

## **Minutes of the Justice Committee**

The Justice Committee of the McLean County Board met on Monday, January 7, 2008 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Renner; Members Nuckolls, Butler, Cavallini and Harding

Members Absent: Member Rackauskas

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator and Ms. Jude LaCasse, Assistant to the County Administrator

Department Heads/  
Elected Officials  
Present:

Mr. Craig Nelson, Director, Information Technologies;  
Ms. Judy Renner, Director, Children's Advocacy  
Center; Sheriff Mike Emery; Ms. Beth Kimmerling,  
Coroner

Others Present: Ms. Michelle Anderson, Financial Reporting Specialist,  
County Auditor's Office; Rev. Tom Shea, Alternatives  
to Jail Committee

Chairman Renner called the meeting to order at 4:34 p.m.

Chairman Renner presented the December 4, 2007 Committee minutes and the November 20, 2007 Stand-Up Minutes to the Committee for approval.

Motion by Cavallini/Harding to approve the Minutes of  
the December 4, 2007 Committee Meeting and the  
November 20, 2007 Stand-Up Meeting.

Motion carried.

Chairman Renner presented the Monthly Caseload Report and Asset Forfeiture Fund Report as submitted by Mr. Bill Yoder, State's Attorney. There were no questions on the reports.

Chairman Renner presented the November, 2007 Statistical Reports as submitted by Ms. Sandy Parker, Circuit Clerk.

Mr. Craig Nelson, Director, Information Technologies, presented a request for approval to engage CrimeCog to provide professional services to Development and Implement Enhancements to the Civil Case functionality in E\*Justice. He explained that this is for programming changes that need to be made in the Circuit Clerk's Office. Mr. Nelson indicated that these are changes that are necessary in order to ensure the continued smooth running of the new system that has been installed. He noted that the cost for this is \$60,405.00.

Mr. Cavallini asked if these changes are the result of an incorrect projection or faulty program. Mr. Nelson replied that, as with most technology projects, once everything has been installed, program adjustments need to be made. Mr. Cavallini asked if this will fix all of the unforeseen situations. Mr. Nelson replied that he believes it takes care of all necessary adjustments.

Mr. Nuckolls asked if this is a bid. Mr. Nelson responded that this is part of the Integrated Justice project that has been on-going. He explained that the County's Justice product was sold by Northrop Grumman to CrimeCog Technologies. Mr. Nelson stated that all of the personnel involved in the project were also acquired by CrimeCog. He indicated that the project is under the same master contract since it began, and this is simply a work order continuation of that project.

Motion by Harding/Butler to recommend approval to engage CrimeCog to provide Professional Services to Develop and Implement Enhancements to the Civic Case Functionality in E\*Justice.

Motion carried.

Mr. Nelson presented a request for approval to engage CrimeCog to provide time and materials professional services to migrate the Child Support Data from the County's GAVEL Civil Case Management System to E\*Justice. He advised that this is a time and materials agreement with a not-to-exceed cap of \$141,700.00 plus travel expenses estimated at \$7,800.00 for a total of \$149,500.00. Mr. Nelson indicated that the dataload will be funded via the Circuit Clerk's Special Revenue Fund for Child Support.

Mr. Nelson noted that this project will move all of the data from the current "legacy" Child Support system in the Circuit Clerk's Office to the Child Support database software functionality which has already been written and delivered. He explained that this project will move all of the old data and translate it into the new system.

Mr. Butler asked if the cost is reasonable. Mr. Nelson replied that he shared that concern with the vendor who then submitted a detailed report on the extensive cost. He explained that the cost is due to the complexity of the issue rather than the number of records. Mr. Nelson indicated that he does not believe the project can be accomplished for less cost. He added that he believes the final cost will be less than the not-to-exceed cap.

Mr. Nuckolls asked if there will be a monthly charge once the implementation is complete. Mr. Nelson replied that there is no monthly charge.

Motion by Nuckolls/Harding to recommend approval to engage CrimeCog to provide time and materials professional services to migrate the Child Support Data from the County's GAVEL Civil Case Management System to E\*Justice.  
Motion carried.

Chairman Renner asked if there were any additional questions or discussion. Hearing none, he thanked Mr. Nelson.

Ms. Judy Renner, Director, Children's Advocacy Center, presented the Monthly Statistical Report for the Children's Advocacy Center (CAC) and the CASA Report. She stated that the numbers continue to increase for the Children's Advocacy Center. Ms. Renner stated that the CASA monthly report reflects 145 children for which CASA has advocated through November. She added that the year-end totals show 174 children. Ms. Renner indicated that there are 51 CASA's assigned to cases through November.

Ms. Renner reported that, at the end of November, 288 child interviews were conducted. She stated that the year-end total is 318 interviews, which is a 13% increase over last year.

