

Finance Committee of the Village Board Minutes
Monday, July 28, 2014
6:30 pm Room 130

APPROVED MINUTES

Call to order 6:30 p.m.

Present were members of the Finance Committee, President Abu-Taleb, Trustees Salzman, Tucker and Brewer.

Absent: None

Staff in attendance included Village Clerk Powell, Village Manager Pavlicek, Village Attorney Stephanides, Village CFO Lesner, Deputy Village Manager Shelley, Adjudication Director Anderson, Health Director Provost-Fyfe and Environmental Health Supervisor Charley.

The minutes of the July 14, 2014 Finance Committee meeting were approved as submitted.

There was no public comment.

New Business

President Abu-Taleb announced that two services will be reviewed, Adjudication and Health. Manager Pavlicek explained that in advance of the budget process, this meeting was intended to be a review of the services provided by these two areas.

Overview of the Office of Adjudication

Director Anderson explained that his presentation would compare the current Adjudication process with use of the Circuit Court as an alternative. Local ordinances require compliance; when violations occur citations are issued and may require a hearing before a fine is issued. He noted that common citations include traffic, non-moving traffic, nuisance, personal, parking, curfew, damage to Village property, property and building violations. He explained that Adjudication employees do not issue citations; these are issued by other department inspections and police who monitor compliance. Employees in the Office of Adjudication maintain all records of citations and manage the process.

Hearings are conducted by four contract Administrative Law Judges who are all attorneys. Under the Home Rule authority of the Village of Oak Park, these judgments are enforceable as in Circuit Court. The judicial contractor expense is \$75,000 per year. The Office of Adjudication collects revenues of \$2.5 million in fines, mostly for parking violations. Criminal violations and moving violations are handled not handled in the Office of Adjudication but in Circuit Court. Adjudication expenses are \$541,000 from the General Fund.

Director Anderson reviewed the expenses of the hearing process which includes judges, court

security officers, printing and other costs, for a total of \$190,000 annually. If this function was transferred to the Circuit Court, those judges would handle hearings and court security would be handled by their bailiffs. However, all of the other functions would still need to be handled by a local administrator, including traffic compliance, such as license suspension for 10 or more unpaid tickets, booting and towing after five or more violations, functions which Adjudication now handles. Remaining costs of \$300,000 would remain for the Village to manage.

The impact of a return to Circuit Court on Village Departments was next reviewed by Director Anderson. Within the Adjudication process appearances by police officers are not required as "hearsay" is allowed; in Circuit Court this is not an option and police are often required to appear. He discussed the overtime process and frequent continuances and noted that the Police Department has projected that such costs could amount to \$100,000-150,000 annually. Trustee Salzman asked for more detail on how this amount was determined.

Manager Pavlicek said that Chief Tanksley could speak about the overtime issue and impact of police away from usual duties for court appearances. She explained that if Adjudication is not handling cases this could not be covered by an attorney in the Law Department as the Circuit Court caseload would be 4,000 to 6,000 cases annually or 800 to 1,000 cases without parking citations. It was also noted that cases currently handled in Adjudication are completed in one hearing. Alternatively, continuances are common for cases at Circuit Court. Attorney Stephanides noted that it would like require the Village Attorney only handle non-moving violations (such as no Village vehicle sticker) and moving violations would be handled by an outside legal counsel, with at least one or two court calls per week.

Director Anderson noted that inspectors from many departments would also be impacted, as they would need to appear in court, possibly multiple times for the same case due to continuances for building violations, for example. He also noted that subpoenas are rarely issued for cases in Adjudication but are common in Circuit Court. He also explained that citations for failure to renew licenses for both multi-family properties and businesses have been automated and are issued when renewals are not made by the deadline. This change has led to 100% compliance for multi-family and business license renewals, reducing staff time devoted to administering these programs.

The collection of fines would be impacted by removal the Circuit Court, which keeps some of the revenue. Director Anderson estimated a 53% reduction in revenue overall, noting that a \$250 handicapped parking violation might be reduced at Circuit Court to offset other fees they charge with a collection of as little as \$35 for the fine itself. Finance has reviewed records before Adjudication was established and determined that revenues for fines received by the Village during that period were roughly 50% of those now being collected.

