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DeKalb County Government  
Sycamore, Illinois

**Law & Justice Committee Minutes  
October 26, 2015**

The Law and Justice Committee of the DeKalb County Board met on Monday, October 26, 2015 at 6:30 p.m. in the Administration Building's Conference Room East. Chairman Frieders called the meeting to order. Those present were Ms. Askins, Mr. Cribben, Ms. Leifheit, Ms. Little, Mr. Stoddard, Mrs. Tobias, and Chairman Frieders. All seven Committee Members were present.

Others present were Gary Hanson, Pete Stefan, Richard Schmack, Thomas McCulloch, and Tracy Jones.

**APPROVAL OF MINUTES**

**Moved by Mrs. Tobias, seconded by Ms. Little and it was carried unanimously to approve the minutes from September 28, 2015.**

**APPROVAL OF THE AGENDA**

**It was moved by Mr. Stoddard, seconded by Mr. Cribben and it was carried unanimously by voice vote to approve the agenda as presented.**

**PUBLIC COMMENTS**

There were no comments made by the public.

**STATE'S ATTORNEYS APPELLATE PROSECUTOR RESOLUTION**

DeKalb County State's Attorney Richard Schmack presented a proposed resolution for the County Board to approve that the County continues to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor for Fiscal Year 2016. He explained that this is an annual resolution and that the fee remains the same as it was for last year, \$24,000. This money had already been budgeted as well.

**It was moved by Mr. Stoddard, seconded by Mr. Cribben and it was moved unanimously by voice vote to forward the resolution to the full County Board recommending its approval.**

**PUBLIC DEFENDER'S REPORT**

Public Defender Mr. Tom McCulloch shared that when viewing the report, although the numbers are very good and they have closed more cases than opened, it does not show that they have done this with the office being short one person. The individual will return November 2<sup>nd</sup> but then another one will be leaving December 11<sup>th</sup>. He shared that he has no budget to contract outside help so when someone is on leave, the office adjusts accordingly.

The Committee and Mr. McCulloch briefly discussed the reasoning behind the office closing so many more cases than are being opened. Mr. McCulloch indicated that they have been consistently moving cases along. They are already really trying to consolidate cases where individuals have multiple offenses. They also try to put as many cases on one day as possible so that a client only has one court date instead four or five.

Lastly, the group discussed the effects that the Pretrial Program was having on the Public Defender's Office. Mr. McCulloch noted that he thinks the program has done a great job of making clients pay more attention to their court dates which then minimizes additional offenses but doesn't have an actual effect on the number of cases that they are appointed to.

### **FY 2016 BUDGET**

#### Public Defender's Budget Appeal #1:

Mr. McCulloch's first appeal pertained to the Administrative Recommendation for the denial of a Mid-Level Attorney Position & Approval of a Contractual Legal Assistant. Mr. McCulloch is purposing for the approval the additional in-house Attorney-Level One position for an additional \$44,000 on top of the \$50,000 already allocated for contractual legal assistance.

Mr. McCulloch began by providing the Committee with a brief history of what he requested last year and why he has returned to appeal the denial of an additional attorney yet again this year. The major need for an additional attorney is related to the additional courtroom and amount of domestic violence calls. He noted that domestic violence calls are time consuming and are usually best tried by an experienced Public Defender which he would pay at a rate of about 5 years' experience.

Administration recommended proving \$50,000 for a contracted attorney and Mr. McCulloch shared that in general it is better to have someone on staff that is there full time and someone he can have more coordination and control with. He thinks for the County and for the Office it is a better solution to provide the additional funding for a full-time Attorney.

Mr. Stoddard tried to determine if adding an additional attorney could be a direct correlation with reducing the jail population. The Committee additionally talking about what the originally purposed \$50,000 would provide for the Public Defender's Office and other staffing and salary discussions.

It was reiterated that there is a goal that the Finance Committee had made and that was to not use more than \$400,000 in reserves this year and some Committee Members noted that they would like to support the Finance Committee and keep within their goal.

Chairman Frieders asked Mr. McCulloch if he would utilize the contracted attorney if that is the way the votes sway to. Mr. McCulloch shared that he was just given a check for the money and was told to spend it, he would think long and hard about not doing it. He believes if he were given the money he would rather see that money divided amongst the Asst. Public Defenders already in the office and working in order to have their salaries more comparable to attorneys in the State's Attorney's Office.

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Mr. Hanson noted that last year the County put in \$45,000 for salaries and he would speak against allowing for the \$50,000 this year to go to salaries again. He reminded that last year the issue was the Public Defender's starting salaries were paid too low and they needed to be raised and instead the money was passed out to all of the attorneys, so everyone received a \$6,500 increase. There are salaries disparities all throughout the County and Mr. Hanson shared he would like to see more of a comprehensive approach to that, not a piecemeal.

