

Note: These minutes are not official until approved by the Law and Justice Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.

DeKalb County Government
Sycamore, Illinois

**Law & Justice Committee Minutes
October 23, 2017**

The Law and Justice Committee of the DeKalb County Board met on Monday, October 23, 2017 at 6:30 p.m. in the Administration Building's Conference Room East in Sycamore, Illinois. Vice Chairman Luebke called the meeting to order. Those present were Ms. Askins, Mr. Frieders, Mr. Luebke, Mr. Pietrowski, Mr. Plote, and Mr. Whelan. A quorum was established with six Members present. Chairman Leifheit arrived shortly after the meeting was called to order.

Others that were present included Gary Hanson, Honorable Judge Robbin Stuckert, Tom McCulloch, Michael Venditti, Joyce Klein, Roger Scott, Margi Gilmour, Pete Stefan, Tracy Jones, Tim Bagby, Steve Reid, Laurie Emmer, and Kevin Solari.

APPROVAL OF MINUTES

Mr. Pietrowski moved to approve the minutes of the September 25, 2017 Committee Meeting. Mr. Whelan seconded the motion and it was carried unanimously.

APPROVAL OF THE AGENDA

It was moved by Ms. Askins, seconded by Mr. Frieders and it was carried unanimously by voice vote to approve the agenda as presented.

PUBLIC COMMENTS

No public comments were presented to the Committee.

FY 2018 BUDGET

Mr. Hanson explained that the Committee Members were provided with a summary of appeals that are needing to be reviewed by them. The appeals were grouped by Department Head so presentations can be heard and the decisions can be made individually, by group, or however the Committee so wishes.

Public Defender Appeals

DeKalb County Public Defender Tom McCulloch shared that he compiled all of his data and submitted it in the form of multiple appeals. Mr. McCulloch was appealing the denial of a position upgrade from a full-time Attorney-Level One to a full-time Attorney-Level Two in the amount of \$10,000, the denial of a position upgrade from a full-time Attorney-Level Two to a full-time Attorney-Level Three in the amount of \$9,000, as well as a denial of a new full-time Attorney-Level Three position in the amount of \$115,000. Mr. McCulloch explained to the Committee that the Defender's caseloads have increased significantly over the past year. One assistant went from 173 files to 237 and another went from 58 to 120 felonies. Mr. McCulloch also described the impact of impending legislation; Bail Reform, due to begin on January 1, mandates that the Public Defender staff weekend and holiday bond calls. He further expressed that the Board should consider the impact of a new Office of prosecutors; there have been several dramatic impacts. The Public Defender addressed the inadequacies between his office and the State's Attorney's Office by pointing out that the State's Attorney has brought in senior, experienced assistants at newer and higher salaries. It has been the stated policy of the

prosecutors to seek more trials; that change has been evident since the change in administration. In a world full of unintended consequences, this causes many: increased costs for jurors, overtime for personnel involved in courthouse security to name a few, Mr. McCulloch shared. From his point of view, it means that current and future clients are pushed to the background which a case is being tried, causing a slower path through the court system. Every day that an assistant is on trial is a day when that person is not in their office fielding calls from clients or not being able to meeting and talk to inmates and prepare for tomorrow's calls and cases. The result is inevitable – cases are continued and there is a cost to the County in every delay.

Mr. McCulloch shared that his fourth appeal was on the Budget Appeal Process in general. He noted that the County Board should allow a full discussion on the issues raised among the full membership of the Board and now allow the administrative process to subvert the value work being done. He went on to provide an example of some quotes from senior Board Members that were taken out of a recent media article which he feels seems like a direct threat to the appeal process.

The Committee had discussions with McCulloch and asked questions and stated their opinions regarding the appeals before them.

Mr. Pietrowski made a motion to deny appeals A-D (all four of the Public Defender's Budget Appeals). Mr. Frieders seconded the motion.

Mr. Pietrowski additionally noted that he feels a budget prioritization process needs to be done in 2018 in order to identify inadequacies throughout the different departments and help them get to where they need to be. He added that Mr. McCulloch's appeals were to be funded by the General Fund reserves/fund balance and the County Board does not have the sources to be utilizing those funds right now. He reiterated that he would like to see senior Board Members and Administration create an internal strategic plan and instituting a budget prioritization process with all Department Heads within the County to better help their departments in the future.