Ms. Harding asked what is the average number of cases one CASA worker handles. Ms. Renner replied that each CASA handles one case at a time. She noted there may be multiple children in the case, but it is one case per CASA. Ms. Renner indicated that the typical length of time to have a CASA on a case is 18 months to two and a half years. She added that the first informational session for CASA was just conducted for the new training class scheduled to begin at the end of this month.

Chairman Renner asked if there were any questions or comments. Hearing none, he thanked Ms. Renner.

Sheriff Mike Emery presented a request for approval of Clothing Bid with Ray O'Herron Co. for police uniforms and equipment purchases from February 1, 2008 to January 31, 2009 for the Sheriff's Department. He indicated that Ray O'Herron submitted a complete bid on all equipment. Sheriff Emery noted that language in the contract, which was reviewed by Mr. Eric Ruud, First Civil Assistant State's Attorney, indicates that the Sheriff's Department may purchase these same items through a different supplier at a reduced cost.

Motion by Nuckolls/Cavallini to recommend approval of Clothing Bid with Ray O'Herron Co. for Police Uniforms and Equipment purchases from February 1, 2008 to January 31, 2009 for the Sheriff's Department.  
Motion carried.

Sheriff Emery presented a request for approval of Agreement for professional services between Justice Benefits, Inc. ("JBI"), McLean County Sheriff and McLean County, Illinois. He explained that JBI will develop the cost data, secure the necessary data required to document qualified inmates, and prepare the Alien Assistance claims. JBI will work with the Sheriff's Department to optimize future claims by securing 100% allowable data related to inmates. Sheriff Emery asked the Committee to recommend approval for an additional four-year contract with JBI. He noted that the County receives funds back annually from the federal government of approximately \$13,000.00-\$15,000.00. Sheriff Emery stated that the new contract is held steady with JBI's original percentage of 22%, which dates back to 2000. He added that this contract was reviewed by Mr. Ruud.

Motion by Harding/Nuckolls to recommend approval of an Agreement for Professional Services between Justice Benefits, Inc., McLean County Sheriff and McLean County, Illinois.  
Motion carried.

Sheriff Emery reported that a Correctional Officer at the Jail was assaulted by an inmate on Saturday, January 6<sup>th</sup> at 3:15 p.m. He advised that the Correctional Officer ("CO") was doing the linen exchange and, when he opened the inmate's cell, the inmate rushed the door. The CO lost his balance and dropped his radio. Sheriff Emery stated that the CO was able to recover his radio. He noted that the inmate had made a shank out of a pencil wrapped in toilette tissue. Sheriff Emery reported that the CO did not receive any injuries and was able to hit the Officer Down Emergency button.

Sheriff Emery indicated that, as the CO was exiting the second tier of the pod, a couple inmates in the pod intervened and created a diversion to the attacking inmate so that the CO was allowed to get to the main floor of the pod to get to the control counter. By this time, the Control Room had received the emergency signal and other Correctional Officers were entering the pod.

Sheriff Emery informed the Committee that the inmate was originally sentenced to 40 days in the County Jail for violation of probation for driving with a revoked driver's license. He noted that the inmate was due to be released on January 10<sup>th</sup>. Sheriff Emery advised that, in court action today, the inmate was formally charged with two counts of aggravated battery and one count of aggravated assault. He indicated that the inmate will likely remain at the County Jail for another six to eight months.

Chairman Renner commented on the assistance received by the other inmates. Sheriff Emery noted that the rule calls for an immediate lockdown, which was taking place, when the two inmates stepped out of line to assist the CO. When the situation was secure, all of the inmates were locked up during the investigation of the incident. Sheriff Emery advised that the Operation Plan worked.

Mr. Cavallini asked what would have happened if the CO had been unable to retrieve his radio. Sheriff Emery replied that the radios have an emergency button on the top, which the CO was able to activate. If the CO had not been able to recover the radio, the radio would have automatically triggered an alarm within 8 seconds if left in a prone position.

Ms. Harding asked if this Operation Plan was implemented following the last CO attack. Sheriff Emery replied that it is.

Mr. Nuckolls asked how long did the incident take place. Sheriff Emery replied that it was over in less than 45 seconds. He indicated that representatives from Simplex, the Security Company for the Jail, will pull a full report of the incident, which will be turned over to the Criminal Investigation Division ("CID) as evidence.

Sheriff Emery indicated that the CO had been on the job for only four days when the incident occurred. He noted that the CO was Academy trained and also attended the Jail Training Program.

Ms. Harding asked how many inmates are in the pod. Sheriff Emery replied that there are 54 inmates in each pod.

Sheriff Emery reviewed the McLean County Detention Facility Population Report, noting that there are 258 custodies, with 34 inmates being housed out of County. He indicated that he is down to the last County to see if beds can be secured for tomorrow. Sheriff Emery reported that six of eight inmates who went to Court today will be released through PR bonds and six inmates will be shipped out tomorrow morning to the Illinois Department of Corrections.