The Police Chief could explain in more detail the impact on overtime costs and police presence of a change to Circuit Court. The current online appeal process brings in about 20 appeals daily, as well as several walk-ups contesting tickets. These options would no longer be available and people would be required to go to court to dispute tickets.

Juvenile Court (currently one night per month), which provides therapeutic remedies and community service as recently provided for by the Board in Code revisions, would likely go away for typical violations now reviewed by Adjudication. Circuit Court would likely not review tobacco, minor cannabis and curfew violations now handled by Adjudication and juvenile night court would no longer be an option for young people and their parents.

President Abu-Taleb proposed that it might be helpful for accounting purposes if the fines for parking now included in the General Fund would instead be identified as revenue streams for Adjudication. Trustee Tucker also asked for details of police budget impact and asked if CFO Lesner agreed with the numbers provided.

CFO Lesner agreed that he could provide more detail and speak to the efficacy of the process and whether collections would go down; he noted that citations are issued for Code enforcement rather than revenue generation. Trustee Tucker asked if it made sense to CFO Lesner to keep Adjudication in-house. Mr. Lesner agreed that it did. Manager Pavlicek added that there are two rationales in the process, to collect appropriate fines and to provide a positive customer service experience locally rather than requiring people to go to Circuit Court, which could reduce revenues to the Village so that both sides win. However, reviewing all aspects of the process is helpful to determine if current choices are the best.

President Abu-Taleb asked how Forest Park handles citations without an Adjudication Department and whether Oak Park could do the same. Trustee Salzman asked for other alternatives by neighboring communities, the impact on policing and costs. He noted that Director Anderson does a great job and suggested that accounting might be clearer to show revenue streams.

Manager Pavlicek pointed out that GASB accounting principles puts revenue into the general fund, rather than attaching it to an operating department and that the presentation of revenues by department is provided to be informative. Trustee Salzman suggested that based on the information at this meeting, the benefits do not appear to outweigh the costs. Staff will conduct further research on how other municipalities handle citations and enforcement processes. Attorney Stephanides noted that Adjudication is common in Cook County, while DuPage conducts Field Courts.

Mr. Salzman asked if more categories of Code violations could be directed to Circuit Court and asked for a clear illustration of costs versus for each option. Staff will prepare a list of all ordinance violations which could go to Circuit Court.

Trustee Salzman asked for additional details on the juvenile justice process as well. Director Anderson noted that under the Adjudication process no court records follow juveniles. Manager Pavlicek noted that this was the intent when the Board recently set up Juvenile Court once per month.

Trustee Salzman said that it would be important to examine departments beyond what departmental advocates present to have a firm basis of information, and asked that comparisons with other municipalities be provided. He asked whether these functions are truly necessary and how other communities handle them.

Trustee Brewer asked for a quantifiable impact on other departments of changes with firm numbers from the Police Department. He noted that the law requires that 4,000 to 6,000 cases be handled internally and asked about ceasing to write local violations. Manager Pavlicek explained that the law doesn't allow the Village to ignore violations; to stop writing these the Code would have to be changed. Trustee Brewer asked for information on the impact on enforcement of the Code and the various departments. Trustee Tucker explained that it was necessary to review these issues under the microscope and thanked staff for this information.

Trustee Salzman asked that Finance or other staff provide an objective quantification of these issues. Trustee Brewer suggested that comparisons be made to identify similar or hybrid arrangements, and noted that if adjudication was eliminated some services would need to be reassigned internally. He noted that revenue generated by enforcement and suggested that the customer service aspect of the process needs to be considered.

President Abu-Taleb asked if Law could take over Adjudication's role. Attorney Stephanides explained that they are never combined; Law only handles prosecution of cases. Sometimes administration is assigned to Police or Finance, but still requires dedicated personnel.