Ms. Askins also shared that she was genuinely torn on her decision but expressed that she would be more incline to fund a new position than upgrading the two positions. She additionally shared that revenues are down and there are less funds everywhere. What is right and what is possible are far from each other, she explained.

Chairman Leifheit called for a vote on Mr. Pietrowski's motion. The motion to deny the Public Defender's four appeals carried with one opposition from Ms. Askins.

Court Services Appeal

Court Services Director Margi Gilmour joined the Committee to expound on her one appeal for the denial of the salary and benefits of one Pretrial Officer Position in the amount of \$75,000. Ms. Gilmour shared that Pretrial insures defendants are released safely into the community at a much higher rate and has a positive impact on the number of defendant detained. Without this position she does not have the staff resources to operate on weekend/holiday bond calls. It also jeopardizes their ability to effectively monitor the increasing number of defendants released on Pretrial Supervision. The Pretrial unit is comprised of one supervisor and three officers (including this position). Two of the pretrial officer's salaries are subsidized by the

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Administrative Office of the Illinois Courts with an annual allocation for FY 2018 in the amount of \$82,482 (for the salaries of the two positions but not the benefits), making this unit very cost effective for the County, Ms. Gilmour shared. She also added that through her annual request, Ms. Gilmour has contract the Administrative Office of the Illinois Courts and requested and type if assistance with the salary of the third position but she has not heard any results of that request.

Mr. Hanson questioned if the pretrial officers could work Tuesday through Saturday in order to cover the weekend bond calls. Ms. Gilmour shared that they need a minimum of two pretrial officers working Monday through Friday because not only are they doing bond investigations, they are also supervising 300+ individuals who are on pretrial release. She also clarified that she is unable to hire part-time probation officers per statute.

Pretrial Supervisor Michael Venditti addressed the Committee and described how his position is already split between multiple areas and how important it is for the pretrial department to have at least 2 ½ individuals staffed in order to keep everything running. He provided statistics to the Committee to help justify his reasons as well.

Mr. Frieders moved to table this appeal to the end of the meeting. Mr. Plote seconded the motion and it was carried unanimously.

Sheriff's Appeal

Sheriff Scott was present to appeal the Administration's denial of a new full-time Administrative Secretary position for the Correction's Division. The Sheriff shared that the position would come active on June 1, 2018 prior to the opening of the Jail Expansion. Funding for this \$39,000 position in 2018 would come from within Law Enforcement Projects in the amount of \$29,000 and \$10,000 from Commissary Fund within the jail (non-tax dollars) because the secretary would be providing record keeping of expenses for commissary. Sheriff Scott expressed that this position is needed during the transition and to continue operation of the jail.

It was moved by Mr. Frieders, seconded by Mr. Whelan and it was carried unanimously to approve the Sheriff's appeal and forward it onto the Finance Committee.

The Honorable Judge Robbin Stuckert noted that before she began she wanted to address Mr. Pietrowski's comments regarding individuals note putting where funds are going to be coming from beside the General Fund/reserves. The Public Defender does not have another availability of funds so for them to identify where funds would come from, they are not able to do that because the Public Defender work at the discretion of the Chief Judge of the Judiciary and her funding, as a co-equal branch of government, comes from the County Board. The Judge reiterated that she just wanted to state that before she began because they don't have any other funding resources beside the General Fund in which to get money from. Judge Stuckert additionally stated that she is speaking for everyone in the room today because as the Judiciary she is a co-equal branch of government. The judicial branch is the most vulnerable because it has no treasury. It possesses no power to impose or collect taxes. The Judge continued that she supports everyone's appeals today because they are part of the Judiciary and they're justice partners and when you (the County Board) don't fund one of those partners, it is going to have an impact on the Judiciary and the Chief Judge's ability to adequately oversee the third branch of government which she is required to do.

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Drug Court Appeal

Judge Stuckert joined the Committee on behalf of Michael Douglas to appeal Administration's rejection of Drug Courts funding request to fill the deficit. The anticipated deficit would be starting approximately January 1, 2018 in the amount of \$80,000. Mr. Douglas originally noted that he would like to see the County Board consider funding the Drug/DUI Court deficit. To date, the County has not had to fund this program, with the exception of the start-up money given in 2005. This is a program mandated by the Illinois State Statute (730 ILCS 166/) Drug Court Treatment Act. They are also pursuing funding from the fundraising hosted by the non-profit group and additionally, the program has requested additional funding from the Adult Redeploy Illinois Grant (the grant that funds the Mental Health Court in full) to cover the deficit. The results of the grant request will not be known until at least the first of the year though.

