

WILL COUNTY BOARD
JUDICIAL COMMITTEE MEETING
MINUTES

8:30 a.m.

302 North Chicago Street
County Board Committee Room
Joliet, Illinois 60432

January 5, 2010

CALL TO ORDER

Mrs. Dralle called the meeting to order at 8:33 a.m.

ROLL CALL

Present were Members: Anderson, L. Smith, Stewart and Dralle.

Absent were Members: Kusta, Jr., Deutsche and Riley.

Also Present:

Present from State's Attorney's Office: Mary Tatroe.

PLEDGE OF ALLEGIANCE

Circuit Clerk Pam McGuire led the committee in the pledge of allegiance.

APPROVAL OF MINUTES

A motion was made by Mr. Anderson, second by Ms. Smith, to approve the minutes from the November 3, 2009 meeting. All in favor. MOTION CARRIES.

OLD BUSINESS

Update Re: Men's & Women's Recovery Home from Drug Court Fees

Ms. McCabe-Sterr advised that they have closed on the purchase of the house. The Public Building Commission has reviewed the building along with an architect who will be doing the renovations. The architect will be doing this pro bono. We hope to get started by the end of the month and hope to move in the spring.

Ms. McCabe-Sterr thanked everyone for all their help in accomplishing this goal.

Adjudication Court in Will County

Mrs. Dralle stated that there is a draft ordinance within the board packet regarding our adjudication court. There is also a handout that states Adjudication Makes Sense.

Ms. Dunn and representatives from the Health Department and Sheriff Department came forward for this discussion.

Mrs. Dralle stated that we have been looking for a hearing officer in this adjudication process for a little over a year now having started last December with a trip to Lansing to see their adjudication process. It showed us how we could expedite some of the ordinance violations. The Land Use, Health Department and Sheriff Department have all been involved. To summarize when we look at ordinance violations they are a nuisance but is not something that has gone into the court system. We are trying to rectify these in an expedient manner and take it out of the court system.

Elizabeth Dunn from CDBG advised the only changes from the November meeting is that they did implement a current method used by Environmental Health and the Environmental Health proposed method. We have visited Lansing with their adjudication court and have investigated some software options.

Ms. Dunn advised that we would need some software for the three departments to interface in order to launch this effectively. They have come up with bullet points to reiterate some points we discussed a few months ago and come to some conclusion why adjudication makes sense for Will County.

Ms. Dunn read from the information distributed, specifically, "*Administrative Adjudication demonstrates the effectiveness of county governmental agencies working in cooperation to resolve quality of life issues that ordinary citizens encounter. It provides a flexible and timely response to the citizens of Will County. Further, this process expedites ordinance violations and prosecutions, while reducing County expenses, and relieving the Circuit Court to focus on the most serious crimes and issues.*"

Ms. Dunn stated this is almost the mission statement for this process.

Mrs. Dralle inquired regarding the policy, specifically, page 17 #12 where it indicates that the findings, decision and order of the hearing officer shall be subject to

review in the Circuit Court of Will County. In discussing this with Ms. Dunn prior to the meeting, I understand that this is if requested by the offender of the violations.

Ms. Dunn replied that is how it is generally in the other processes. Of course, any decision would be subject to the review of the court but in the other processes we have been told it is very rare that adjudication gets appealed to the Circuit Court. However, because the state law allows for that, the benefit to the County is the entire case as seen and heard by the adjudication officer follows that case into the Circuit Court.

Mrs. Dralle requested that they expand on #12 with additional language.

Mrs. Dralle stated on page 20 under Property Maintenance Code Violations you have human occupancy limits and inquired what are the limits.

Ms. Dunn replied it is defined in the property maintenance code. Human occupancy limits are generally about 100 square feet per sleeping room.

Mrs. Dralle inquired about the Illinois Compiled Statutes on page 25; regarding representation at the hearing specifically Section 5.-41030, the case for the county may be made presented by the code enforcement officer or by the State's Attorney. She assumed that this committee's intent would be that it be by a hearing officer.

Ms. Dunn advised that in the adjudication processes they observed the code enforcement officer (whoever that may be, a representative of the Health Department, Land Use Department, etc) is the person that presents the case for the county. We have not observed any adjudication process where a state's attorney has been present.

