like to move DeAngelo out of the Specialty Courts Coordinator position and make him a Mental Health Court Probation Officer which he is currently, and a half time Adult Redeploy Officer. At one time, there were three Adult Redeploy Officers. Now, there are 1 ½. He said he is trying to put the funding in to supplement those because of the cuts. He said he has spoken with Tim Macken from the 708 Board and after

certification, Mr. Berter said he would like to make the Specialty Courts Coordinator a part time position that is funded through the 708 Board, but actually have that position through the 708 Board. That way the person is an impartial individual and Mr. Berter says he thinks it will clean things up as far as the Specialty Courts go. It will tie in nicely. It won't be an actual Probation Officer conducting the facilitation of the staffings. It would be an actual 708 Board member. The EDP line was cut. The Offenders Services line was cut by \$15,000. He said they were also very fortunate because in years past this is where the drug testing money came from. The HGB Foundation purchased a drug testing machine. Mr. Berter said that when he first started in his position, the drug testing was eating up the Offenders Services line. It was going to be really tight. Now, as we progress, Mr. Berter said he was going to have to figure out how to pay for those tests. He said he thought he had something worked out in another two years. Electronic Monitoring was cut by \$500.

The Juvenile Detention budget has been left alone. Technically, that is where the 6.2% cut could be obtained. It could be cut by \$7,000. The contract with Peoria County with its 3% increase for FY18 will be \$238,390.69. But, he said he would just have to come back later and ask for money just like he is going to have to do this year. The last couple of weeks were running 3 kids in detention and all of a sudden, its up 3 more and its for guns. This is the only line item in the budget that cannot be controlled. Law Enforcement picks the kids up. Peoria County does the screening. There are a lot of times the department does an override because of the seriousness of the offense and detain them. The vehicle line was reduced by \$1,000. A uniform line was added. The staff received uniforms last year and the equipment line where the uniforms used to come from was cut \$7,000.

Mr. Oliver asked if 3 children to Peoria is average. Mr. Berter said no. The average this year has been 5.85 and the contract is only for 5 per day. There have been upwards of 21 individuals in detention. When there are that many, they have to be sent to different counties. Currently, individuals are sent to McLean, Vermillion, Springfield which is pretty expensive, or as far as Madison. Law Enforcement has been very good in working with the department. There was a situation about a month ago where every detention facility close by was full except Madison County. The drive time was going to be pretty costly for our deputies. Peoria County is willing to raise the number of bed spaces to 8, but then the budget has to be raised to pay for them. One of these days, there could be a possibility where Madison County might be our only option. Jim Taylor has been looking at video bonding for those individuals. Nothing is off the table. The kids that are locked up need to be there. They are not being locked up for retail theft. The situation last night had 3 in a vehicle with a gun. Two of the kids already had weapon situations. Two were already on probation. There have been situations where the next thing you know, a youth commits a murder. There have been times when we've had 8 kids locked up and they've stayed there for a year. The officers do the best job they can to try to get those kids out that need to be out or to not even detain those kids, but when you have kids running around the streets with guns, we need to get them off the street.

Mr. Potts made a motion to forward the proposed budget on to the Finance Committee Budget Hearing with recommendation to approve, seconded by Mr. Drobisch and the motion carried 6-0.

Chairman Dunn explained that Finance Chairman Greenfield wants is if you can't make the 6.2% cut, he wants a budget or a statement on what you are going to have to do to get to the 6.2% cut. Mr. Berter said that what they would have to do, hopefully through staff attrition, lay off a person. He said he had written that in the letter to Chairman Greenfield.

The Mental Health Court and Juvenile Redeploy budgets are money in and money out. Members did not wish for Mr. Berter to go over those budgets.

EMA –

Macon County Board Resolution Approving Increase in Nuclear Safety Grant Fund for Purchase of Furniture for Emergency Operations Center

Lt. Root explained that this grant was an increase in what was previously projected. This comes from 2 revenue lines into one expenditure. The first one is the Illinois Plan for Radiological Accidents. This is a state grant. \$9,385 was originally received. There was an increase of \$22,366 which was an additional amount of money that was put into that grant. The second revenue line is \$7,076 that comes from the Emergency Planning Grant. That is a federal pass through grant. That gives an increase to line 4330, Nuclear Safety Grant of \$22,366 and line 4350 of \$7,076 for a total of \$29,442 for additional expenditures. He requested approval so new EOC furniture could be purchased.

