

CHAMPAIGN COUNTY BOARD
COMMITTEE MINUTES

JUSTICE & SOCIAL SERVICES COMMITTEE

Wednesday, November 3, 2004

Meeting Rm. 1, Brookens Administrative Center

1776 E. Washington St., Urbana

7:00 p.m.

MEMBERS PRESENT: Anderson, Carter, Doenitz , Hambrick, Kirchner, Putman, Tapley

MEMBERS ABSENT: O'Connor, Sapp

OTHERS PRESENT: Deb Busey (County Administrator), Patricia Avery (County Board Member), Joel Fletcher (State's Attorney), Roger Holland (Circuit Court), Bill Keller (ESDA), Jeremy Maupin (Nursing Home), Nancy Richardson (Nursing Home), Barb Wysocki (County Board Member)

CALL TO ORDER

Chair Hambrick called the meeting to order at 7:09 p.m.

APPROVAL OF AGENDA/ADDENDUM

MOTION by Kirchner to approve the agenda; seconded by Carter. Motion carried.

MOTION by Kirchner to approve the addendum; seconded by Carter. Motion carried.

APPROVAL OF MINUTES

MOTION by Carter to approve the Regular Session minutes of October 6, 2004; the Closed Session minutes of October 6, 2004, 10:01 p.m.; and the Closed Session minutes of October 6, 2004, 10:45 p.m. Motion seconded by Kirchner. Motion carried.

PUBLIC PARTICIPATION

There was no one for public participation.

MONTHLY REPORTS

MOTION by Carter to receive and place on file the Coroner Report for September 2004; the Court Services Report for September 2004; the Circuit Clerk Report for August 2004; the Animal Control Report for September 2004; the Head Start Report for October 2004; the Mental Health Board Report for October 2004; the Nursing Home Report for October 2004; and the ESDA Report for October 2004. Motion seconded by Putman. Motion carried.

Putman requested Kirchner to brief the committee on the last meeting of the Champaign County Board of Health. Kirchner stated the Board of Health voted to contract with a consultant for the purpose of reviewing the existing contract and services. This is to provide an evaluation of the arrangement and recommendations to what, if any, services should be provided that are not currently provided or discontinued.

JUVENILE DELINQUENCY GRANT MONTHLY REPORTS

MOTION by Putman to receive and place on file the Don Moyer Boys & Girls Club Report for September 2004; the Provena/Family Conference Program Report for August 2004; the Provena/Family Intervention Program Report for September 2004; the Provena/Talks Mentoring Report for September 2004; RPC-Court Diversion Services Reports for July, August, and September 2004; the ROE-JDC Extended School Year Reports for July, August, and September 2004. Motion seconded by Anderson. Busey noted that reports have been received that the committee had not previously been receiving. She felt this was a direct result of the C-U Area Project work with the organizations to make certain they are following the reporting and monitoring requirements. Motion carried with Hambrick abstaining due to conflict of interest.

CIRCUIT COURT

Request Authorization for Circuit Court credit card for purchase of juror meals

MOTION by Kirchner to approve the request for authorization for Circuit Court credit card for purchase of juror meals; seconded by Putman. Roger Holland said there is only one vendor who will deliver to the Courthouse and accept the County's current billing practices as a form of payment. Other vendors are not willing to wait for the time it takes to process the payment requisitions. A credit card would allow a greater variety of vendor options for jurors and would allow payment transactions over the phone. Discussion was held on other payment options and the reasoning for a credit card. The committee stated the importance of paying the credit card bill on time to avoid finance charges. Motion carried with one no vote.

CHILDREN'S ADVOCACY CENTER

Agreement for Continued Grant Funding from the Illinois Criminal Justice Information Authority Agreement #204216

MOTION by Kirchner to approve Agreement for Continued Grant Funding from the Illinois Criminal Justice Information Authority Agreement #204216; seconded by Carter. Motion carried.

ESDA

Resolution of Adoption of the National Incident Management System in Champaign County

MOTION by Kirchner to approve Resolution of Adoption of the National Incident Management System in Champaign County; seconded by Putman. Bill Keller stated if Champaign County does not adopt this method of emergency management by 2006-2007, then the federal government will restrict federal funding to the County for disaster recovery efforts or grant money. This will require some training with some elected and appointed county officials, which has already been started, and some First Responders will require additional training. Avery thanked Keller for the recent training for elected officials that she attended and found quite informative. Motion carried.

