

## **JUDICIARY COMMITTEE**

**FEBRUARY 22, 2012**

**PRESENT: Denby, Kiel, Manar, B. Nicholson, Novak, Pomatto, Quirk, Watson,  
States Attorney Jennifer Watson**

**ABSENT: Thomas**

### **AGENDA:**

#### **1) Synthetic Drug Ban Ordinance**

The meeting of the Judiciary Committee was called to order by Committee Chairman Ruth Pomatto at 9:00 A.M. Pomatto turned the meeting over to State's Attorney Jennifer Watson for discussion.

State's Attorney Watson stated that this is the proposed ordinance that was recently presented at the county board meeting in regards to the ban on synthetic drugs. Watson also had enlarged photos of packaging of a number of the synthetic drugs being sold over the counter to show the committee, noting how marketing of the drugs is certainly aimed at children and young adults in many cases. Watson referred to a number of the packages with names like 'Scooby Snax,' 'Mad Hatter,' and 'Jersey Shore,' that all appeared to be aimed at marketing toward youth.

Watson stated that the Attorney General's Office has been putting on some summits for law enforcement as well as States Attorney offices across the state, in regards to this issue because it is becoming a growing problem. The major difference in the ordinances versus what is in current State statute and is that the county ordinance was made to be more broad in that it mandates counseling for offenders – something that the office believes is a provision that is the first of its kind across the state. Watson also noted that a spike in suicides, paranoia, and hallucinations are being seen relative to these drugs.

The county ordinance will aim to comprehensively ban the sale, delivery, and possession of synthetic drugs and provide serious fines and penalties to those in violation according to Watson. The proposed ordinance will carry fines between \$500 and \$750 for sale or delivery of the synthetic drugs defined. In addition, court costs, mandated drug counseling, and at least 20 hours of community service will be apparent for all offenders with the possibility of up to six months in jail in some cases.

Watson said that we are now implementing drug court here in Macoupin County for adults and will include counseling provisions.

Manar asked-is the counseling that is included in the ordinance different from what other local governments typically have done with this issue? It appears to be above and beyond what others have done to curb the use and sale of these drugs.

Watson said they have looked at a lot of ordinances and did not see any that had provisions for mandated counseling. Another question was asked about which types of retail shops that sell this stuff. Watson responded- tobacco shops, liquor stores, some convenience stores. As of January 1<sup>st</sup> the State has banned the sale of these drugs according to Watson, but there is belief that some, even locally, will still sell under the counter in some instances.

Question was asked if she has seen the actual packaging, and if there was a manufacturers name on the package. Watson- said yes she has seen the packaging and most have “*not for human consumption;*” some have “*bath salts;*” some have language saying it is “*legal in your state.*” Before the New Year, the State had specific compounds for these drugs that were legal, and if the particular product did not fall into that specific compound it was deemed legal.

Question was asked by Nichelson: Is there any concern that this section is kind of a ‘catch all’ that it might be ruled too broad; there are examples where you have these energy drinks out there now, if you drink enough of that it has a little effect I assume on you too. Has there been consideration for this?

Watson, said that yes, as far as the marijuana, called cannabinoid, with an active ingredient of THC, and we have that included in the ordinance. We did put any that lab created compound that functions similar to THC. That’s way you get into an expert to testify that it would give you that THC high. That would eliminate any type of caffeine type stimulate. But it mimics the effects of a controlled substance according to Watson.

Kiel-has anyone been able to get this stuff online? Watson said yes it is possible to get it online.

CFO Springer asked what the youngest target of these drugs has been that the State’s Attorney was aware of? Watson said around 12-13 yr old / middle school age. We have not seen or heard about any younger children in Macoupin County said Watson. We have been fortunate in Macoupin County that we have not had any deaths.

Nichelson asked does the same penalty apply to a person who possesses it vs. someone who might manufacture it? Watson said that a person who sells or delivers it is fined not less than \$500 and any more than \$750.00 and drug counseling and a person who possesses synthetic drugs will carry the penalty of fines between \$100.00 and \$750.00 and drug counseling.

**Motion was made by Nichelson and seconded by Novak refer to the full board for adoption. All in favor, motion carried.**



Question was asked about educating the schools on the new synthetic drugs? Watson stated that they are working on it; there is an anti-meth coalition group in Macoupin County who is putting together a program to go to the local high schools to talk about this as well as other types of drugs.

