

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

**MEMBERS PRESENT**

Jay Dunn  
Jerry Potts  
Grant Noland(arrived @ 3:02)  
Debra Kraft  
Dave Drobisch

**MEMBERS ABSENT**

Greg Mattingley  
Bill Oliver

**COUNTY PERSONNEL PRESENT**

David Ellison, Public Defender  
Jay Scott, State's Attorney  
Lois Durbin, Circuit Clerk  
Lt. Tony Brown, Sheriff's Dept  
Pat Berter, Probation  
Jerry Lord, PBC  
Robert Bellah, IT  
Judge Webber  
Carol Reed, Auditor  
Mike Baggett, State's Attorney's Office  
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 June 28, 2018 meeting, seconded by Ms. Kraft, and the motion carried 4-0.

**CLAIMS**

Ms. Kraft made a motion to approve the claims, seconded by Mr. Drobisch and the motion carried 4-0.

**REPORTS**

***Circuit Clerk –  
FY19 Budget***

Ms. Durbin explained:

General Fund budget – two lines were added that have never been in there before, SS & IMRF.

Ms. Reed explained that those two lines are place holders and do not come out of the department's general fund. She explained that those two lines should be zero. The budget is now equal to last year's budget.

Jury Services includes jury fees, parking, meals, etc... It stayed the same as last year, except for the jury demand fees which are a little bit down.

Jury Payments is the "fund" and everything is the same as last year.

Automation, with the possibility of HB4594 being signed and making a difference in the automation fees – causing them to go down a little. It is going from \$25 to \$20 which about 1/5. That brought the line from \$280,000 to \$250,000. Chair Dunn asked if she thought her automation fees would go down about \$30,000. Ms. Durbin confirmed. Mr. Dunn asked for an explanation. Ms. Durbin explained that HB4594 calls for schedules where everyone would be charged the same

amount up and down the state. It has been sitting on the Governor's desk since June 29<sup>th</sup>. He has until August 28 or 29 (60 days) to sign it.

Document Storage – some salaries were rearranged. This has the same story where HB4594 will affect this as well. Chairman Dunn asked, besides these two funds, what else will be affected. Mr. Baggett explained that it will be a little bit of everybody. It will affect a lot of state agencies who currently receive dedicated funds through various statutory enactments. At the County level, one would be the Child Advocacy Center or Child 1<sup>st</sup> Center. The fee would be taken care of within the schedule, but it would not have the same amount and may not be as evenly applied as it currently is. The Youth Advocate Program, CASA, and a lot of the single payee type of enactments where the legislature has either on its own or by giving the County Board permission to create fees and opportunities for these fees to fund various entities. Most of those will see their funding dropped or taken away through this House Bill.

Restricted Cash – some salaries were moved into this budget and everything else remained the same. This is the money that comes in from the \$36 Child Support Maintenance Fee.

Clerk's Op - identical to last year except \$5,000 was added to the incoming Clerk's fee

Electronic Citation is money that comes in and is strictly for the digiticket electronic citations for the county.

Ms. Durbin reminded everyone that their contract ends November 30<sup>th</sup>.

Motion to approve forwarding the budget proposal on to the Finance Committee Budget Hearing with recommendation to approve was made by Mr. Drobisch, seconded by Ms. Kraft and the motion carried 5-0.

### ***Circuit Court – FY19 Budget Presentation***

Judge Webber explained that his budget is flat from last year with the same numbers as for FY18. He thanked the committee members for requesting a flat budget as opposed to the cuts that have been seen over the past several years. Part of the budget is state mandated spending like indigents, interpreters, parental determination cases, transcripts. He explained that he has kept all those numbers the same even though sometimes he has had to come back to the committee when unusual expenses or an unusual number of cases have come up. It has been fairly flat, so it is hoped it will remain that way over FY19. Personnel is the largest item and it has been kept flat with no raises for the clerks. Judicial clerks are not contractual. Last year, the board approved 2% step increases which cost about \$5,000 across the board. That has not been provided for in this particular budget, although it would be appreciated.

One significant decrease in the Law Library budget for legal research which is down about \$10,000. The contract for Westlaw was renegotiated. Services were reduced and there will be a savings of about \$10,000 a year. A couple of budget cycles ago, the judges electronic library was taken out of the Circuit Court and put on the Law Library budget. Now we are spending down the

Law Library fund. It is going down about \$40,000 a year. This change in the Westlaw Contract will delay spending it down by a year or two. There was about 3 years left and now there is probably about 4 to 5 years left.