The Judge noted that it is at no fault of Treatment Court that she stand before the Committee today addressing this appeal, it is the fees that that they are no longer collecting to be able to fund programs. Treatment Court is on track to bring in only \$70,000 in revenue this year from fees that are generated which is a huge decrease since 2009. The Judge also noted that she can only image that the deficit will only continue due to less and less fees coming in each year.

Judge Stuckert and the Committee briefly discussed the different types of Treatment Courts (Drug/DUI/Mental Health/Veterans, starting 1/1/18) and the staffing levels of the Department.

Board Vice Chair Jones noted that he had an idea that he wanted to share although he knew Judge Stuckert was not a fan of it. Mr. Jones suggested to fund the \$80,000 to Drug Court but eliminate a probation officer position. Ms. Gilmour addressed how her staff is comprised and how many of their salaries, some 100% and others partially, are subsidized through the Administrative Office of the Illinois Courts. Judge Stuckert continued on by explaining that a vast majority of individuals that go through the court system are sentenced to probation with the anticipation that the individual will successfully complete the probation and they will only successfully complete probation if they put them in programs. The Judge expressed that this is not just someone showing up to probation, the probation officers are trained to change individual's lives and to reduce recidivism. This is not an area that you can look at and "make a deal", the Judge stated.

Mr. Frieders noted that in this budget process they have done the job, with the help of the Administration, of identifying cuts across the board. The cuts have been fair, thought out, and applied evenhandedly.

Mr. Pietrowski expressed that adequate funding is very subjective and what they may think is adequate the Judiciary may not. He also added that the State of Illinois is not doing their duty and they are passing unfunded mandates and handing down these issues to Counties.

Mr. Frieders moved to deny Drug Courts appeal to fund their \$80,000 deficit and revisit the issue once the Adult Redeploy Illinois Grant results are in. Mr. Pietrowski seconded the motion. The motion carried unanimously.

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Judiciary Appeals

Judge Stuckert continued with her appeal for the Administration's recommendation to assign the Bailiffs to the Sheriff's Office. The Judge stated that assigning the Bailiffs to anyone other than the Chief Judge is contrary to the local rules Local Rules of the Twenty-Third Judicial Circuit, Article 3, and Section 3.15 Rules as to Bailiffs states: The Presiding Judge of each county will develop their own rules governing the assignment and duties of bailiffs. She noted that what the Board is suggesting is impermissible. The Judge continued to explain the reasons to why the Bailiffs are under the Judiciary and the Court Security is under the Sheriff and why this system has worked for a very long time.

Ms. Askins made a motion to approve Judge Stuckert's appeal for the Bailiffs to remain under the authority of the Judiciary. Mr. Whelan seconded the motion.

The Committee had discussions regarding tying this appeal with the next or addressing them separately.

Mr. Hanson suggested that the Committee take a step back on the whole page of appeals and clarified that the court-related offices were asked to cut \$148,000. Absent any suggestions, Administration was forced to put something on the table with limited knowledge of the court system and they did that. It doesn't mean it is perfect but the bottom line is they need \$148,000 reduced appropriation and I can be totally up to those offices on how they want to do it. The County Board does not have the authority to tell them what to cut or not but they do have the authority to tell the departments how much money they have to work with.

Mr. Plote called the question. Chairman Leifheit called for a voice vote on the motion to approve the appeal. The motion carried unanimously.

Judge Stuckert continued on to address her next appeal regarding the Administrative Recommendation to cut the salary and benefits of the Chief Bailiff Position or \$79,000 from Judiciary. The Judge stated that no longer funding a Chief Bailiff Position is in fact a firing higher Judicial Position which she has control over, sets the schedules for, and hires and so if the County Board omits the Chief Bailiffs Position, it to her, is the same thing as telling her to let them go which is not letting the Judge adequately have someone on her staff to do all of the duties the Chief Bailiff does. It was clarified that the current Chief Bailiff has been the only full-time Bailiff for 16 ½ years now.

The Committee and Mr. Hanson discussed different ways that they could cut either the \$79,000 from Judiciary or to spread the burden throughout the court-related offices evenly. Mr. Frieders brought up for discussion the idea of eliminating the \$79,000 from Judiciary and approving the Salary and Benefits of the Pretrial Officer Position in the amount of \$75,000. It was clarified that additional cuts would still have to be made to balance the budget.

