

WILL COUNTY BOARD
COMMITTEE OF THE WHOLE MINUTES

10:15 a.m.
Will County Office Building – County Board Room
302 North Chicago Street
Joliet, IL 60432

June 12, 2008

CALL TO ORDER

Mr. Moustis called the meeting to order at 11:25 a.m.

ROLL CALL

Present were Members: McMillan, Woods, Anderson, Piccolin, Singer, Brandolino, Weigel, Dralle, Riley, Wisniewski, Kusta, Maher, Gerl, Goodson, Baltz, Gould, Rozak, Konicki, Svava, Stewart, Travis, Adamic, Babich, Wilhelmi and Moustis.

Absent were Members: Blackburn and Bilotta.

Present from State's Attorney's Office:

APPROVAL OF MINUTES

No minutes were presented for approval.

OLD BUSINESS

NEW BUSINESS

Road Improvement Impact Fee Ordinance

Consultant – Question & Answers

Mr. Moustis moved this to the end of the agenda.

Referendum Question to Eliminate Office of Coroner

A. Public Comments

Mr. VanOver, President of AFSCME Local 1028 and employee of the Coroner's Office addressed the County Board addressed the committee regarding the question to eliminate the Office of Coroner. The total forensic expenditure for this office in 2007 is less than what it would cost to hire a medical examiner. This office needs more personnel and equipment. Since January of 2000, there are very few differences in medical examiner and coroner systems in the State of Illinois.

Mr. Northrup, Champaign County Coroner and acting Vice President of the Illinois Coroner's and Medical Examiner's Association stated there are 12 other representatives from the Coroner's Association that are here today in support of the Will

County Coroner's office and in opposition to this measure. Any coroner you speak to will disagree that you will save any money by switching to a medical examiner. You will pay more money, maybe not in the first year, but there will be more expenses than you already pay for that office. Is this an issue of better services? He does not see that changing to a medical examiner would create better services. The Will County Coroner has been instrumental in developing policies and guidelines that have improved the coroner's offices in the State of Illinois. When you switch to an appointed official, this person would be appointed by the board which creates an opportunity for misconduct to take place. We contract with a forensic pathologist; here we are taking a coroner and replacing him with a medical examiner at 2 or 3 times the salary. We still need a forensic pathologist. We have investigators that go out to the scene.

Dr. Michael Baden, Board-Certified, Forensic Pathologist, a Co-Director of the New York State Police Medicolegal Investigation Unit and Former Chief Medical Examiner of New York City Re: Alternative

Dr. Baden spoke to the committee on the alternative to the Office of Coroner. There is a lot of scientific evidence that has developed over the last 20 years. He provided some history on the coroner system and the medical examiner system. Both the medical examiner system and the coroner system have advantages and disadvantages. There are 22 states that have medical examiner systems statewide; there are 14 states that have coroner counties statewide and 14 that are mixed. There are 2 kinds of medical examiner offices. One is where a physician is in charge. Another type is where a pathologist is in charge. There are many similarities between a coroner and medical examiner. Under both systems, there has to be death investigators of sudden, suspicious or unintended death. Someone has to be in charge of determining if the case falls within the legal jurisdiction of the office and has to determine whether an autopsy should be done. The death investigation has expanded largely from the criminal justice aspect. There is no reason why when you have well trained legal investigators presently that they cannot be further trained in anything that a medical examiner system would require. There are many ways in which the coroner and medical examiner strengths could be put together. The coroner is a political office, elected by the people; the medical examiner is an appointed office. The most important thing is who is doing the autopsies; having a forensic pathologist doing them, cures a lot of problems. But the autopsy begins at the scene.

Mr. Svara asked if there is data on relative costs.

Dr. Baden answered last year the Coroner's office spent \$1.5 million; the suggested starting salary for a chief medical examiner is about \$200,000.00. You spent more than \$200,000.00 for contracts for forensic pathologists in Will County. And 277 autopsies are reasonable for one person.

Mr. Anderson questioned how much training do you need to become a forensic pathologist.

Dr. Baden replied four years of college; four years of medical school; four or five years of residency training in pathology and one or two years of specialized training in forensic pathology.

Mr. Anderson asked if there are times that a combination of systems is going on.