Chairman Renner asked if there were any further comments or questions. Hearing none, he thanked Sheriff Emery.

Chairman Renner presented the Jury Commission 2007 Year-end Report as submitted by Ms. Cindy Brand, Jury Commission.

Ms. Beth Kimmerling, Coroner, presented a request for approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2007 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Coroner's Office 0031. She noted that the Coroner's Office experienced an unanticipated increase in in-County and out-of-County autopsies, as well as related investigation and toxicology expenses.

Ms. Kimmerling indicated that the total amount of money she is requesting is \$53,800.00. She noted that 95% of those dollars are tied directly to the number of death investigations and autopsies conducted, which have been extremely high. Ms. Kimmerling pointed out that she tries to be conservative in her budget predictions, which did not play in her favor in this instance. She stated that, for 2007, she had predicted 80 McLean County cases and 150 out-of-County cases. However, at the end of November, there were 119 McLean County cases and 216 out-of-County cases, with one month still remaining. Ms. Kimmerling indicated that she looks at the past couple of years when she makes her predictions, noting that the last couple of years there were between 78-80 in-County cases.

Ms. Kimmerling advised that, although she is asking for \$53,800.00, three of the line items which need extra funds, namely the investigation, transcripts and toxicology line items are line items that are included in the fee charged to Counties that use the morgue. She explained that the Coroner's Office pays for County and out-of-County expenses, such as x-ray technician, etc. out of the Coroner's budget. However, these services are reimbursed by the County that uses the service, such as Vermillion County. These reimbursed funds are recognized as revenue and are not placed back in the Coroner's budgeted line item. Ms. Kimmerling reported that the Coroner's Office has brought in over \$67,000.00 in revenue to the General Fund.

Ms. Harding asked why is the reimbursement money not put back into the line item from which it came. Mr. Zeunik replied that all of these line items are in the General Fund. He explained that the reimbursement money, under Governmental Accounting Rules, is considered to be revenue. The funds are recognized as revenue in the Coroner's Budget, in the line-item Reimbursement for Services, which is the fee charged to other Counties who use our facility. Ms. Kimmerling expressed her frustration that the funds cannot be placed back into the specific line items.

Mr. Zeunik concurred that Ms. Kimmerling made a good faith estimate when she presented her budget. He noted that there was an extraordinary amount of cases in McLean County and out-of-County in 2007. With the volume in 2007, it would have been impossible to meet the expenses.

Mr. Cavallini pointed out a typographical error in the Emergency Appropriation where the figure is listed at \$49,000.00 rather than the \$53,800.00, which is the correct amount.

Mr. Nuckolls asked if the shortfall of \$53,800.00 is all due to the increased deaths in the County. Ms. Kimmerling replied that \$53,200.00 is directly related to the increase in deaths. The other \$600.00 is due to increased fuel costs and an expense in the Non-major Equipment line item, which was the result of a disagreement between the Coroner's Office and the Auditor's Office related to equipment purchase for the new vehicle purchased in 2007. Ms. Kimmerling indicated that, routinely, the equipment would have come out of the Vehicle Maintenance line item, but, in 2007, she was told by the Auditor's Office that those items should come out of the Non-Major Equipment line item.

Mr. Cavallini expressed concern with Emergency Appropriation Ordinances in relationship to the County Budget. He asked where are these supplemental funds found. Mr. Zeunik replied that the monies come out of the Unappropriated Fund Balance for the General Fund. He explained McLean County has been very fortunate the last three years to end the year generally between 101%-102% of revenue, meaning that the revenue exceeds what is budgeted, and expenses are held under 100% in the General Fund. Mr. Zeunik stated that the County's expenses generally run between 98% and 99% so the incremental difference drops into the Fund Balance. The Fund Balance is what the Governmental Accounting Standards Board ("GASB") and the rating agencies refer to as your "rainy day fund." It is money that is not appropriated and money that the Treasurer is permitted to invest. Mr. Zeunik indicated that when situations such as this occur, money can be appropriated from the Fund Balance to cover this type of expense.

Mr. Zeunik advised that the Board's Budget Policy says that, when the budget is prepared, the Fund Balance cannot be used. Therefore, when the annual budget is prepared, the unappropriated Fund Balance is not used to cover expenses. He stated that expenses match the revenue that is projected to be received during the year.

Chairman Renner informed the Committee that a few years ago *The Pantagraph* ran an editorial criticizing the County for keeping too much money in the Fund Balance.