Another item of interest are two quarterly reports prepared by the Circuit Clerk's Office and are forwarded to the Administrative Office, Supreme Court and Chief Judge. Total filings in calendar 2018 are on a path to about 22,000. In 2001, it was closer to about 35,000. Filings of all types are down by about 1/3. That is a national trend. Macon County trends show that criminal cases are up, juvenile cases, especially abuse and neglect are up, civil cases are down, major lawsuits are down, divorce and family are down and traffic is significantly down. The result of that is fewer and fewer dollars coming in by way of filing fees and fines.

Motion to approve forwarding the budget proposal on to the Finance Committee Budget Hearing with recommendation to approve was made by Mr. Potts, seconded by Mr. Drobisch and the motion carried 5-0.

**Coroner** – no report.

***Court Services / Probation –***

***Macon County Board Resolution Approving a \$10 Probation and Court Services Operations Fee***

Mr. Berter explained that this additional fee shall be paid by the defendant in any felony, traffic, misdemeanor, local ordinance or conservation case. This has been in the Statutes for a while. Mr. Berter explained that he had received his allocation letter from the State of Illinois and the Probation Department is being cut \$257,000. Any little bit of money that can be put into the Probation Fund account will be really helpful. He said he did not have to bring this to the committee, but felt that he had to. Chairman Dunn asked what the projections of what this might bring in would be. Mr. Berter thought about \$30,000 to \$40,000. The Probation Fund Balance continues to decrease every year because more is being spent than is being collected. The expectation is to collect about \$330,000 to \$340,000 this year. He said they had done a really good job as far as watching personnel, but that is one of the things the State had hammered him on. Since he did not fill 3 positions, they went ahead and cut \$160,000 for not filling those 3 positions and then cut another \$97,000 on top of that. He said he has already had some discussions with his staff. Everything with the budget is kind of fluid right now. He said he did not know if he would have any individuals retire, take voluntary layoffs or leave for another position. He said he would know more in about 3 weeks. Mr. Berter said he had had a conversation with Rich Atkins who is the Assistant Director. He said he had made the cuts up front by not filling the positions. He told Mr. Atkins that he had save the state \$160,000 to which Mr. Atkins replied that he had not saved the state any money. What happens is that if there are layoffs and officers have to be lost, the funding for next year will be decreased again. Mr. Berter said he has spoken to the judge, Dan Hunt who is the Director for Peoria County and is on the Advisory Council for the Supreme Court and he is going to bring this up because it just compounds the issue with the state continuing to decrease allocations. Champaign County was cut \$288,000 and Peoria County was cut \$386,000.

Motion to approve forwarding the resolution on to the full board with recommendation to approve was made by Mr. Drobisch, seconded by Mr. Potts and the motion carried 5-0.

***Macon County Board Resolution Approving Revenue in the Probation Grant Fund for Juvenile Redeploy Illinois Grant***

Mr. Berter explained that this is grant timing issue. This is community access and is pretty much the same budget as last year except that some money was taken out of training and education and tutoring services are going to be offered for the youth.

Motion to approve forwarding the resolution on to the full board with recommendation to approve was made by Ms. Kraft, seconded by Mr. Drobisch and the motion carried 5-0.

***Emergency Management Agency***

No Report

***Public Building Commission –***

No Report

***Public Defender's Office –***

Mr. Ellison reported that, as the Judge had touched on, there has been an increase in criminal case filings, therefore there has been an increase in activity out there. Everything else is going the same. The office is running well. There will be some changes in job responsibilities coming up soon.

***Sheriff's Department – no report***

***State's Attorney's Office –***

***FY19 Budget Presentation***

Mr. Baggett explained that the General Fund budget, as requested, has net revenue over expenses the same as last year. Approximately \$19,000 in salaries have been cut. Some of that has been replaced by an increase in health insurance caused by moving some employee fringes into the general fund. Overall, \$1,000 has been cut from the commodities 7000 lines. The office supply budget has been increased using the rationale that at the halfway point, with most of the supplies being purchased toward the end of the year, the anticipation is that they will go up significantly. There is also a small increase in the equipment line. From year to year, machines that become outdated are replaced bit by bit so it is not one big lump sum. The IT person is good at keeping up with that. About half of the attorneys in the office are now equipped with mobile computers so the wifi in the courtroom can be used and they can have access to dockets. Eventually, as the courts go more and more toward e-filing, particularly when it goes criminal, the State's Attorney's Office will be more easily to transition into a paperless office.

The Judgment Fund budget has a lot of placeholders based on last year's numbers until the Auditor is ready to fill them in. There was an increase in the salaries for the attorneys and support staff that are paid out of the Judgment Fund and a significant decrease in fringes.

There are quite a few grants in the State's Attorney's Office.

