

WILL COUNTY BOARD
COMMITTEE OF THE WHOLE MINUTES

9:00 a.m.
Will County Office Building – County Board Room
302 North Chicago Street
Joliet, IL 60432

August 18, 2008

CALL TO ORDER

Mr. Moustis called the meeting to order at 9:24 a.m.

ROLL CALL

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

Absent were Members: Bilotta.

Present from State's Attorney's Office: James Glasgow, Mary Tatroe and Melanie Manning.

APPROVAL OF MINUTES

OLD BUSINESS

NEW BUSINESS

Shall the Will County Board place on the November, 2008 General Election Ballot the following Question: "Shall the elected Office of Coroner of Will County, Illinois, be eliminated and the duties of that office be assumed by a Medical Examiner, who is a physician licensed by the State of Illinois to practice medicine and is a certified Forensic Pathologist, appointed by the County Executive with the advice and consent of the Will County Board?"

Mr. Moustis stated this meeting is to discuss placing the question on the ballot and if we did go to a medical examiner when that office would be enacted. He suggested it would take place after the 2008 election; if it were successful the medical examiner system would not take place until 2012. He asked State's Attorney if they looked into this.

Ms. Manning answered you can change the term limits by referendum; the cleanest way is to wait until the term is finished and have an effective date.

Mr. Moustis indicated that would be put into the referendum question; it is not automatic.

Mr. Brandolino suggested that the County Board shall fill vacancy within 60 days.

Mrs. Tatroe indicated that if there is a vacancy; the referendum question is to eliminate the office – then there would not be a vacant office.

Mr. Moustis asked if the term of the coroner would stay in place.

Mr. Glasgow replied yes.

A motion was made by Mr. Singer, second by Mrs. Riley, to add language to the question that the medical examiner system would not go into effect until 2012 after the current term is up. On a roll call vote, Anderson, Piccolin, Singer, Brandolino, Weigel, Dralle, Riley, Wisniewski, Kusta, Maher, Blackburn, Gerl, Goodson, Baltz, Gould, Rozak, Konicki, Svava, Stewart, Travis, Adamic, Babich, Wilhelmi, McMillan, Woods and Moustis voting yes.

MOTION CARRIES.

Mr. VanOver stated we want to make sure we have the best investigative services available. We are dedicated trained professionals. Board certified forensic pathologists do not respond to crime scenes. Many believe the medical examiner would save the county money; in the proposed budget the line item for a medical examiner are not realistic and you will need additional personnel, facilities and equipment. Due to the changes in law effective January 1, 2007, the Coroner's Office now functions in a fashion very similar to a medical examiner office. He suggested contacting the National Association of Medical Examiners for a thorough analysis of the real and accurate costs. If this referendum is to be on the ballot, the voters should have all the information to make an informed vote.

Ms. Penning stated there are serious issues that come before the Coroner, the Will County Board and the residents of Will County that need to be addressed. She commented on the Stacey Peterson case. She serves as board chair of the Community Service Council of Northern Will County, a social service agency which deals directly through counseling services with respect to domestic violence. She empathizes with the coroner as he faces a challenge to his elected office. In a year when many are calling for change; this is a change that Will County needs to make. At the very least, we should be supportive of any move for a referendum which encourages the voters to decide on how their government should operate. Although there are funding concerns, she believes a medical examiner's office could be run more efficiently with the oversight of the Will County government.

Mr. Toftoy, Kendall County Coroner, stated he has worked with Mr. O'Neil over the years and he has run the coroner's office professionally.

Ms. Bielby stated we need a referendum just from the diverse opinion you have already heard this morning. The citizens need to get a chance to speak. She commented on the Rachel Mellon case from 2002. If evidence is found regarding this case, relatives, friends and community members have a right to expect that evidence will be preserved and examined by the best forensic experts available. Will County's coroner system is not up to the task.

Mr. Gessner, Kankakee County Coroner, stated the system changes and the coroners change with it; we go for continuing education every year. Do you really know what the coroner does? It is 24 hours/365 days per year. There are many decisions to make. There is no need for change; there is an extremely professional office here in Will County.

Ms. Bychowski read a letter from Stacey Peterson's aunt, asking the board to consider changing over from a coroner to medical examiner. She stated she believes the citizens of Will County deserve the choice; it affects all of our futures.