Mr. Drobisch made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Mr. Mattingley.

Mr. Oliver asked about how soon the new center would be ready for occupancy. Lt. Root explained that the Building Commission would start moving non-furniture such as filing cabinets, etc. next week. There is no technology or office furniture in there yet. He explained that Mr. Baggett is in process of looking over the plan for the EOC furniture. It is an additional \$30,000 which goes over what it costs to bid so it will either have to go out for bid or use competitive price bidding through a company that provides that service. It could be 6 to 8 weeks to acquire the furniture for the EOC. There is an exercise coming up in September and the full scale is November 2. It should be done by the November 2 date.

Chairman Dunn asked if there would be extra room with the additional space for board members that might want to sit in on one of those trainings. Lt. Root said he has a lot of space and would be filling it with people that they have been needing for years to be a part of the EOC and improve the operations. He said they'd like to include members from the State's Attorney's Office, Planning & Zoning, Environmental Management, someone from the Auditor's Office to track resources and costs associated with a disaster, etc. He said they'd like to start getting those people involved so the capabilities can be increased. He encouraged anyone that would like to be an active member in the EOC to reach out to him and he would be happy to assign responsibility. Mr. Oliver asked if it had to be elected officials or someone pertaining to the county. Lt. Root said they like to use elected officials because they are the ones that make the decisions in the Operations Center. It is mostly key stakeholders and people that are part of non-governmental agencies that are brought in to respond to emergencies. Fire Departments, Police Departments, Red Cross, United Way, Health

Department, anyone that is a key stakeholder and has the ability to have a disaster on their own are invited into the EOC in the event there is an incident that needs response.

The motion carried 6-0.

FY18 Budget Presentation

Lt. Root explained that the budget is LEST 002-150 account.

This is essentially the same budget minus a few cuts and a few increases.

There is an increase of \$984 in the line 5475. This is a contractual obligation 3% increase for the union contract.

Line 5709 is being eliminated. This is the sick time buyout. There is only one person that would fall under that and it will be completed this year.

Hospitalization remains the same

There was a decrease in SS & IMRF

Everything else in the budget remains the same from the previous year. This is approximately a 4% decrease in the budget.

Mr. Potts made a motion to forward the proposed budget on to the Finance Committee Budget Hearing with recommendation to approve, seconded by Mr. Noland and the motion carried 6-0. Chairman Dunn complimented Lt. Root on a great job.

Public Building Commission – Mr. Lord had no report

Public Defender –

Mr. Ellison reported that a new attorney has been hired to fill a spot that became available. He will start on Monday. Matthew Butler is local from a local law firm and completes the way the office will be running from now on. He wants to get involved in criminal cases and become a criminal trial lawyer and he's going to be given a chance.

FY18 Budget Presentation

Mr. Ellison explained that he had submitted two budgets: budget A & Budget B. Budget A cuts the budget by \$33,210 which about half of the requested 6.2%. In doing that, a position has been eliminated. It includes \$10,000 in raises to 4 people who have taken additional responsibilities on. Budget A shows the increase in Mr. Ellison's salary per statute. That also increases the amount of state reimbursement. The Mental Health Board money went down by 10% or a little over \$3,000. The way the money was saved in Budget A is through \$23,500 in cuts in Assistant Public Defender salaries which also saves in hospitalization. The Mental Health exams were cut by \$500, materials and supplies by \$500, and equipment. Equipment pays for the car which will be paid for in December so the cost was taken out of the budget.

Budget B is basically the same, except the conflict attorneys would have to be cut out. Conflict attorneys are a type of insurance policy in efforts to not have costs that cannot be controlled. If conflict attorneys would have to be used in major cases, it would be very costly. This prevents that from happening. \$1,500 would also be cut from the Mental Health examinations to get to the \$66,000 or 6.2% cut.