Mrs. Dralle inquired if Assistant State's Attorney Mary Tatroe had any comments and ASA Tatroe indicated that she did not.

Mrs. Dralle believed there were a few instances within this proposal where the State's Attorney must be present and she would like that removed. If the State's Attorney Office feels they would like to be present that is something they can or cannot do but did not believe it was something that was necessary to be in the policy. The Statute does not indicate that is necessary and hopefully the purpose of this process is to alleviate some of the duties that the State's Attorney does have to attend. If there is an appeal, then that is certainly the time they will be involved.

Ms. Dunn indicated it is on page 33.

Mrs. Dralle requested they strike that the State's Attorney will represent the County. It is not required within this policy but if they choose to attend independently of

what we have in this policy they certainly may do so with a hearing officer present. That is what the statute allows us to adopt and move forward with a hearing officer.

Mrs. Dralle stated on page 34 there are fines and penalties. A tentative budget of \$24,000.00 that you anticipate will be needed to implement a hearing officer. There is no schedule of fines and fees. There is a sentence where it states that it will be \$100.00 for adjudication with a hearing officer.

Ms. Dunn advised that is the administrative cost but does not include the actual fine for the violation. A decision was not made on this.

Mrs. Dralle requested that they work on that as we move forward that the County Board would be interested in what the schedule of fines and fees would be.

ASA Tatroe advised that the fines are set forth in various ordinances that would be adjudicated.

Mrs. Dralle requested a copy of these fees.

Ms. Dunn advised that she has inquired other hearing officers if they have a schedule and was told no, they do it on a case by case basis. On observation of what we have seen it is generally between \$100 and \$250.00 per violation.

Mrs. Dralle requested that they work on this issue.

Mr. Anderson, referring to §5.41030 on page 25, the case for the county may be presented by the code enforcement officer or by the State's Attorney, requested ASA Tatroe has or would look into confirming whether we need not have an attorney represent the county. He is concerned if there could be a problem with the Supreme Court rules regarding authorized practice of law.

Mr. Anderson inquired further in that same section it states that the respondent corporation may be represented through an officer, director, manager or supervisor of the corporation. It should also include an attorney could also represent a corporation. This conflicts with other statutes.

Mr. Anderson inquired if it was even permitted for an officer to represent a corporation. Generally, in court you have to be represented by an attorney.

ASA Tatroe replied typically yes, Mr. Anderson was correct, a corporation could not represent itself. You must have an attorney present but she has seen other provisions where the legislature has amended. They created corporations so I would expect that they have the ability to indicate other statutes on who can represent them. This being a minor issue they probably have the latitude to do that.

ASA Tatroe stated regarding the unauthorized practice of law that is a potential question of conflicting legislation and we will have to reread all of those and make a determination as to whether or not they can be read in concert with each other. We will check that.

Ms. Smith stated that statistics are indicated on this new information but it only relates to Land Use. There is nothing on the Sheriff and the Health Departments

Ms. Smith requested that additional data be provided from these departments.

Ms. Smith inquired of Mrs. Bilotta of the Health Department regarding wells and septic and if that would be the only items.

Mrs. Bilotta replied operating or discharging without a permit would also be included.

Ms. Smith inquired if enforcement of environmental health in restaurants at all would be included, they did not need this process for that issue.

Mrs. Bilotta replied that their food ordinance covers that and that is how we would handle it. It is typically operating without a permit that we file cases for before but we have the ability through our ordinance regarding cleanliness, etc.

Ms. Smith inquired, regarding the cost, contractual services, costs for training, on page 40, are these just estimates.

Mrs. Dralle stated that there is an anticipated budget of \$24,000.00, when you are looking at potential software vendors to provide this, I would hope that we can find a vendor that is willing to work with the county, that is willing to potentially do a 2-3 year contract similar to what the State's Attorney and Circuit Clerk McGuire's office does with collections. They would receive a certain percentage of the fines and fees collected. This would then pay for some of the implementation of this program.

ASA Tatroe replied she would review that.

Paul Rafac asked if we would want to establish a separate department within the county or a special fund.

Mrs. Dralle replied yes, it probably should be a special fund so that we can track it and know what is coming in.

Mr. Rafac inquired whose control would this be under.