Dr. Baden answered yes; in Georgia there are forensic pathologists who are called in on certain cases. There are ways to be creative in how a functioning, proper death investigation works.

Mr. Kusta questioned where you see the trend in 10 or 20 years from now. Are we headed towards more medical examiners?

Dr. Baden replied there were a flurry in the 1970's when a number of counties and states went to medical examiner systems; then it calmed down. Funding is another issue that would have to be looked at; providing for employees who are presently here would have to be looked at as well. The trend has to be for more science, more medicine and death investigation, not only to determine the cause of death, but for the community, relating to diseases and chemicals that are coming up. Forensic pathologists have a different view on many issues than regular doctors. He believes the long term trend will be to convert to medical examiners. Unfortunately, it usually happens after a serious mistake has been made.

Mrs. Rozak asked would the medical examiner carry his own medical malpractice or would the county be liable for that.

Mr. Moustis answered any physicians that currently work for the county, such as at the Community Health Center or the Health Department, the county pays the insurance; they are our employees.

Dr. Baden commented the malpractice insurance for a forensic pathologist is extremely low.

Ms. Piccolin questioned if medical examiners have an association and is there continuing hours of education involved.

Dr. Baden replied yes. There is the National Association of Medical Examiners; the American Academy of Forensic Science. The Illinois Coroner and Medical Examiners Association have its own continuing education. The coroners in Illinois are more educated than other states; very few have mandatory continuing education; Illinois is one of them.

Mr. Anderson asked for some cons to the coroner system.

Dr. Baden answered they are very good with families; very good with explaining things to the bereaved family members. They can be very properly trained as could medical examiners in going to scenes of death. They do not have the 14 years medical school forensic pathology training that a forensic pathologist has.

Mr. Moustis thanked Dr. Baden for coming to Will County and providing this information.

B. Will County Coroner Patrick O'Neil (Note: the Coroner's 2006 Annual Report is Available on Will County Website)

Mr. O'Neil stated he appears today as a result of a letter he received from Mr. Moustis dated May 30, 2008 in which he invited to participate in this discussion on whether the office of Will County Coroner should be eliminated by placing a referendum before the voters and replace with the medical examiner system. In that letter Mr. Moustis asked 9 specific questions regarding the functions of the Coroner's Office and he believes he has provided each of the county board members with the answers to those questions. Some answers are available through the annual budget that the board passes every year and other answers are available with the annual report that he issues to you every year. He has been the Coroner for the past 16 years; he has supervised over 40,000 death investigations during those years. He believes the office has served the residents of this county very well. Death investigations are not an easy task. We conduct the autopsies through our own board certified forensic pathologists that we currently employ on an independent contractual basis. They have the same qualifications as Dr. Baden has. We oversee all death investigations; we conduct inquests when needed. Inquests are very rarely held in Illinois anymore because of a recent change in the law. As Will County has grown, obviously we have seen more deaths. Over the years he has appeared before this body asking for additional staff and equipment to keep up with the increasing workload. He has tried to understand when requests have been denied by the board. He does not understand eliminating the coroner's office and suggesting replacing it with a system that will not be as cost

effective as it is now. He is proud of the record of the office over the years; we have served the residents well. We have exercised our legal obligations responsibly. We work well with law enforcement agencies. Whether or not to eliminate the office of the coroner is a question for the voters of Will County. Whether or not to place that question before the voters in the November General Election is a decision for the County Board. There are other questions besides this that is important. What office would replace the coroner? Who would choose the replacement? What would the costs associated with this new office be? Would anything be improved by replacing the Coroner's Office with a replacement office? How long would we operate without the Coroner's Office or a replacement office? What would happen to our dedicated employees who no longer have a union contract? These and many more questions need to be answered. He believes there is no reason to eliminate the Coroner's Office.

Mr. Moustis commented he feels there could be a hybrid system. We are already spending \$200,000 per year on our forensic pathologists. At some point, does it make sense to create a department within the Coroner's Office where you would have your own forensic pathologist on staff?

Mr. O'Neil answered the way the system works now is perfectly fine. We do need to increase our staff regarding deputy coroners. The medical examiner system would be a much more expensive system. Doctors are more expensive to have as full-time employees. My staff is all medically trained.

