

**JUSTICE COMMITTEE MEETING**  
**April 26, 2018 @ 3:00 P.M.**

**MEMBERS PRESENT**

Jay Dunn  
Bill Oliver  
Dave Drobisch  
Greg Mattingley  
Jerry Potts  
Debra Kraft

**MEMBERS ABSENT**

Grant Noland

**COUNTY PERSONNEL PRESENT**

Dave Ellison, Public Defender  
Mike Baggett, State's Attorney's Office  
Lois Durbin, Circuit Clerk  
Lt. Jon Butts, Sheriff's Dept  
Pat Berter, Probation  
Judge Webber  
Jon Perona, PBC

Jeannie Durham, County Board Office

Chairman 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 March 22, 2018 meeting, seconded by Mr. Mattingley, and the motion carried 6-0.

**CLAIMS**

Mr. Drobisch made a motion to approve the claims, seconded by Ms. Kraft and the motion carried 6-0.

**REPORTS**

***Circuit Clerk –***

Ms. Durbin reported on the Expungement Summit that is planned for February 2, 2019 at Richland. Moultrie & DeWitt Counties will be joining in because this is a huge undertaking. When Champagne County did it it took a year of planning. She said they are working with Land of Lincoln Legal Assistant, Workforce, PILI which is Public Interest Law Initiative, CGLA which is Cabrini Green Legal Aid, United Way, Old Kings Orchard, DMCOC, the Bar Association and Probation. It will be held at Richland. Starting in October, people that want their cases expunged will start calling the office and setting up appointments for that day. They will need to come in, be fingerprinted and their arrest records and cases from the different law enforcement agencies will be put together and charted by attorneys that have volunteered for this.

Chairman Dunn asked if advertising would be done. Ms. Durbin said they would be advertising in September and October at the other summits in Vermillion and Champagne. Prior to the summit, there will be an amnesty week when after plenty of advertising, cases will be removed from collections and remove the agency's 30% collection fee if these parties will come in and pay off their fines and costs in full. There will be one week that they will be allowed to do that. After that week, the 30% goes back on. In order to expunge, everything needs to be paid off. That is the reason for the amnesty week.

Mr. Mattingley asked if they would be dealing with only expungements. Ms. Durbin explained that it will be expungement and sealing because some of the cases won't be able to be expunged that can be sealed. It will be both.

Ms. Kraft asked for clarification on what counties would be involved. Ms. Durbin explained that it would be Moultrie and DeWitt because it is such a huge undertaking. She said she has been talking with Richland and they are willing to supply laptops in the rooms.

### ***Circuit Court –***

Judge Webber reported that he has been working with Mike Baggett, Dave Ellison and Westlaw, the electronic research provider to negotiate a contract to cover all three offices. Right now there are three separate contracts with two different vendors. The net result should be a reduction in cost for the county plus expansion of research sources available to the three offices. It is not a luxury. The Appellate and Supreme Court opinions are no longer published. They are all Statutes and are totally online. This is the way we get our information. It is not a luxury, but it is the only way of getting the current law. The State's Attorney & Public Defender costs come out of the general fund while the court's cost comes from the Law Library fund. Things will have to be coordinated.

Judge Webber stated that he had been working with Chairman Dunn and Sheriff Buffett to get a new bomb dog for the courthouse. That is a valuable resource particularly when there are bomb threats. It increases the comfort level when the building has been swept for bombs. He said he had approached the City to see if they might be interested in sharing some of the cost because he did not think they have a specifically trained bomb protection dog.

Judge Webber commented on the Trustee Tax Auction. He said he has the city's ordinance violation docket. He explained that he hears time and again about the \$600 house, which is the minimum bid when the Trustee sells properties for unpaid real estate taxes. He said that he often has individuals in front of him that think of it as sort of a lottery ticket since they can buy a mansion for \$600, when what they are buying is a property that is ready for demolition. The problem is that they take title to it and very quickly the City will file an ordinance violation of multiple building codes. There was a lady recently that had gone to the auction and paid \$600, sight unseen, for a property that sounded great on paper. It had 4 bedrooms, 3 baths, 3,000 square feet, etc... Well, it is a demolition candidate and given it's size, the contractors want about \$20,000 to demolish it. This lady will never have \$20,000 to do it. They do not offer a payment plan. What happens is that you have a property which is derelict with an owner that bought out of ignorance who has no way to ever either repair or demolish the property. These individuals are brought into court on multiple occasions. Judge Webber says he is asked to put them in jail, which he does not, but he wanted to bring it to the committee's attention. He said he realizes the purpose of the Trustee's Auction and the reason we have tax forfeitures, but it ends up with a lot of people in trouble. The cream of the crop is purchased by professional buyers. What is left are those that are not worth anything. It is a recurring problem.