Mr. Zeunik indicated that the County Board's policy states that the Fund Balance in the General Fund, which is the only unrestricted fund, should be not less than 10% of the County's total annual operating budget. He noted that the other use for the Fund Balance is to provide funds to other County funds that are dependent on property tax revenue. A number of Special Revenue Funds, such as the Highway Department, the Health Department, the Pension Funds, the IMRF and Social Security, are heavily dependent on Property Tax Revenue. These Special Revenue Funds do not have the ability to generate a lot of fee revenue. During the first five months of the Fiscal Year, before the first Property Tax distribution is received, the Fund Balance in the General Fund is the "bank" that allows the other funds to borrow money to cover operating expenses for the first five months. Once the Property Tax dollars are received, the General Fund is reimbursed. Chairman Renner pointed out that there are a lot of Counties and Municipalities that float "tax anticipation" bonds for six to nine months before they receive their Property Taxes.

Mr. Nuckolls asked if the Fund Balance is commonly known as the "reserves." Mr. Zeunik replied that is correct.

Mr. Nuckolls asked what will be the next step if this Emergency Appropriation request is denied. Mr. Zeunik replied that one of the reasons for the Emergency Appropriation request is that the Auditor's Office enacted a new procedure this year that requires County offices and departments who have exceeded the budgeted appropriation within a category to go to their oversight committee to request either a transfer of funds or an Emergency Appropriation. If the Emergency Appropriation is not approved, these line items will continue to be in the red and the Coroner's total budget will be in the red, meaning she will have exceeded the budget authority given to the office by the Board. Mr. Zeunik stated that there are two ways to look at this. First, even though Ms. Kimmerling is a County-wide elected official, the County Board sets the authorized budget appropriation. Elected officials as well as appointed department heads are to live within the dollars that are appropriated even though there may be a good reason

for being over-extended. Mr. Zeunik indicated that the accounting way to look at it is that governments operate on the basis of fund accounting and the only thing the Board should be concerned about is whether the total appropriation for the fund was exceeded. Mr. Zeunik advised that as long as, at year end, the total expenses are still below the appropriation authorized for the fund, it shouldn't be a concern. He noted that the Auditor takes the former position, that a County office is given an appropriation threshold that has been approved and if it is exceeded, the County office must get additional authority from the Board to correct it.

Ms. Kimmerling reiterated her concern that she was notified in November of this policy.

Ms. Harding suggested that Ms. Kimmerling may need to adjust her budget to reflect the higher number of cases. Ms. Kimmerling replied that her numbers for 2008 may potentially be wrong. Mr. Butler stated that the amount of money Ms. Kimmerling needs is based on cases she will handle, which is an estimate. He indicated that as long as she sets the budget based on her best estimate that is all she can do. Mr. Butler added that he believes the accountability is good and that bringing it back to the Committee keeps them aware of what is going on. Ms. Kimmerling advised that she bumped the number of McLean County deaths up to 100 in terms of autopsies for 2008.

Mr. Cavallini indicated that he expects that Mr. Zeunik will apprise the Committee and the Board should money in the General Fund become a concern. Mr. Zeunik replied that the County is on the threshold where we could be getting back to a situation where the County must be very careful, noting the housing market situation and reduction in the sales tax revenue.

Motion by Cavallini/Harding to recommend approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2007 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Coroner's Office 0031, as amended.  
Motion carried.

Ms. Kimmerling reviewed her Monthly Report for November 2007. She pointed out that the Autopsy numbers for both McLean County and Out-of-County are high.

Chairman Renner asked if there were any additional questions or comments. Hearing none, he thanked Ms. Kimmerling.

Justice Committee  
January 7, 2008  
Page Ten

Chairman Renner presented the Court Services Monthly Reports as submitted by Ms. Roxanne Castleman, Director, Court Services.

Chairman Renner presented the Monthly Caseload Report as submitted by Ms. Amy Davis, Public Defender.

Chairman Renner advised that there are three departmental transfers, as follows:

- Sheriff's Department transfer of \$11,692.00 for purchase of furnishings/ Office Equipment;
- EMA transfer of \$6,899.00 for Books/Publications, Schools/Conferences, Office Equipment, Vehicle Maintenance and Equipment Maintenance;
- Circuit Clerk transfer of \$40.00 for Non-Major Equipment.

Motion by Nuckolls/Butler to Recommend Approval of  
the Departmental Transfers as transmitted by the  
County Auditor.  
Motion carried.

Chairman Renner presented the December 31, 2007 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a prepaid total of \$1,972,118.27 and a Fund Total that is the same.

Justice Committee  
January 7, 2008  
Page Eleven

Motion by Cavallini/Butler to Recommend Approval of  
the Justice Committee bills as of December 31, 2007,  
as transmitted by the County Auditor.  
Motion carried.

Chairman Renner asked if there was any other business or communication for the  
Justice Committee. Hearing none, the meeting was adjourned at 5:18 p.m.

Respectfully submitted,

Judith A. LaCasse  
Recording Secretary