Watson mentioned that on Tuesday, February 28<sup>th</sup> for 7-9 p.m. at the Bunker Hill Municipal Building, the Illinois Drug Task Force, Sheriff Albrecht, State's Attorney, Coroner will be hosting a program to raise awareness about the effects heroin and synthetic drugs have on our community. Program is free and open to public.

Denby made the following observations; discussion the penalty 1.04 when we put mandatory sentence into a statute and make it a law, it takes away from the State Attorneys right to make whatever sentence that feels is appropriate in a given circumstance, so while there ought to be fines "up to x" amounts, jail time "up to x" amount, the possibility of counseling, not every situation that come before the court or the state attorney is going to be exactly the same. By his way of thinking the more discretion that the SA office has, the more likely you're going to be to get the sentence each particular defendant deserves. Whereas, if there is mandatory counseling on a person under 17 year of age but they had that counseling twice before well they have to be sent back again, where it may be more appropriate to get some other sentence, along those lines. There may be a situation where a \$750.00 fines is absolutely warranted but perhaps that person had a \$250.00 fine would be just as effective. The more discretion the court and SA and the defense has the more likely get a result that's positive that specific defendant.

Watson said as far as fines goes we have a pretty good range. As far as sale or delivery we are looking at \$500.00 to \$750.00 that does give some discretion, there isn't a delivery that we have in the State of Illinois that is less than \$500.00. As far as that goes even if it's sale /delivery to a minor it a minimum of \$500.00 by Illinois law under state statute. As far as sale/delivery that \$500 – 750 is restricting anything, there is some leeway there, when we wrote this, we looked what we are looking as far as State wide. As far as possession we did drop it down to \$100 your traffic tickets start at \$120.00 from \$100-\$750 on possession there is discretion for the states attorney and the judge as far as that fine goes. With counseling, yes if we give someone counseling and we see them again and they get counseling again and we see them a third time, maybe we should not be charging them under the county ordinance, maybe at that point and time we should charge them under State statute and where they can will be looking at going to DOC instead of using our county ordinance. At that point and time, we said we are using our county ordinance we are going to try and get this person help, in addition to that now we are going starting drug court, so you know were even trying to get adults into these counseling before looking at DOC or anything else. I think counseling is the way everything is moving because we are having such a overpopulation in DOC now, I know it is a concern we have prison closing and there overcrowding and everybody is trying to kind a way how can we, you know, have these people be held responsible for what they have done but yet not go to DOC. So I think that is one of the reasons why drug court has been implemented, and why we are working that way as well. I think if I have a potential

offender I got to be moving to the state statute and looking at a harsher penalty. And just to catch you up there was a motion that was we have counseling that is not under 17 that it's counseling across the board.

As more people become aware of it, there will probably be an increase of cases across the street that you have to work through, is there any unintended consequences that make your job harder. Watson said there could be a spike, we are trying to educate people, we are hoping with the ordinance there will be a decrease any type of possession or sale, along with showing we have some penalty that is serious.

Denby asked about list on the actual ordinance and whether or not it was based off the current state list? Watson said that the list indicates what they have found to be illegal to date, and it changes all the time.

Manar – how does that State law account for the new additions to the list? Watson said that Madigan office is trying to be very broad and list as much as they can to be considered illegal. Manar said that unfortunately it appears that every time a new substance needs to be added to this list, the General Assembly must pass a new bill. Passing a new bill each time these drugs change or mutate can be a very slow process and not allow things to keep up efficiently. Watson agreed and said that is why it is a continuing problem at the current time and why this ordinance will work toward aiming at prevention as well.

Motion was made to adjourn, all in favor, motion carried.

Prepared by Jeanette Baker  
2.23.2012



# DRAFT

## MACOUPIN COUNTY

### ANIMAL CONTROL MEETING

March 5, 2012

PRESENT: Chairman Novak, Dragovich, Harding, Pomatto, Quarton, Vojas, Wiggins,  
Animal Control Administrator Bertagnolli

#### AGENDA:

1. Animal Control fees -- changes
2. Building Personnel
3. Other related business

Chairman Novak called the meeting to order at 9:00 am

Chairman Novak stated that the first item on the agenda is the animal control fees. Novak turned the meeting over to Administrator Buzie Bertagnolli to go over the proposed fee changes. Buzie passed out the drafted resolution and ordinance language to the committee with the proposed changes.