Public Defender's Budget Appeal #2:

Mr. McCulloch's second appeal which is somewhat related to the first appeal, is regarding the Administrative Recommendation for the denial of funding to address the salary inequality for Assistant Public Defenders. Mr. McCulloch proposed that the County approve a second year of additional funding to address the salary inequality for Asst. Public Defenders.

Mr. McCulloch continued to review salaries of the Asst. State's Attorneys swearing in dates and salaries and the Asst. Public Defender counterparts swearing in dates and salaries. He made the argument that the two are doing sustainably similar jobs under identical circumstances and yet there are clear salaries disparities. Mr. McCulloch also clarified that he is not looking to have equal salaries, but feels his individuals have worked hard and are wired a little differently and they have put up with the way things are, but he doesn't feel that it is right. For those reasons he feels bound to present this case for them.

Mr. Stoddard shared on one hand he feels that Mr. McCulloch is best qualified to determine how money allocated to his office would be best spent and if his people would value a more comparable salary more than the additional help, then he is in the position to make that call. Mr. Stoddard also noted though on the other hand, if it were temporary money and situations are worse next year, it would be easier to not spend those funds next year than if that money were to be allocated to salaries where it cannot be taken back.

After further deliberations from the Committee many comments were echoed about it being unfortunate times and that many of them hated not being able to take action on an item like this. Ultimately, the Committee took no action on either appeals from the Public Defender's Office.

**COMMITTEE'S QUESTIONS & REVIEW OF DEPARTMENT'S FY 2016 BUDGET**


There were no additional comments or questions regarding any department's budgets that report to the Law & Justice Committee.

**OLD / NEW BUSINESS**

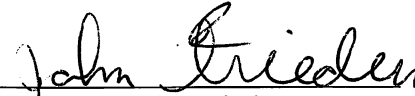
Mr. Cribben inquired about the Communication Center's cost allocation proposal and noted that he would like to see that again on next month's agenda.

**ADJOURNMENT**

**It was moved by Mr. Stoddard, seconded by Mrs. Tobias, and it was carried unanimously to adjourn the meeting.**

  
Tasha Sims, Recording Secretary

Respectfully submitted,

  
Chairman John Frieders

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TO: LAW AND JUSTICE COMMITTEE  
DEKALB COUNTY BOARD  
DEKALB COUNTY, ILLINOIS

REPORT OF PUBLIC DEFENDER  
MONTH OF SEP 2015

The Undersigned Public Defender for DeKalb County, Illinois, pursuant to statute in such cases made and provided, hereby files the report of services performed by him and his assistants for the above stated month listing the number of cases at the start of the month as indicated by category listing, and the number of cases closed at the end of the month, which are as follows:

[illegible]

**Summary of FY 2016 Budget Appeals**  
**09-30-2015**

Appeal #	Budget Narrative #	Appellant	Item Appealed	Dollar Amount	Action Requested	Additional Funding Source or Disposition of Savings	Committee Assigned to
<b>Economic Development Committee Appeals</b>							
1	22	Doug Johnson	Denial of Increased Hours for one Office Assistant B Position	\$ 35,000	Approve an additional 3 hours per day for one Office Assistant B position which results in converting a part-time position to a full-time position.	To be funded by additional passport fees and fund balance.	Economic Development
<b>Executive Committee Appeals</b>							
2	22	Doug Johnson	Denial of Position Upgrade for one Office Assistant B Position	\$ 3,000	Approve the upgrade of one Office Assistant B position to an Office Assistant A position due to increased job responsibilities.	To be funded by reserves/fund balance.	Executive
<b>Planning &amp; Zoning</b>							
3	19	Paul Miller	Denial of Increasing Chief Building Inspector's Salary to the Top of the Salary Range	\$ 19,000	Approve increasing the Chief Building Inspector's salary to the top of the salary range due to experience, expertise, and people skills.	To be funded by an increase in zoning application and building permit fees.	Planning & Zoning
<b>Law &amp; Justice Committee Appeals</b>							
4	18	Tom McCulloch	Denial of a Mid-Level Attorney Position & Approval of Contractual Legal Assistance	\$ 44,000	Approve the additional in-house Attorney-Level One position for an additional \$44,000 on top of the \$50,000 already allocated for contractual legal assistance.	To be funded by reserves/fund balance.	Law & Justice
5	50	Tom McCulloch	Denial of Funding to Address the Salary Inequality for Assistant Public Defenders	No Dollar Amount Requested	Approve a second year of additional funding to address the salary inequality for Assistant Public Defenders.	To be funded by reserves/fund balance.	Law & Justice