The Child First Center has preliminary numbers in it, but Ms. Moore has received word that the numbers will need to be corrected. Her entire budget, with the exception of a very small portion that comes out of the Macon County Circuit Clerk fees and the Piatt County court fees, are almost entirely grant and some donation dollars. Several employees are spread out between the grants, so it is a complicated budget and is not ready yet.

The Teen Court Budget is money in / money out. A services agreement has been entered into with Millikin University where they have taken on the Teen Justice program replacing what was formerly known as Teen Court. We still take in Circuit Clerk fees and pay those fees, in one lump sum, to Millikin who provides additional grant dollars in the six figures as well as all staffing through them. We supply a certain amount of office space and some office supplies through the contract, but there are no longer any salaries or fringes.

The DUI Grant Fund Budget has placeholders because final notification from the state has not been received as to what the FY19 budget will be. It is because the state is a pass-thru for the Federal Government that does not begin their fiscal year until October 1<sup>st</sup>. Rumor is that we will be receiving a fairly significant increase possibly to pay for support personnel in this grant beginning next year.

The ARI (Adult Redeploy) had a minor \$12 increase in the grant award from last year. It is still sitting at about \$365,000. That contract is signed, sealed and delivered and currently in force. This is money in / money out.

The Elder Victims Crime Unit grant is defunct as of the end of this fiscal year.

The Mental Health (708) Board grant pays the initial salary for an assistant state's attorney assigned in the mental health cases. It is money in / money out.

The Attorney General Grant for violent crimes assistance pays the lion's share of the Victim Coordinator's salary. It is money in / money out. This year, there was a \$1,150 increase over last year. That is the first increase that has been seen in 5 or 6 years.

The Opioid Prosecution Grant is entering year 2 of the grant. This is a grant from the Howard G. Buffett Foundation and it is money in / money out. It funds a full Senior Assistant State's Attorney as well as a high level support staff and their fringes.

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

#### **CITIZEN REMARKS – PUBLIC COMMENT –**

Sheila Wolf, 726 W. Beaver Road, Forsyth, IL

Ms. Wolf explained that she has a problem with how justice is being carried out. She said she thought this committee is the right place according to the county website. She said she had sent an email to the committee members. Mr. Mattingley had suggested she come to this meeting and address them personally.

She explained that she would like for someone on the Justice Committee to please let her know how to proceed with her problem. She said she wants justice. It has not been served. What happened to her and her son undermines the integrity of the justice judicial system.

Ms. Wolf explained that she is a licensed architect with two masters degrees, was a university professor before moving back to Decatur to be near her aging parents. She said she is a single mother of two adopted children and currently works as an architect. She said she has had no record – ever. Her son was relentlessly bullied at school and at home. Ms. Wolf said she reported the bullying to the proper authorities as it happened as either she witnessed it or as it was told to her by both of her sons. Because of these reports, the bully had several police event reports and the school has gone to great lengths to keep him away from her son. His family abused the legal system to retaliate against Ms. Wolf, as can be expected. The problem is that the judge, unjustly and Ms. Wolf believes ridiculously ruled in their favor. The ruling was riddled with flaws, bias, lack of statutory law and lack of evidence. Judge Phoebe Bowers fabricated testimony that does not exist in the transcript to justify the biased ruling, repeated hearsay as fact, stopped & disallowed testimony as hearsay and then later said she did hear the testimony which she did not. She admitted lack of knowledge of the bullying and then passed judgment on this based on the lack of knowledge. She acquired no proof at all from the other party who made false and misleading statements throughout their testimony. She ignored the statutory requirement, making conclusions without proof and disregarding the finding of facts since the facts did not exist in the testimony. Ms. Wolf said she has evidence of the claims she has said. She asked what she should do. It is unbelievable that this happened and she does not know how to proceed.

Chair Dunn said he thought Mr. Mattingley had given her some advice. Ms. Wolf explained that he said she should file a complaint with the Illinois Judicial Committee which she said she already had done and they don't respond. Even if they have an investigation, they just don't respond. She said she is left wondering what happened – nothing. She said she then read about this justice committee and thought this was the place to seek help. Chair Dunn expressed appreciation for her coming and told her that it will be a matter of record and he thought the agency she had filed with will be doing something since he assumes that is what they are there for – to take care of appeals. Ms. Wolf said if anyone wanted to respond to her email, they should have it and thanked the committee.

**OLD BUSINESS -** None

**NEW BUSINESS –** None

**CLOSED SESSION –** None needed

**NEXT MEETING** Thursday, August 23, 2018

**ADJOURNMENT**

Mr. Potts made a motion to adjourn, seconded by Mr. Drobisch, the motion carried 5-0 and the meeting was adjourned at 3:35 p.m. Minutes submitted by Jeannie Durham, Macon County Board Office