

**CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT
ILLINOIS**

**KENNETH R. DEIHL
CIRCUIT JUDGE**

Courthouse
P.O. Box 673
CARLINVILLE, ILLINOIS 62626-0673
(217) 854-3181

Wednesday, June 24, 2009

MEMORANDUM

COUNTIES

GREENE
JERSEY
MACOUPIN
MORGAN
SANGAMON
SCOTT

To: ✓ Mr. Andy Manar, Chairman, Macoupin County Board
Mr. Steve Meyer, Secretary, Macoupin-Montgomery Crime Stoppers
Mr. Jim Zirkelbach, Member, Macoupin County Board

From: Judge Deihl, Presiding Judge of Macoupin County KD

Re: Crime Stoppers Assessment Fee Proposal

Enclosed please find a proposal for the court's to assess a local anti-crime program assessment fee against defendants and in favor of Macoupin-Montgomery Crime Stoppers. Please consider the following factors:

Contrary to our discussions, most traffic cases are a petty offense (\$75 total fine and costs) and so the law does *not* allow whatsoever any assessment. *Only* traffic cases punishable as a Class A Misdemeanor qualify for assessment. This amounts to only a few hundred cases per year.

My proposal matches Montgomery County's assessments for felonies and misdemeanors, but my proposal includes range assessments (minimums and maximums), so, as we've done in the past, whenever large bonds are forfeited, the judge can pass some of those large bonds onto Crime Stoppers. Large bonds will likely match what can be collected from minimum assessments.

We can roughly collect \$7,300 within the first 18 months from *minimum* assessments. Be mindful, felons tend to pay slowly (it takes years) or not at all, misdemeanor defendants pay somewhat quicker, while traffic and dui offenders tend to pay at a much faster pace. Here is my projection (no guarantee), based on an overall 20% collection rate:

<u>Categories</u>	<u># Filings for '08</u>	<u>Assessment</u>	<u>Subtotal</u>	<u>Collectable</u>
Felonies	310	\$50	\$15,500	\$3,100
Misdemeanors	646	\$25	\$16,150	\$3,200
Juveniles	085	\$-0-	\$-0-	\$-0-
Traffic & DUI	9,662	\$15	\$4,500	<u>\$1,000</u>
Total:				\$7,300

What affect will collecting this assessment have on the county's bottom line? Not much, here's why. The good news is, Macoupin County took in and kept over \$120,000 more from criminal, traffic and dui's in 2008 than in 2007. The number of cases filed in the first half of 2009 is about the same compared with the first half of 2008. We have collected and kept about \$12,000 more in the first half of 2009 versus the first half of 2008. The bad news is, while not tied directly to the above proposal, as for civil cases, the number of filings is expected to drop after the historic foreclosure cases begin to subside. We are seeing more people asking for fee waivers on civil filings, and that trend will likely continue because of our area's poor economic conditions.

Trust this data is helpful. I appreciate your continued assistance. You can email me your comments and suggestions at kdeihl@macoupincountyonline.net.

(10 ILCS 5/25-11) (from Ch. 46, par. 25-11)

Sec. 25-11. When a vacancy occurs in any elective county office, or in a county of less than 3,000,000 population in the office of clerk of the circuit court, in a county which is not a home rule unit, the county board or board of county commissioners shall declare that such vacancy exists and notification thereof shall be given to the county central committee or the appropriate county board or board of county commissioners district committee of each established political party within 3 days of the occurrence of the vacancy. The vacancy shall be filled within 60 days by appointment of the chairman of the county board or board of county commissioners with the advice and consent of the county board or board of county commissioners. In counties in which forest preserve district commissioners are elected by districts and are not also members of the county board, however, vacancies in the office of forest preserve district commissioner shall be filled within 60 days by appointment of the president of the forest preserve district board of commissioners with the advice and consent of the forest preserve district board of commissioners. In counties in which the forest preserve district president is not also a member of the county board, vacancies in the office of forest preserve district president shall be filled within 60 days by the forest preserve district board of commissioners by appointing one of the commissioners to serve as president. The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve. The appointee shall serve the remainder of the unexpired term. However, if more than 28 months remain in the term, the appointment shall be until the next general election at which time the vacated office shall be filled by election for the remainder of the term. In the case of a vacancy in a seat on a county board or board of county commissioners which has been divided into districts under Section 2-3003 or 2-4006.5 of the Counties Code, the appointee must also be a resident of the county board or county commission district. If a county commissioner ceases to reside in the district that he or she represents, a vacancy in that office exists.

Except as otherwise provided by county ordinance or by law, in any county which is a home rule unit, vacancies in elective county offices, other than the office of chief executive officer, and vacancies in the office of clerk of the circuit court in a county of less than 3,000,000 population, shall be filled by the county board or board of county commissioners.

(Source: P.A. 92-189, eff. 8-1-01; 92-583, eff. 6-26-02.)

Douglas R. Goings - Assistant

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VINCENT MORETH STATE'S ATTORNEY OF MACOUPIN COUNTY

July 1, 2009

Andy Manar
Chairman of Macoupin County
Board Members

Please be advised that upon checking the records of the Macoupin County Treasurer, that the building located in Girard, also known as Girard Home Oil is not and never has been owned by Macoupin County. Apparently this building has partially collapsed, and has caused significant problems to the residents of Girard. Upon checking, taxes for the years 2005, 2006 and 2007 were not paid and were purchased by the trustee, Meyers and Associates. Meyers and Associates are just that, a trustee for the taxing bodies such as the school district, the city, etc. Meyers and Associates have no responsibility towards cleaning up or maintaining any properties that they may have, and as such, the county also has no responsibility for cleaning up or maintaining any buildings that may have been rendered unfit. Meyers and Associates merely acts as a trustee for taxing bodies contained with Macoupin County. To be abundantly clear, we have no responsibility towards any buildings that have been dilapidated, condemned, rendered uninhabitable or unsafe. Further, it is my understanding that the Girard Home Oil is a corporation who is now defunct, and as such does not exist anymore according to the records of the Secretary of State.

Ultimately, the responsibility for this type of situation falls upon the City where the county is located, and the City, if they expend funds to clean it up, would then have a lien against the property in which would have to be satisfied if the property would ever be purchased by anyone in the future. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Vince Moreth
Macoupin County State's Attorney

VM/cmh