Mr. O'Neil stated today the board will make a decision as to whether to place a referendum on the ballot in the November election to eliminate the office of coroner and to replace that with a medical examiner. The question to consider is what would be different under the current system where a medical examiner would perform the exact duties that he currently performs as coroner. Nothing would be different in terms of the process and functions that are currently used in Will County. There would be less accountability because the medical examiner would be a position that is appointed with the approval of 27 board members instead of being elected by the citizens of Will County. A medical examiner is appointed for life. The cost is higher and the results would be the same. A draft budget that was presented at the executive committee meeting did not account for additional personnel for that office. The cost of accreditation would be in the \$5 million to \$7 million range. We utilize the services of 2 board certified forensic pathologists for autopsies. We currently spend \$255,000 per year for these services. They have excellent reputations throughout Illinois and their work has never been questioned. Dr. Baden stated in most circumstances medical examiners do not visit the scene of death. The law enforcement agency, the Coroner's office and the State's Attorney's office each have a role in the death investigation. The coroner's function is to establish the cause of death. Law enforcement has control of the scene

and all evidence and presents the case to the prosecutor. If it is the objective of this board to honestly evaluate the merits of each system, he is happy to work with you on each of these options. The coroner system is in place in 101 out of 102 counties in Illinois. In all of these counties, coroners utilize forensic pathologists in cases where it is merited. The cause of death is an objective decision based on medical evidence. The manner of death whether accident, homicide or suicide is many times based on the outcome of the police investigation. If you really want to look at this issue objectively he asks that you take the time it deserves to place it before the voters in the future with all the facts.

Ms. Korneder stated she believes in the freedom of choice. She was shocked to discover that the coroner who is responsible for determining the manner of death is not required to have a medical background. Working as a trauma nurse for the past 16 years has taught her much about human suffering. She has seen it in the family and friends of Stacey Peterson and Kathleen Savio. The people of Will County need the opportunity to decide who will be in charge of crucial life altering decisions. Giving the people a choice to decide who is responsible for determining the manner of death is not only long overdue it is the right thing to do.

Ms. Bernard, LaSalle County Coroner, stated they have been able to change some laws so the coroners do function much as a medical examiner does. She has had the opportunity to use the facilities of the Will County Coroner. Should the county go forward with the proposal for a non-credited medical examiner system, she will not be doing business with Will County because it will not meet the standards of the National Association of Medical Examiners.

Mr. Zidarich addressed the board regarding Stacey Peterson. He commented on the death of Kathleen Savio. It is a huge responsibility to determine the cause of death. We have to make sure the person in this job has the education. Please give the people of Will County the chance to have a qualified medical examiner in place.

Ms. Dralle, Grundy County Chief Deputy Coroner stated the coroner system is a good system. It works in many counties. When you have qualified people in the office as you have here and in other counties, the system works fine. The medical examiner's system also works fine for the area in which it is located. It is a personal system in the coroner's office; when you go to a medical examiner's system you lose the personal contact that is so vital at the time of the death. Please reconsider your thoughts of going

to a medical examiner's system and retain the coroner's benefit that he has here for the citizens of Will County.

Ms. Middleton stated the draft budget shows that a medical examiner system can cost less than the coroner system. The current system in Will County gives the coroner sole authority to determine the manner of death without requiring the input of a forensic pathologist who has 13 years of medical training. Why would you not allow the citizens of Will County to have an opportunity to vote on a referendum which will raise the standards we should expect in highly populated Will County?

Mr. Siekmann, DuPage County Coroner stated the systems have changed. Years ago a regular doctor performed autopsies; then we had pathologists doing them. Now we have board certified forensic pathologists. Dr. Baden indicated the most important thing you can do is to have the autopsy performed by a board certified forensic pathologist; that is being done now. To shift over to a medical examiner system is not just a matter of swapping the two figureheads; you need to get accredited. The coroner's inquest was changed as of January 1, 2007 – that procedure is now gone. The system we have now works well.

Ms. Cales, sister of Stacey Peterson, asked the board to allow this issue to go before the residents of Will County to decide whether or not there should be an elected coroner or an appointed professional medical examiner.

Mr. McMillan stated to all who gave testimony we appreciate you taking the time to come down here; it is not an easy thing to get up and voice your opinion. There is no question about where I stand on this issue; I am in favor of the medical examiner position. You have heard from many people from the Bolingbrook area; people are angry and frustrated to what has happened in the past. Whether you agree or disagree with the referendum question; it is absolutely imperative we give the people of Will County the opportunity to make that decision. The people of Will County have the ability to decide how that office should best be run. We are not looking at removing anyone from the Coroner's Office – no one would be losing their job. We need the professional experience that a medical examiner would add. This is nothing against Mr. O'Neil or the existing office. We need to strive to have the best system in place; we need to guarantee we have the best investigative service as possible. I am convinced that we can still bring in this medical examiner at a budget less than the existing budget. This referendum issue is letting the people of the county have their voices – that is all I am looking for.

Mr. Singer commented it is interesting to hear all of the different thoughts and discussions going back and forth. Some people are expressing concerns about budgetary issues. As things change and we move on from the way it is sometimes it costs more; everything costs more today. He hopes we would make our decision today not based upon the budget but what is the right thing to do for the people of Will County. It is not a budgetary issue and absolutely not a union issue.