Mr. Potts asked if people are warned about this at the auction. Judge Webber said no. Mr. Baggett commented that the judge had brought this to the committee's attention in the past and as a result he had contacted the lead attorney for the county trustee. He said he has not seen the disclaimers that the attorney indicated are displayed at the time of the auction. Mr. Baggett said he had been

assured that there are disclaimers made at the auction, both in writing and orally. He said he wanted to note that he had contacted the Trustee's lead counsel with the Judge's concerns and explained the basis for the concerns. He understood the concerns, but without some type of provision instruction, which the County Board may not have authority to do, prohibiting those properties from being sold. He said he did not know if the Trustee has the authority to say no sale. He has been given explicit authority to sell properties for a minimum of \$600 and he can do that and does it all the time. He did assure that some type of disclaimer is made and they try their best to make sure that people understand that these are not lottery tickets, but obviously the message does not get through either because the disclaimers are not as blatant as they need to be or because they are something not heeded.

Judge Webber said he did not know the solution but was just there to bring the problem to the committee's attention. He said the oldest rule of real estate is caveat emptor, buyer beware. Sometimes people are blinded by the belief that they are going to get something for nothing or probably being told that they are buying as is. Nevertheless, it is a recurring, recurring problem of persons who are not sophisticated in real estate, particularly investment real estate. Usually, these are not bought for a home, but because they think it will be a prime investment, income property, or a property to flip. He said he did not know how many warnings it would take to dissuade people from doing it if that is what they believe. Mr. Baggett added that the disclaimers are in the nature of telling people they are buying the property as is and no warranties are being made. The Trustee is not holding the properties up one by one and saying, here is a 3,000 sq. foot home and here is the back side that fell into the ground. They're not doing that. He said he did not know how blatant or explicit the warnings are. They are provided warnings, but if the warnings are as is and people are not hearing what they want to hear, it is unclear how much more can be done. It is something that Mr. Baggett said he had attempted to look into, but he was not sure what the solution is either.

Chairman Dunn asked how many tax sales there are a year. Mr. Baggett said just one that occurs in November, but the auction of properties that have had tax deeds taken by the Trustee happens at another time, but also only once a year.

Mr. Oliver asked if people could purchase the properties prior to the auction. Mr. Baggett said he did not think so. The properties have to be auctioned to the highest bidder. If you're not auctioning them and just selling them to people, it will get you into some legal problems. Mr. Oliver commented that some of the properties could be picked up as additions to their existing smaller lots that are in town. That could be put out as a reason for people to buy those lots – to add them to the property they've already got and then they would be maintained.

Judge Webber said the problem with that is that it would probably involve demolition and the cost for that for even a modest home is about \$12,000. If it's a larger property, the cost is higher. The owner next door would have to be willing to purchase, but also be willing to tear it down. Chairman Dunn asked if it wasn't true that it could also have a bunch of liens that you're not aware of. Mr. Baggett said absolutely the sale is subject to any liens that are on the property. Chairman Dunn said it wouldn't be such a great deal.

Chairman Dunn said that since it only happens once a year, perhaps the Herald & Review might want to do an article prior to the sale on some of the disadvantages of buying something sight unseen. That might help.

Mr. Potts said the liens are publicized and someone could do their due diligence of finding out. The City doesn't just spring this stuff on you. Judge Webber said it is not the city. The liens would be recorded in the Recorder of Deeds office. The pending court cases, if there are any, would be at the courthouse. In most cases, the city does not file any notices with the Recorder about pending building code actions. If you get foreclosure, you can get a letter called lis pendens which is a public notice that there is court action typically associated with foreclosures. But, just the ordinary building code violation, there is no public notice of that. It only basically serves court papers on the owner. As far as due diligence, on the case Mr. Baggett and he had mentioned, was a 6 unit apartment building where the individual who bought it did drive by and looked at the front, but did not walk around to see that the back had fallen off. Mr. Baggett reiterated the Judge's comment that these people are not sophisticated buyers or someone who knows all the places to check before making this kind of investment decision. It is what it is.