Ms. Dunn advised that the way the ordinance is written the hearing unit would answer to the County Executive, with the advice and consent of the County Board the hearing officer and recording secretary would answer to the County Executive.

ASA Tatroe stated that the County Executive controls the day to day operations so it would make sense that it would be under him.

Ms. Dunn, in response to Ms. Smith's question regarding the costs on page 40, replied the security stipend are real numbers that came from the Will County Sheriff's Office and the recording secretary was estimated at 20 hours per month at \$20.00 an hour whether it is someone the County would choose to hire separately or augment a current position.

Ms. Smith stated she thought we were going to use current staff and with the slow-down in Land Use and several other departments you can use personnel and rearrange their job duties.

Mr. Rafac advised that Land Use did lose about 10 positions between layoffs and severance relative to where they were last year.

Mr. Friefeld stated that this is under the County Executive and he would be able to pull from other departments within the County. This is an administrative issue that can be addressed.

Mrs. Dralle stated that we are not looking to hire anyone except a hearing officer and be sure that as we move forward that can be worked out.

Mrs. Dralle reviewed on page 47 under administrative review that we have already taken care of this issue.

Kurt Sangmeister inquired where the hearings are going to be conducted.

Mrs. Dralle advised that since the space issues are with the County Executive I would default to him. The County Office building would be an option if they are in the afternoon or evenings. Another option would be to look as to where the violations occur within the county and if they occur in certain areas, such as Homer or Crete, you may want to look at a second place other than the county seat that could provide hearing room a month for this.

Ms. Smith stated that in this document it states that it is necessary for the hearings to be held in a secure building. She did not believe that was necessary.

A discussion was held regarding the necessity of having a secure building.

Mr. John Cicero stated there have been situations where it is necessary to have security. Sometimes the people can become quite hostile.

Mr. Cicero also stated that the Health Department would be able to accommodate hearings especially if they concerned any violations of the health ordinance and we have security in the building.

Mr. Anderson stated that we don't have deputies in the court, we have bailiffs. In Cook County they have Sheriff's Deputies in every court.

Mr. Anderson stated regarding to matters of security we need to defer at least to some degree to the County Executive as well as the Sheriff.

Mrs. Dralle inquired if there was security at the other facilities that were visited.

Ms. Dunn replied there was a Sheriff's Deputy and only one process where you had to go through metal detection which was Chicago Heights.

Mrs. Dralle stated that if you look at having the hearings in the county building there is security here in the afternoons. If you look at some of the other municipal buildings once you find out where the volume is, then maybe you can address security at that time for that location. The Sheriff's office is stretched.

Ms. Dunn explained at one of the facilities they had a person overseeing two rooms, one where the fines were paid and the other where the hearing is held. This is another reason we wanted to incorporate a stipend to have security through the Sheriff's Department at these hearings.

Mrs. Dralle advised that we will continue these discussions following discussions with the County Executive and with Ms. Dunn providing information as to where she believed the hearings would be held.

Mr. Anderson inquired of the Sheriff if the bailiffs working in the courtrooms had any particular training for security.

Sheriff Kaupas replied they come under the Chief Judge not his office.

Kurt Sangmeister advised they are given rudimentary training, a handbook that deals with how to deal with the public. They are instructed if there is trouble in the courtroom (other than keeping quiet or leave the courtroom), they call the deputies to deal with disruptions.

Mrs. Dralle stated as we move forward with this ASA Tatroe will provide an opinion within the next week that we can finalize this policy. I would hope that you can look at an RFP for the software vendor as well as an RFP for a hearing officer and come back next month ASA Tatroe with an ordinance that we can adopt and move forward.

Ms. Dunn advised that it may take a month or two to work out an RFP so that we are ready when we put it out.

Mrs. Dralle inquired if there will be a module, a way to transmit this to the Clerk's office, if someone wants to appeal the process for example.

Ms. Dunn replied that would depend on the software.

JMS Project Update

Mrs. Dralle advised that in their packet there is an explanation from a number of people from the Sheriff's Department regarding the JMS system for the Adult Detention Facility and JMS will be rebid.