Ms. Goodson commented Dr. Baden indicated the autopsy begins at the crime scene. When the Coroner's office goes to the crime scene, is the pathologist there with him?

Mr. O'Neil replied not always; very rarely do you see the pathologist at that point.

Mrs. Riley asked Mr. O'Neil to explain the procedure prior to the change in law and how that change has affected the office.

Mr. O'Neil answered prior to January 1, 2008 the manner of death was determined by a panel of 6 jurors that were selected by the Will County Jury Commission. They heard testimony on unnatural death investigations from family members and police officers; they are given the information from the autopsy and toxicology results. They came to the conclusion of the manner of death. The cause of death is already given to the Coroner by a board certified forensic pathologist. That law was written about 110 years ago. He helped work on a new law to give Coroner's the option whether they would want to hold an inquest hearings and allow lay people

determine the manner of death on certain death investigations. We may have had 2 inquests in 2008 as a result of the change in law. Now the forensic pathologist has input as to the manner of death as well as the coroner, staff and any death review team the police department might have.

Mr. Singer questioned what the process is if the jury concludes one answer to a death investigation that would be different from the coroners.

Mr. O'Neil replied the State's Attorney could still move forward with filing charges.

Mrs. Dralle asked if the Coroner has the ability to over-rule the forensic pathologist determination.

Mr. O'Neil answered ultimately what would go on the death certificate is the Coroner's conclusion, but generally when you have conflicting manners of death, it is listed as unsure.

Mr. Northrup stated the testimony Dr. Baden gave today more than substantiated the work that the Coroner's office has done in the past and all the coroners in Illinois are doing.

Mr. Gessner, Kankakee County Coroner asked the board to think about why they would change the system. There is nothing wrong with this system; it works well in our county – all the different counties.

Mr. VanOver stated the board needs to think about what this will cost the county. What the Coroner's Office is doing now is the exact same thing at a much lower cost.

C. Recommendation, if any

Mr. Moustis thanked Dr. Baden and Mr. O'Neil for coming. It was very informational. We are doing some good practices here; Dr. Baden brings up some good points. We will do what is best for the citizens of this county. He feels better about the system we have in place today than he did earlier. We will take this up at our next executive committee meeting.

Road Improvement Impact Fee Ordinance

Consultant – Question & Answers

Mr. Moustis stated we have had two recommendations; one that came from the Public Works committee and the other from the advisory committee. A number of board members feel that neither one is something they want to vote on. He asked the consultant to do some more analysis on the different levels of fees and how they may impact the county. The other issue is additional zoning classifications; we will go back and look at that issue about possibly adding to the ordinance. He does not see the board taking any action here today.

Ms. Lyne indicated the large topic is the fee itself and how it was determined and if it is important to look at possibly doing any discounts with that. We provided you with some new information today to give you a better idea of what the fee would be for certain types of developments.

Mr. Adamic asked about the time frame for voting on this issue.

Mr. Moustis answered we would have to go back to additional public hearings if we do not vote on this today. We want to make sure we bring something to the board that they feel comfortable voting on and that has some reasonableness of success. What has been presented by the advisory committee; the consensus is that they are so high and would impact the development community so severely, that it is probably something that would not make sense to move forward. What came out of the Public Works committee is so low; they would not meet the administrative costs.

Mr. Adamic questioned if we vote this down is there a certain time frame that we have to bring this back.

Mr. Barnett with CH2M Hill replied if you were to proceed fairly quickly in establishing by resolution a date for the next public hearing, you could proceed with the available and already completed materials. If you wait 3 to 6 months, those technical materials become stale and you will need to compile the comprehensive road improvement plan, which will involve a considerable amount of time, effort and money. Any time in the future you could begin the process again; there is a legislative mandated process you have to go through. If you go through the entire process, that would take 18 months.

Mr. Moustis questioned if we had a public hearing in August, when would this board have to take action.

Ms. Lyne replied probably the October board meeting; possibly November.

Mr. Moustis suggested setting this to vote on at the November board meeting.

We will have to have some additional recommendations from staff on the fee levels. He asked Ms. Lyne to provide information as to what the various fee levels would generate and another baseline of our administrative costs.