NURSING HOME

Closed Session pursuant to 5ILCS 120/2(c)11 to consider litigation which is probable or imminent against Champaign County

MOTION by Kirchner to enter into executive session pursuant to 5 ILCS 120/2(c)11 to consider litigation, which is probable or imminent against Champaign County. He further moved that the following individuals remained present: Recording, Secretary, County Administrator, County's Legal Counsel, and Nursing Home Administrator. Fletcher requested the Assistant Nursing Home Administrator be included in those remaining present, Kirchner agreed to amend his motion. Motion seconded by Carter. Motion carried. Roll was called. The committee entered into closed session at 7:25 p.m.

The committee resumed in open session at 7:36 p.m.

CHAIR'S REPORT

There was no Chair's Report.

OTHER BUSINESS

Communication from constituent)

Putman provided a communication from a couple in her constituency on this issue of cat registration for information only. The couple owns eleven cats. Putman suggested that people who own over three cats be waived from paying the registration fee for each animal, but still be required to provide documentation of rabies vaccinations.

Kirchner reminded the committee that someone needs to be appointed as liaison to the County Board of Health when his term expires.

Approval of contract to conduct a Disparity Study for Champaign County.

MOTION by Kirchner that the County Board of Champaign County contract with Mason Tillman Associates, Ltd. to conduct a disparity study consistent with its proposal dated November 1, 2004, that this issue be placed on the County Board's November 18th agenda, that a proposed contract consistent with the proposal of November 1, 2004 be requested from Mason Tillman Associates, Ltd. on behalf of this committee for review and consideration by the County's legal counsel and that the chair of the Justice Committee and the County's counsel be allowed to negotiate changes to the form of the proposed contract consistent with the November 1st proposal and applicable law. Motion seconded by Carter.

Discussion commenced with Fletcher addressing the committee on the legal issues of conducting a disparity study. He was concerned that because a disparity study could create a record of the County's past discrimination and open the County up to liability. If the disparity study is not done with adequate care, there is a risk of a false positive; an indication of discrimination that the County's has not, in fact, engaged in, which could subject the County to liability. There is also the risk of a false negative, in which we would not cure the problem and not identify the narrowest means to cure the past discrimination, if it exists. If any of these risks occur, the County would subject itself to further legal risk in taking any race-conscious remedial measures and could subject itself to liability by contractors who are disappointed by the County's methods and at not being awarded a contract. Fletcher further noted that the contract with Mason Tillman Associates, Ltd. includes legal services and the County Board cannot enter into such a contract without the approval of the State's Attorney. Whatever the committee's decision, the contract needs to be coordinated with competitive bidding statutes. While the attorneys on Mason Tillman Associates staff are apparently experts in areas of law related to disparity studies, Fletcher does not know their qualifications with respect to competitive bidding statutes. Due to time constraints, he cannot guaranty that County's legal counsel can adequately address all of these concerns by the November 18th County Board meeting. Fletcher explained that this is one of the most complicated areas of constitutional law and courts flip-flop on this issue. He advised that while anything the County does in this area involves some legal risk, the more time we have to take a more careful approach to it, the better we can lessen that risk. Fletcher is also concerned about the half-life of such a study, it might be stale before it can be put to use for a particular project, such as the Jail Expansion construction.

Putman asked if anyone currently present was at the County Facilities meeting when the disparity study issue was discussed. Wysocki was present at that meeting and explained that Mr. Burton from the University of Illinois spoke about the possibility of a disparity study being done locally through the University of Illinois.

Wysocki detailed Burton's ideas to the committee. The committee discussed Mason Tillman Associates' proposal comparatively to what the U of I offered. Kirchner stated that Mr. Burton had no experience with a disparity study with contract issues, his experience is with elections. Mason Tillman Associates Ltd. has never been challenged in court with respect to its methodology. Busey suggested the committee consider forwarding this item to the Finance Committee if it is approved by this committee, so if the County Board awards a contract, then they will also have identified how to pay for it. It would seem appropriate to include this item in the FY2005 Budget that will be adopted at the November 18th meeting, because it would be difficult to amend the budget on its face at the meeting which it is being adopted. Kirchner stated he would resist any alteration of his motion to forward this proposal to the Finance Committee. He wished the proposal to be addressed by the current Board in November 2004.

The committee continued to discuss the merits of the Mason Tillman proposal and the reasons for needing a disparity study. Hambrick called the issue to a vote. A roll call vote was requested. Motion carried with a vote of 5 to 2. Voting aye were Anderson, Carter, Hambrick, Kirchner, and Putman. Voting nay were Doenitz and Tapley.

DETERMINATION OF ITEMS TO BE PLACED ON COUNTY BOARD CONSENT AGENDA

All items were designated for the Consent Agenda except for the request for authorization for Circuit Court credit card for purchase of juror meals and contract to conduct a disparity study for Champaign County.

ADJOURNMENT

MOTION by Carter to adjourn; seconded by Anderson. Motion carried. Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Kat Bork
Administrative Secretary

Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.