Mr. Piwowarski advised that we are recommending to the PBC that we go out for bid again for the JMS project. I would like to come back next month with a detailed and abbreviated time schedule. I have distributed the original implementation schedule that I developed and modified with some of the changes for going out for a new RFP. It keeps the timeline close to what the original project was going to be. There will be significant impacts if we abbreviate this. In particular will be the increase in staff overtime in order to complete the project. That is what I would like to come back with next month which is two different variations, one with the original timeframe and one with the shortened timeframe and project out what impact or additional costs we are going to incur on this.

Mrs. Dralle advised there is no money for overtime.

Mr. Piwowarski advised there are some areas in here if we are diligent that we can shorten this a little bit. We don't know the review period of all the vendors until we know how many responses we receive. If we don't have many new vendors then the review period indicated on this graph will be shortened. We will also look at contract negotiations.

Mrs. Dralle stated that you had a prime contractor and a subcontractor. Some of the difficulties were with the subcontractor. Is it necessary to have a prime contractor and subcontractor or can you just do one contractor.

Mr. Piwowarski replied that we could do just one or just have JMS as the primary. The reduction will be in the number of companies that apply. It won't give us a wide variation of software to review. Another item we can do is to require financials not only from the primary contractor but also the subcontractors so we can analyze them at the same time.

Mrs. Dralle stated the one concern was that data from the jail to the Clerk's office was successful but the data from the Clerk's office could not get back to the jail.

Mr. Piwowarski advised that we are still working that procedure out.

Mr. Piwowarski stated the warrant system and the process we are going through right now is a perfect example of what occurs when you abbreviate a project well below a good timeframe. The warrants project which should have been an 8 to 12 month project was done in 3 months. That is what we are trying to avoid with the JMS. Let the development stage be longer rather than go back and put it back in.

There was a discussion regarding having a performance bond or if the language had been changed in the ordinance.

Mr. Piwowarski advised that the actual time level is over 6 pages in length and not broken down yet.

Other Old Business

NEW BUSINESS

Intergovernmental Agreement for Law Enforcement Services with Godley Park District

Mrs. Dralle advised that this was at Executive Committee and she had inquired as to why this contract was only for \$1200.00 for services and did not understand why it is such a low number.

Mrs. Dralle stated within this agreement it indicates that the County Auditor will also go through this to make sure the dollar amounts are correct.

Sgt. Giels advised that the auditor had not gone through this yet. This contract is the same in Diamond and Godley with the same amount. It is based on the calls for service.

Ms. Smith inquired who would do this if we don't provide the services.

Sheriff Kaupas replied we have to do it.

Sgt. Giels stated it is based on their call volume. When he first put this agreement together, it was 8.5 hours per year. This does not include premise checks and were paying the Village of Braidwood much more. They were included in the original Godley contract and Godley took them out and said they are a separate taxing body and charged them separate.

Mrs. Dralle stated as long as the auditor has reviewed this and is within the standards, then it is fine.

Sheriff Kaupas advised that the standards are set by us. It is based on call by. On the roads since they have the new computers, every time deputies ride into a subdivision or whatever zone they go into, they have to call it in. That is what he means about premise checks. The other calls are if we respond to a particular incident that someone has called in.

A motion was made by Mr. Anderson, second by Mr. Stewart to approve and move to County Board the Intergovernmental Agreement for Law Enforcement Services with Godley Park District. All in favor.

MOTION CARRIES

Grants Update

Mr. Palmer stated in their packet everyone received a draft of what is projected to be included in this year's federal agenda. We have had the Integrated Criminal Justice System. This is a multi-year, multi-million dollar plan.

Mr. Palmer advised that we asked for \$600,000.00 last year and were fortunate to receive \$100,000.00. Every year when we receive money we have to write up a narrative on what we are going to spend the money on. The last several years we have had success in the criminal justice area. We have had the IWIN laptops, the \$300,000.00 that we are actively meeting with the Circuit Clerk and Sheriff's Office on that and then we received the \$100,000.00.

Mrs. Dralle inquired what he was using the \$100,000.00 on.

Mr. Palmer replied they are working on that and the challenge is that the Integrated Justice is one of many pieces to the puzzle. We have already done the warrants and orders of protection project which was funded by another grant. Our plan is to put that \$100,000.00 alongside the \$300,000.00 to address an additional issue. We have not received any paperwork to submit a narrative and to receive the money.