Ms. Lyne indicated they have all of that data; it is just a matter of setting it up the way the board would like it presented.

Mr. Moustis suggested this issue be sent back to the Public Works committee for their July meeting. We will be looking for an August public hearing.

Ms. Konicki indicated if we adopt the fee schedule as proposed our fees would be still less expensive than the fees charged by the other collar counties. Which other counties have road impact fees and how do we rank with them?

Mr. Barnett replied the other counties in Illinois are Kane County and DuPage County. DuPage County's program has been in effect since about 1989 or 1990. Kane County first enacted their program in about 2004. The proposed Will County fee schedule that has been on the table for a couple of months now is in line with DuPage County. The fee magnitude is much lower than Kane County's current program, which is currently operating with discounts that will phase out over the next several years. The Will County fees might be a little bit higher than DuPage County, but they are in line.

Mr. Moustis indicated municipalities seem to impose an impact fee pretty universally in this area. Do we have any information how they apply those fees?

Mr. Lyne answered we have the survey from the Will County Governmental League.

Mr. Moustis stated the Will County Governmental League and the municipalities have opposed Will County's impact fees. We need to go back and talk to them and find out why they would object for the county having the same mechanism that they have to a development that impacts roads. There is more data that needs to be collected. Looking at the municipal impacts may give us some more insight on how impact fees are applied throughout this county and what the current development community is paying now. How are the municipalities addressing road impacts in their annexation agreements? That would be worth reviewing to give this board a sense on how the fees are applied throughout the county.

Mr. Singer indicated there is a bigger picture than just what are the fees in other counties. There would be a long list of questions and then quantify how that information relates to this.

Mr. Moustis commented one of the questions he is asked by board members is how we will address Intermodals, which have huge impact on our roads. In the statute, certain type of developments that severely impacts our roads is not addressed. One of the concerns is that we are getting a significant amount of distribution development and Intermodal development.

Mr. Wilhelmi asked if it is possible to tailor those fees to those kinds of developments. Is this fee assessed only on those developments in unincorporated areas?

Mr. Friefeld answered it is applied to the municipalities as well as the unincorporated area. Regarding the Intermodals; that is addressed within the fee formula.

Mr. Barnett indicated this is for any development that occurs in Will County. According to the statute, there is a provision that says if a municipality has a road improvement impact fee and they share that money with the county for county roads, then a credit must be given. There are a number of credits built in that are legislatively required for any revenue streams that Will County realizes for expanding roadways. On the Intermodals, they are comprised of a number of different land uses that are listed in the fee schedule. The state statute is clear that these road improvement impact fees are meant to enhance and add capacity to the road system in Will County; not to maintain the existing roads.

Mr. Moustis questioned if a road has to be rebuilt to accommodate the traffic that may come out of an Intermodal, would that be considered new.

Mr. Barnett replied if it is truly from the weight of the trucks, that is a maintenance issue. If at the same time you are adding a lane because the trucks have added the need for more capacity, you could extend some impact fee moneys to add that lane.

Ms. Konicki stated she will not let go of her support for the road impact fee; the development should pay for itself. The burden on existing residents needs to be lifted.

Mr. Bartlett with Will Grundy Home Builders and member of the road impact fee advisory committee stated the concurring theme he has heard is confusion. The advisory committee spent 2-1/2 years studying this and voted 8 to 3. The committee did not make up the fees nor draft the ordinance. The fees were presented by staff and by the

consultant. The ordinance probably needs more work than fees that you are considering. There are credits and exemptions that need to be discussed. During this process, the issue is that over a number of years the county has had extraordinary growth, extraordinary responsibilities. It has been substantiated that over the years as the income grew, the amount spent on roads, bridges and highways declined; not the dollar amount, but the percentages of the budget.

Other Business

Mrs. Woods, Mr. Singer, Mr. Brandolino, Mrs. Riley, Mr. Maher, Mr. Gerl, Mr. Gould, Mrs. Rozak, Mr. Stewart, Mr. Travis, Mr. Babich and Mr. Wilhelmi left during the meeting.

Executive Session

ADJOURNMENT

A motion was made by Mrs. Dralle, seconded by Mr. McMillan, to adjourn the meeting at 12:55 p.m. All in favor. MOTION CARRIES.