Mr. Wilhelmi indicated he hopes we would consider the budgetary issue. He has heard a lot of emotional issues today; he has not heard one bit of evidence that the medical examiner would have handled any cases differently. Why would we spend more money for something that we don't know would give us a different outcome? Nothing has come out that we will have a better system for more; we cannot get facts to support what we are talking about.

Mr. Brandolino stated the use of a pathologist is being followed through the Coroner's Office. Is there a concern regarding the certification of medical examiner and the ability to utilize that in a court proceeding?

Mr. Glasgow answered you are right on the money. What we have heard today is that we want a qualified medical examiner. The only way to get that is get the accreditation through the National Association of Medical Examiners. If you want to do this you cannot do it halfway.

Mr. Maher agreed it would have to be accredited. That does not say we should not give the voters the right to decide. He is not sure he is sold on one system or the other – he is still gathering facts. This board here today is for or against whether we let the citizens of Will County have to right to make the decision for the Coroner's Office or not. Whatever the voters decide to do; we would have to find the money.

Mr. Anderson indicated he is generally in favor of putting things to referendum. The process needs to begin with a detailed look at this issue. We had a presentation that was supposed to discuss the pros and cons and he felt it was completely one-sided. We received widely varying estimates regarding the costs. He suggested assembling a non-partisan commission to look at both sides of the issue and give us some guidance. Right now do not have enough information to make a decision. Regarding accreditation we ought to look at that more closely.

Mr. Adamic commented many of us think by spending more dollars for a medical examiner we will have better product. We have heard today and in the past that we have a very good system here.

Mrs. Dralle stated we truly need to look at the availability for people to have their choice at the voting booth. We have spent much time looking at the difference between the Coroner's Office and a medical examiner's office; there are differences. The proposal here today is to say the citizens of Will County have the right to choose.

Ms. Konicki commented one fact we cannot get away from is we cannot tell the citizens we have a great system. They want more done – more out of this county. We need to let the voters have the call – it is the least we owe them.

Mr. Kusta stated it is a matter of life and death before us today. We should treat it with the sensitivity it deserves and make the decision on what we know. The question is simple; do we want the voters to decide? He suggested adding the word accredited to the question.

Mr. Moustis indicated your vote today is to place this on the County Board Agenda. If it gets on the agenda, maybe we could have more information.

Mr. Anderson commented these are the kinds of questions we need to have answered before we put it on the referendum.

Mr. Gerl asked if we are going to make this change we need to be accredited.

Mr. Glasgow answered absolutely.

A motion was made by Mr. Kusta, second by Mrs. Dralle, to add the word accredited before certified Forensic Pathologist in the question. On a roll call vote, Piccolin, Singer, Weigel, Dralle, Riley, Wisniewski, Kusta, Maher, Blackburn, Goodson, Konicki, Svara, McMillan and Moustis voting yes with Anderson, Brandolino, Gerl, Baltz, Gould, Rozak, Stewart, Travis, Adamic, Babich, Wilhelmi and Woods voting no.

MOTION CARRIES.

A motion was made by Mr. McMillan, second by Mrs. Dralle, to place on the County Board Agenda the following question: "Shall the elected Office of Coroner of Will County, Illinois, be eliminated and the duties of that office be assumed by a Medical Examiner, who is a physician licensed by the State of Illinois to practice medicine and is a accredited certified Forensic Pathologist, appointed by the County Executive with the advise and consent of the Will County Board?" On a roll call vote, Piccolin, Singer, Dralle, Riley, Wisniewski, Kusta, Maher, Goodson, Konicki, Svara, McMillan and Moustis voting yes with Anderson, Brandolino, Weigel, Blackburn, Gerl, Baltz, Gould, Rozak, Stewart, Travis, Adamic, Babich, Wilhelmi and Woods voting no. MOTION FAILS.

Mr. Moustis suggested putting together a non-partisan committee to continue to study this issue; it would be worthwhile.

Mr. Anderson, Mr. Singer, Mr. Maher, Mr. Blackburn, Mr. Gerl, Mr. Svava and Mr. Travis left at this juncture.

Sunny Hill Operational Audit Report & Presentation by Virchow Krause & Company

Mr. Ley with Virchow Krause & Company presented the Sunny Hill Operational Audit.

Mr. Moustis stated we will take this to the health, aging & education committee. The main question is the size of the facility. We are licensed for a 300-bed facility and we staff for that.

Mr. Brandolino commented what we have come up with is an audit that will provide us with an opportunity to make an efficient, effective operation; whether we have more beds or less beds; whether we spend more on support or not. What has been provided is a great tool.

Mr. Moustis indicated we will ask for a response from the Sunny Hill staff and the County Executive's Office. Hopefully they will come back with an implementation plan and they would recommend the size of the facility that would be most effective. This is a fine report; this gives us the tools to go forward.

Other Business

Executive Session

ADJOURNMENT

A motion was made by Mr. Wilhelmi, second by Mrs. Riley, to adjourn the meeting at 12:00 p.m. All in favor.

MOTION CARRIES.