Chairman Dunn asked about the contractual attorneys. It looks like the actual expense in FY16 was \$41,000 and the actual in FY17 was \$20,000 so far. You are proposing to cut that down to \$10,000. In FY16, pretty much what was budgeted was spent, what happens if it is cut? Mr. Ellison explained that they are actually cutting out contractual attorneys. There are some other contracts included in the line such as the West Law. If the contract attorneys are lost, it will be very difficult. They are assigned a minimum case load. They are there in case they are needed. There has been a rash of gun violence in the community and those are all inter-related. That means there is potential for a lot of conflicts with people that are a victim in one case, but a perpetrator in the next. That burns up all of our lawyers and if we have to go outside and have attorneys appointed, it will be a minimum of \$125 an hour if not a lot more. That will be a cost we have no control over. By having two conflict attorneys, conflicts can be handled as they arise and the cost will be a fixed cost so the cost can be controlled.

The only difference between the two budgets being presented is that Budget B cuts out the contractual attorneys and \$1,500 off the mental health examinations. That can be cut a little because the office is switching over to a different person that will handle that and save us about \$50 an examination. It is still close now to going over, so it is a very tight budget item and Mr. Ellison explained that he trying to gain a little leeway on it by using two people instead of one.

Mr. Oliver asked if the case load would be backed up. Mr. Ellison said it should not back up the case load because the way the current budget is, they were at 10 ½ attorneys and this drops it down to 10 full time that will all be in the office and give flexibility. The person just hired will fill the last spot to get the office to 10.

Mr. Mattingley made a motion to forward both budget proposals on to the Finance Committee Budget Hearing, seconded by Mr. Drobisch and the motion carried 6-0.

Sheriff's Department –

Macon County Board Resolution Approving Increase in the General Fund for Tasers

Undersheriff Buffett explained that this would be a donation of \$53,364.79. Chairman Dunn asked what happens to the old ones. Mr. Buffett explained that the old ones are X26 and they are obsolete. You cannot get them replaced or parts for repair. Taser will give you \$100 if you want to turn them in, but then you have to purchase the warranty. The warranty is pretty ridiculous. So, an extra 5 are being purchased so that if one becomes dysfunctional or damaged, they can be replaced. About \$7,000 or \$8,000 is saved by not having the warranty. The old ones will be destroyed.

Mr. Mattingley made a motion to approve forwarding the resolution to the Finance Committee with recommendation for approval, seconded by Mr. Oliver, and the motion carried 6-0.

Macon County Board Resolution Approving and Adopting the Rules, Regulations, and Requirements of the Macon County Merit Commission for the Macon County Sheriff's Office

Lt. Butts explained that the sworn officers for the department have regulations and minimum requirements that they need to meet in order to be hired or promoted and the Merit Board does a great job of overseeing the testing and promotional process. It is a 5 member board that is

appointed by the County Board. They serve 6 year terms. Adopting these rules is a housekeeping issue that the oversight committee and full board needs to approve so the rules can be used.

Mr. Potts made a motion to forward the resolution on to the full board with recommendation to approve, seconded by Mr. Drobisch and the motion carried 6-0.

FY18 Budget Presentation

Sheriff Schneider explained that the budget is for general funding purposes and is for \$8,428,407.41. He said they are very close to the 6.2% reduction. It is \$28,000 off, but if allowed to be passed on, the Sheriff said he would continue working on getting that \$28,000 out of it.

All positions in the Sheriff's Office, through the LEST as part of the tax, have been restored per the resolution and they are in compliance with everything.

Chairman Dunn expressed appreciation to the Sheriff for getting the 6.2% target. He said the short and fast version would be ok unless Lt. Brown wanted the experience. Lt. Brown said he'd take it.

Lt. Brown reviewed the 060 account line by line.

Chairman Dunn asked why there was no increase in line 5480 Records Clerks salary. Sheriff Schneider explained that there is a new contract coming up so no raises were included yet.

Chairman Dunn asked about line 7195, training saying that it had a huge increase that is almost double. Sheriff Schneider explained that they could possibly be putting 7 people through PTI. Chairman Dunn clarified that these are the new hires. Sheriff Schneider confirmed. He said that it is hopeful that the laterals will defer some of the cost, and if they are put through, there will be a reimbursement, so it would be money in / money out after the 50% or sometimes 100% reimbursement depending on where they are sent. Chairman Dunn asked about someone that might be promoted from the Sergeant to a Lieutenant and whether there would be additional training for the position. Sheriff Schneider said, at best, there could be one week training. They are sent through what they used to call a Command School. It is a minimal cost of \$2,000 to \$3,000 depending on if they can be sent locally or further away. Right now there are no Lieutenant positions open and only one sergeant position. Command School would be in order for one person. The bulk of what is being looked at in the training line is going to be for new hires coming in.