President Abu-Taleb asked if booting of cars could be outsourced. Director Anderson explained that this is handled by Parking Enforcement Officers and managed by Adjudication. This requires careful management providing due process as seizing of property is considered a "taking". President Abu-Taleb noted that they might be losing money rather than making money. Director Anderson explained that Adjudication is an administrative hub for the enforcement efforts of other departments, not set up just to generate revenue.

President Abu-Taleb asked if the department was at capacity or if it could take additional business, such as providing this service for River Forest. Director Anderson said that ultimately they could handle more, but that others are handling this for River Forest now. Manager Pavlicek explained that the Field Courts of DuPage County operate something like that. President Abu-Taleb asked how we could increase revenue.

Trustee Salzman noted that juvenile records are sealed in Circuit Court. However, college and employment applications may require that applicants self-report. He suggested that the referrals now handled by Adjudication could be tweaked to be handled by the Township.

Overview of Public Health Department

Director Provost-Fyfe noted that a memo had been sent to the Finance Committee summarizing the duties of the Health Department and introduced Environmental Health Supervisor Mike

Charley. She explained the origin of the Health Department to protect the public from infectious disease and its certification by the State of Illinois at the time that the state decentralized public health activities to counties, but also certified local health departments in Cook County. In addition to Oak Park, the other municipalities with state-certified health departments include Evanston, Skokie and Stickney. This certification requires a Health Director with a specific medical and educational background and specifies practice standards to be eligible for state grants. PCC Wellness serves as the required Medical Consultant for Oak Park.

She presented the organizational chart and noted that the Emergency Preparedness Director is part of the Health Department, funded through a grant, with joint reporting responsibilities to the Police Department as well. In this role he conducts drills for departmental coordination with outside agencies and other governments for emergencies and coordinates training of emergency medical volunteers, among other duties.

Community Health Services oversees family and child health with 1 nurse and 2 part-time practitioners; these positions are primarily grant-funded. They work with Oak Park Township Senior Services, Women, Infants and Children (WIC), the Collaboration for Collaboration for Early Childhood Care and Education and Infant Welfare. Environmental Health includes rat and nuisance control, food protection and animal control. Wildlife impacts properties and traps are provided to residents. The Village has a multi-year agreement with the Animal Care League to handle stray pets arranged after other arrangements proved unsatisfactory in the past. Six part-time contractors share responsibility for overseeing operation of the Farmers' Market (3 per weekend on alternating weekends) to assure coverage of the Link Card program (which also accepts credit cards) and other operations of the Farmers' Market booth. The growth and success of the Farmers' Market over 40 years now make it comparable to a small business and requires staffing to manage operations and vendors. The West Nile Virus intern is funded through a 12-week grant each summer to survey neighborhoods and educate the public to reduce mosquito breeding sites. Two advisory commissions (Board of Health and Farmers' Market) work with the Health Department.

The expenses of the Health Department were presented (\$956,397 for 2015), with revenues of \$420,514 (\$124,869 in fees and \$303,645 estimated for grants in 2015).

Trustee Brewer asked what benefits and services are being provided that would otherwise be provided by the Cook County Health Department. Director Provost-Fyfe noted that the Cook County Health Department is currently severely under-staffed, limiting its services. Director Provost-Fyfe noted that the county has a broad approach; it charges \$60/visit for direct services; this might or might not be an option. Without a local certified health department, the \$300,000 in annual grants would not come to Oak Park but would be awarded elsewhere in the state. Certain functions such as restaurant inspections are required by state law and these functions would need to be handled by staff or outsourced with a staff supervisor. Trustee Brewer asked what Oak Park provides that other communities don't. Trustee Tucker asked if there is a charge for visits. Director Provost-Fyfe explained that nurse visits are free and we receive a grant through Medicaid for these but that there is a fee for restaurant inspections.

Trustee Salzman asked for specifics on the list of services provided; which can be outsourced to others, such as day care and senior care facilities? Director Provost-Fyfe noted that these inspections were added by action of the Village Board after the state inspections failed to provide for an adequate level of supervision of these facilities. Trustee Salzman suggested that perhaps the state inspection standards have changed as a result of a new administration. Director Provost-Fyfe noted that staff had been cut by half since the beginning of the recession.