Mr. Oliver asked if there would be any chance that some of the liens and violations could be done away with prior to the sale so the property would be less cumbersome for the buyer. Judge Webber said he did not think, for the most part, the liens are the big problem. The problem is the condition of the property. If you are talking about the city dismissing the case, he said he did not think they would do that because what you have are properties that are just this side of being public danger. They are properties that attract drug activity, can harbor pests and rodents, etc. The city is well within its rights to do something about these properties. The problem that they are being purchased at the tax sale by people who are not aware and do not have the expertise or capital to know what to do with them once they have them. Mr. Oliver said he was talking about vacant lots where houses have already been torn down. Judge Webber said those are much less of a problem. Vacant lots are simply a clean up problem or are sometimes subject to illegal dumping and weed growth. The cost of remedying those is minor compared to demolition of single family homes. Mr. Oliver said he was speaking of the liens against the property if someone wants to purchase. Mr. Baggett commented that they might figure into being hundreds of dollars as opposed to thousands. Judge Webber commented that with lots, for example, the city might have fees for cleanups and mowing and will sometimes forgive those on a case to case basis to expedite a sale if they believe it is going to improve the neighborhood. But, the big problem is dilapidated structures. Mr. Oliver commented that it has become the type of situation where the county and city needs to get together to try to work out something for these properties. Judge Webber said he was not there to offer solutions, but simply to bring the committee's attention to a problem.

Chairman Dunn asked Judge Webber to get with Mr. Baggett on determining whether a study is needed to consider raising court security fees. If so, Mr. Baggett can get in touch with Bellweather and see what that might entail.

***Coroner –No report***

***Court Services / Probation –***

Mr. Berter reported that as of last Friday, a Juvenile Probation Officer resigned her position to take a position with the Illinois Department of Corrections. Her caseload was divided up. Currently, there are three Juvenile Probation Officers that are managing the caseload. On the 28<sup>th</sup> of May, another officer will retire. In the past 2 months, three officers have been lost. The staff has been really good about taking on extra duties. The managers have done a very good job of looking at the workloads and the positions will not be filled.

Mr. Mattingley asked about the caseloads. Mr. Berter explained that the juvenile caseloads are anywhere from about 50 to 60. An application for the grant for Juvenile Redeploy has been submitted. He said that they are in process of identifying juveniles who are in violation process, getting them some additional services, so it would not increase the caseload. He said they are looking at ways to continue to maintain. The adult probation officers are carrying anywhere from 140 to 150 max to medium cases.

***EMA –No report***

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

***Public Defender’s Office –***

Mr. Ellison reported that the office is now fully staffed. The support staff position was filled with someone who transferred in from the Circuit Clerk’s office.

***Sheriff’s Department –***

***Macon County Board Resolution Approving a Labor Agreement Between Macon County and the Illinois FOP Labor Council on Behalf of Corrections Officers and Corporals for the Period of December 1, 2017 through November 30, 2020***

Ms. Kraft 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.

***Macon County Board Resolution Approving an Agreement with Community Health Improvement Center D/B/A Crossing Healthcare for Inmate Health Services at the Macon County Jail for the Term of May 1, 2018 through April 30, 2019***

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

***State’s Attorney’s Office-***

Mr. Baggett reported that their office is also fully staffed. A law graduate that had been working for the office was hired. She recently passed the Bar and will be sworn in on May 10<sup>th</sup>. He said that as a result, he will officially be back in civil. She will be catching the juvenile case load and the person he had replaced back in December will catch her cases once again and Mr. Baggett will no longer be performing 2 jobs. He said that he will now be able to catch up on some of the outstanding requests on his desk.

**CITIZEN REMARKS – PUBLIC COMMENT – None**

**OLD BUSINESS -** None

**NEW BUSINESS –** None

**CLOSED SESSION –** None needed

**NEXT MEETING** Thursday, May 24, 2018

**ADJOURNMENT**

Mr. Potts made a motion to adjourn, seconded by Mr. Oliver, the motion carried 6-0 and the meeting was adjourned at 3:25 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office