Mr. Oliver asked about the Forensic Lead line and whether it has anything to do with the Coroner. Lt. Brown said no. There is a gentleman that used to work with the CIA that has come on to assist the department. He is a fingerprint expert that helps with investigations. The amount he is paid is very much below what he is worth.

Mr. Oliver asked about the Community Outreach line. Lt. Brown said they received money from the HGB Foundation to do things within the community. Sheriff Schneider added that some examples include \$5,000 mini grants to the Boys & Girls Club, the United Way, and things where they need a little money.

Chairman Dunn said that lines that do not have changes don't need to be mentioned. The lines with changes are the ones that the committee might be interested in.

Lt. Brown continued to present the 061 Account for the jail going line by line.

Chairman Dunn asked about Line 7195, training at \$30,000 and why it is being doubled. Lt. Brown explained that they are short staffed. They are down to 69 or 70 having just hired one. Total staffing should be 72 for Correctional Officers, 7 for Corporels and there is one on work comp. It is anticipated putting one back into the budget.

Chairman Dunn asked about Line 9041, Technology and why it was being eliminated. Lt. Brown explained that it is being moved to LEST.

The rest of the budgets are either in / out or LEST. The committee members were ok with those budgets.

Mr. Drobisch made a motion to approve forwarding the proposed budget on to the Finance Committee Budget Hearing with recommendation to approve, seconded by Mr. Potts and the motion carried 6-0.

State's Attorney's Office-

Macon County Board Resolution Amending the State's Attorney's FY2017 Budget to Appropriate Additional Funds Necessary to Further a Homicide Investigation

Mr. Baggett explained that this deals with a 1998 homicide. Someone was arrested, charged & convicted of the murder. After many years spent in prison, evidence was obtained from the original investigation and tested by outside parties. It resulted in the conviction being over turned. That was the conviction of Charles Palmer. He was released from custody in November of last year. There is still evidence in the possession of the Decatur Police Department and the State's Attorney's Office that could lead to identification of the party or parties involved in this case. In order to test it, it requires a certain level of DNA testing that the State Police Crime Lab is incapable of doing. They have also refused on the grounds that the original testing of this material was done by a private company. Mr. Baggett said he did not understand the reasoning behind why they can't test it since it was originally tested by the private company, but that is what the State Police is saying. The only option left is to have the private company conduct the additional high level forensic testing. They have indicated that it would cost \$15,831 to do the testing. They will not begin until they receive payment. There are not enough funds in the investigations line to cover the cost of this DNA testing and without it, this case will not be able to proceed forward with the investigation. This is one of those expenses that we don't always know is coming. Murders can't be planned for and in this case, it is a 20 year old murder that is having to be dealt with a 2nd time. This amount is not asked for on an annual basis, because normally there is not a need for anything near this amount. This is a situation where we are going to be dead in the water if it is not received. The Decatur Police Department has indicated that they are willing to pay half of the cost of this, but it will be in the form of a reimbursement after we pay the initial full, up-front fee.

Mr. Potts made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Mr. Drobisch, and the motion carried 6-0.

Chairman Dunn explained that after Mr. Baggett had presented his budget at the last meeting, he had been asked to present a budget at Finance that made his 6.2% cut. The only way that that could occur was to cut the 4D Program. That was presented at Finance this past week and it passed unanimously. The budget was sent on to Display.

CITIZEN REMARKS – PUBLIC COMMENT – none

OLD BUSINESS - None

NEW BUSINESS

Mr. Baggett reported that the State's Attorney's Office as well as the Board's Negotiations Committee has finalized negotiations with the State's Attorney's Investigators. This is the first contract for them. They just recently formed their union. The contract will be effective retroactively to December 1 of last year. It is a 3 year contract. Both sides gave some and an agreement has been reached. There are two employees. This is ready for presentation to the County Board for ratification in September. Unfortunately, it did not make this agenda. Mr. Baggett said he would like to take it directly to Finance so it can be taken before the board in September.

NEXT MEETING September 28, 2017

ADJOURNMENT

Mr. Oliver made a motion to adjourn, seconded by Mr. Mattingley, the motion carried 6-0 and the meeting was adjourned at 4:00 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office