Ms. Askins moved force the question and go back to all court-related departments and have them identify more appropriate cuts in order to come up with the funds related to Appeal E (Pretrial Officer for \$75,000) Appeal I (\$79,000 within Judiciary), and Appeal J and if the cuts are not identified, the cuts will be taken from each department proportionately (based on the size of their budgets). Mr. Plote seconded the motion. The motion carried unanimously.

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Mr. Pietrowski noted that he would like to strongly encourage Mr. Hanson and Mr. Stefan to work with the court-related departments to come up with identified cuts so the funds don't have to come out of everyone's budgets proportionately.

Committee's Questions & Review of Departments' FY 2018 Budgets

There were no additional questions from Committee Members.

ADJOURNMENT

It was moved by Mr. Plote, seconded by Ms. Askins, and it was carried unanimously to adjourn the meeting.

Respectfully submitted,


Chairman Dianne Leifheit


Tasha Sims, Recording Secretary

Summary of Supplemental FY 2018 Budget Appeals as of 10-12-2017 for the Law & Justice Committee

Appeal #	Budget Narrative #	Appellant	Item Appealed	Dollar Amount Under Appeal	Action Requested	Additional Funding Source or Disposition of Savings	Committee Assigned to	
A	5	15	Tom McCulloch	Denial of Position Upgrade from a Full-Time Attorney-Level One to a Full-Time Attorney-Level Two	\$10,000	Approve the upgrade from a Full-Time Attorney-Level One position to a Full-Time Attorney-Level Two position.	To be funded by General Fund reserves/fund balance.	Law & Justice
B	6	15	Tom McCulloch	Denial of Position Upgrade from a Full-Time Attorney-Level Two to a Full-Time Attorney-Level Three	\$9,000	Approve the upgrade from a Full-Time Attorney-Level Two position to a Full-Time Attorney-Level Three position.	To be funded by General Fund reserves/fund balance.	Law & Justice
C	7	15	Tom McCulloch	Denial of a New Full-Time Attorney-Level Two Position	\$115,000	Approve a new Full-Time Attorney-Level Two position.	To be funded by General Fund reserves/fund balance.	Law & Justice
D	13	50	Tom McCulloch	Budget Appeal Process	N/A	This is an appeal of the process we are undertaking and the County Board should allow a full discussion of the issues raised among the full membership of the Board and not allow the administrative process to subvert the valuable work being done.	N/A	Law & Justice
E	14	Exhibit 3 Line D-1	Margi Gilmour	Salary and Benefits of One Pretrial Officer Position	\$75,000	Full restoration of the funding for this position.	To be funded by General Fund reserves/fund balance.	Law & Justice
F	8	17	Roger Scott	Denial of a New Full-Time Administrative Secretary Position for the Corrections Division	\$69,000/Annual (\$40,000/7 Months)	Approve a new Full-Time Administrative Secretary position for the Corrections Division effective June 1, 2018 prior to the opening of the Jail Expansion.	\$10,000 to be funded from Commissary funds and \$59,000 to be funded via a transfer from the Law Enforcement Projects Fund.	Law & Justice
G	9	28	Mike Douglas	Denial of a General Fund Subsidy to Fund the Treatment Court Fund Deficit.	\$80,000	Approve funding for the Drug/DUI Court since this is a program mandated by Illinois State Statute (730 ILCS 166) Drug Court Treatment Act.	To be funded by General Fund reserves/fund balance.	Law & Justice
H	15	Exhibit 3 Line D-2	Judge Stuckert	Assign Bailiffs to Sheriff's Office	N/A	Bailiffs to remain under the authority of the Court/Judiciary.	N/A	Law & Justice
I	16	Exhibit 3 Line D-3	Judge Stuckert	Salary and Benefits of Chief Bailiff Position	\$79,000	Full restoration of the funding for this position.	To be funded by General Fund reserves/fund balance.	Law & Justice
J	X	Exhibit 3 Lines D-4 & D-5	Admin	If appeals 14 or 16 are successful, added costs of D-4 & D-5 repealed.	(\$11,000)	Intent of added cost was to provide some Bailiff hours and Public Defender payment for weekend/holiday bond call.	Excess from cuts D-1 & D-3 would no longer be available.	Law & Justice