Trustee Salzman asked whether our West Niles efforts duplicate the Mosquito Abatement District's work. Director Provost-Fyfe explained that MAD does mosquito surveillance (traps mosquitoes) and the Health Department collects birds. She described the allocation of grants among various aspects of a project, including salaries and educational materials.

Mr. Charley distributed information providing the initial result of a survey of other communities services and salaries for comparison. Trustee Brewer asked why these communities were selected and suggested that a broader list of municipalities be polled. Mr. Charley explained that these communities were similar in size and services to Oak Park Mr. Charley explained that restaurant inspections are ranked at three levels by risk category and may be re-inspected if needed. President Abu-Taleb asked if there are too many inspections and suggested that Oak Park is over-inspecting restaurants. Mr. Charley pointed out that while it is more than mandated by the state, Oak Park does just the number of inspections mandated by local ordinance. Mr. Charley pointed out that each inspection costs \$76.34 and is fairly efficient in relation to this initial group of other communities. Trustee Brewer noted that Oak Park voluntarily added to the state mandate for inspections and asked about capacity for inspections. Does Oak Park need more help or could the Health Department provide services to other communities? Mr. Charley explained that health inspections are required by state law. Trustee Brewer asked about outsourcing of this service by other communities and wondered if Oak Park is doing excess inspections.

Trustee Brewer asked if grants for health services would be available without the local Health Department certification. Director Provost-Fyfe said they would not; tax dollars would need to be used instead. Trustee Brewer asked about having non-profits provide services instead of the Village and asked if they might be eligible for grants; this may be possible. Manager Pavlicek also noted that some grants are tied to certification; Trustee Brewer asked if they could provide a list of grants tied to this certification.

Trustee Brewer asked for clarification regarding Farmers' Market staffing. Mr. Charley explained that there are a manager and assistant and six part-time volunteers (three per weekend alternating) as additional staff are now required to handle the LINK card (food assistance program which replaced food stamps). Trustee Brewer asked why the Farmers' Market chose to accept the LINK card. Mr. Charley explained that this allows low income people access to fresh produce and requires 2 people to manage this, a third person manages sales at the Village booth.

Trustee Brewer asked about the duties of the full-time emergency preparedness response manager. Director Provost-Fyfe explained that his duties involve training and drills for all staff involved in the process (as public safety staff members conduct drills of their duties). This position reports jointly to the Health Director and Police Chief. Duties include volunteer training (Emergency Medical Corps), coordination and collaboration with other local governments, hospitals, non-profit agencies and other municipalities. The Emergency Operations Center is established at Public Works as the Command Center and has been used for snow emergencies and the NATO event in Chicago, for example. He works with IT as well, including new areas of concern such as cyber-attacks. Manager Pavlicek added that hazard mitigation is another area of concern and stated that he wrote the hazard mitigation plan which will assist in the Village accessing grant dollars.

Director Provost-Fyfe also noted that he works with schools on home preparedness and with police, for emergency situations in schools. Manager Pavlicek noted that he has prepared the required emergency preparedness plans for the Village.

President Abu-Taleb asked if the grant for his services makes this position cost-neutral and Manager Pavlicek confirmed that there was no cost to the Village. Trustee Brewer asked whether we could simply stop having this position. Manager Pavlicek noted that most municipalities of our size have this position. Trustee Brewer suggested that the Village might be able to do without non-core functions such as day care inspections and asked that a future meeting present a case for that.

Old Business

Manager Pavlicek announced that the next meeting of the Finance Committee will be on August 25 and will include the additional information requested for Water and Sewer and may also include additional information for Adjudication or Health as requested this evening.

Moved by Trustee Tucker to adjourn. Second by Trustee Brewer.

Ayes: All. Nays: None.

The meeting was adjourned at 8:22 p.m.

SUBMITTED AND RECORDED IN THE OFFICE OF:

Teresa Powell, Village Clerk