Mr. Palmer stated he hoped by next month's meeting that we would receive the paperwork and come back to this committee with a recommendation so we can move forward.

Mr. Palmer advised that anything we do with this money has to fall in line with what we requested. Items that we are putting into the federal agenda now we won't receive any money until this time next year. In the meantime we are going for

competitive grants. For the foreseeable future this is the only way we are going to be able to fund these projects. Approximately \$2 million has gone into the Criminal Justice, the IWINs, the cameras, the warrants and orders of protection project and now this \$100,000.00.

Mrs. Dralle stated this also included the JAG funds.

Mr. Palmer advised that this is all part of the continuum from the street where the officers are collecting the information, getting it into the court system, into the jail management system and back out onto the streets. Hopefully this is all working together.

Ms. Smith inquired if this is the same \$100,000.00 grant that the Clerk and Sheriff's offices put in last year.

Mr. Palmer replied no, there are multiple streams out there. We are working with \$300,000.00 even for the COPS program. When we added up all the JAG money it was just a coincidence that come out to match up to \$300,000.00 and all that was dedicated to cameras which is happening. There is another \$100,000.00 that Senator Burris got for us which we haven't received yet.

Mr. Palmer distributed information that the Circuit Clerk has provided regarding what Integrated Justice Information System means. He stated previously we have had informal meetings and advised that they would like to formalize these meetings by having standard meetings. Anything coming out of those meetings would come to the committee but to have a working group where we have agendas and minutes which would be taken by the County Executive's staff.

Mrs. Dralle stated that if you look back at the Integrated Justice Initiative on the first page, second paragraph, you have that as Will County Criminal Justice Initiative Committee. She stated that has to be inclusive of the County Board or County Board members or specifically Ms. Smith who is dealing with technology since this is definitely a technology issue.

Mr. Palmer replied that is why Mrs. Dralle was invited to these meetings and will continue to be included in these meetings. The goal is to have a standing committee where these issues can be address since it is ongoing. We have discussed having an assessment done by an outside body which is one of the possibilities in using the \$100,000.00. We want to have this committee as a working group that can spend longer times that allowed at committee meetings to do this and then come to committee when

formal action is necessary. Also, when grant opportunities come up during the year we will have documents ready to go. This obviously is many pieces.

Ms. Smith stated that from the 2009 budget requirements you have \$690,000.00. Of the \$690,000.00, how much is funded.

Mr. Palmer replied it is not neat pieces. When we ask for \$690,000.00 that is based on guesstimates of what these items are going to cost but some of these items are already begun to be addressed separately. We are using whatever mechanism we can.

Mrs. Dralle inquired Circuit Clerk Pam McGuire how much has gone into the warrant and order of protection implementation.

Ms. McGuire replied she did not have that figure but would provide it to her.

Mr. Palmer advised that this is what we provide the legislators when we go to Washington. There are not corporate funds.

Mrs. Dralle inquired how much is in the automation funds.

Ms. McGuire replied about \$4 million but they are also looking into a case management system.

Mr. Squires advised that Winnebago just purchased one and it was about \$4 to \$5 million. This is a software system that does everything, including minutes. It is an essential computer system for everything that goes through the courts.

Mrs. Dralle inquired if this would tie into the JMS.

Ms. McGuire replied they hoped to, yes.

Mrs. Dralle advised Mr. Piwowski that this is something they should be looking into as they move forward with the JMS so the case management system can connect together.

Mr. Piwowski agreed and stated that anything moving forward has to meet certain standards and specifications in any RFP we put out would require that it communicate with our other systems.

Mr. Stewart inquired how much money of the \$690,000.00 can we expect to receive.

Mr. Palmer replied that we received \$100,000.00 and what was in the packet was last year's request and we have not received anything more.

Mrs. Dralle inquired of Ms. McGuire if the Circuit Clerk would like to contribute to the JMS.

Ms. McGuire replied wherever we can, as long as the Chief Judge is willing to sign off on it and it takes care of the court system which is what the automation fund is for, then we can talk about it.

Other New Business

ANNOUNCEMENTS BY THE CHAIRMAN

EXECUTIVE SESSION

ADJOURNMENT

A motion was made by Mr. Anderson, second by Mr. Stewart, to adjourn the meeting at 9:35 a.m. All in favor. MOTION CARRIES.