Buzie highlighted certain fees that were included in the language; she stated that she basically increased everything by \$5.00 except the owner relinquishment fee which they proposed to raise \$25.00, due to the fact that it cost a lot more to take care of the animal. The \$75.00 barely covers the cost of their shots according to Bertagnolli, getting spade/neutered let along their day to day care. Buzie stated that every animal that goes out for adoption according to state law has to have shots, spayed or neutered and micro chipped. When Bertagnolli does do transfers (such as to Metro-East Human Society), she has to fill out a disclosure form which the state requires on every animal in the facility; otherwise it is a \$250.00 fines. These state required form details the date the animal came in, whether male or female, what type of animal, where it was found, owner relinquishment, whether it was a stray, if it is aggressive, or bitten anyone. Buzie stated that the Metro-East Human Society come and pulls animals from the county facility on a regular basis when they are low on animals, and because they are a humane society, they do not pick up animals.

Question was asked by the committee about the high cost of the adoption fees relative to other counties; Buzie stated that is a cost to the county; the cheapest fee she found in researching other surrounding counties is \$120.00 and goes up to \$200.00.

Novak stated that the County doesn't want to price ourselves out of the market, where people will choose not adopt the animals. Buzie stated, however, that the county has to be

able to cover the costs. She understands that the committee is worried about her budget, but if she can't at least cover these types of costs, there would be cause for concern.

Bertagnolli also stated that the state has sent down a lot of mandates, requiring extra paperwork in many occasions.

Bertagnolli concluded by reviewing the remainder of the revised fees included in the resolution and ordinance with the committee members.

**MOTION:** Motion was made by Quarton and seconded by Vojas to recommend to the full board the adoption of Resolution Amending Resolution 2009.29 Regarding Fees Administered by the Animal Control Department and also the Ordinance Amending the Macoupin County Animal Control Ordinance. All in favor, motion carried.

**Building Personnel:** Novak suggested that between now and the next Animal Control meeting, to have Buzie to see what impact the fee increases will make on the animal control budget. Novak said that he would like to request that the board pay for some extra help. Novak said that it is too much for Buzie to be on call 24/7 and not have someone to take care of the basics at the building.

Harding said that if she had a part-time person work 5 days a week and 5 hours a day at minimum wage would be \$11,070.00 a year. According to Harding, this would be the number that should be requested from the Finance Committee as an increase in the Animal Control budget should that path be chosen.

Buzie stated that currently she has a part-timer who works anywhere from 3-4 hours a day, Monday thru Friday, but it is difficult to find time for the Administrator and the part-time help to be in office at the same time. Question was asked about volunteers, Buzie said when the weather is nice she has several people volunteer to come out on Saturdays and walk the dogs. Recently with the colder weather, there has not been many volunteers. Buzie said that she does have Michelle (current part-time help there), and if her budget could at some point afford to pay her for 5 hours a day that would be a significant help to her department and also alleviate the need to hire someone new.

Buzie stated that she didn't appropriate enough funds to be able to handle this, however, at this point. There may be funds in reserve in her account, but at the current time, these funds have not been appropriated. Novak stated that he talked to County Clerk Duncan and they were going to try and straighten it all out, to get us through the fiscal year, but they knew we were going to be short. Harding said it will be tough to get an increase in the Animal Control budget this year because of IMRF contributions increasing and other costs to the county that will likely outweigh the revenues received from the state and other sources.

Novak said that now we are in the winter months, how the heating bills are running on our new building, Buzie said that it's running around \$300.00 and \$500.00 when it's really cold. Buzie noted that it cost much more to heat the old building.

Harding asked about the old animal control building, Novak said that he talked to the Sheriff and he said that he would like to use it for storage, and he would attempt to see if we could get some prisoners in to clean it up. Harding said that if the Sheriff isn't going to use it that we should consider offering it to the fair board. Novak said that he definitely wants to use it for evidence storage. Novak said that he will touch base with the Sheriff on that matter.

Harding asked about the current status of the tranquilizer gun? Buzie said that she has been requesting donations from the municipalities that she works with to help cover the cost of purchasing. She showed a picture of the tranquilizer Tele-dart rifle that they are looking at purchasing with the cost for the entire kit being \$1,975.00. Buzie said that she has just about hit that total, those who have donated thus far are; Mt. Olive \$200, Carlinville \$300, Task Force \$300, Virden Chamber \$300 Girard Chamber \$200, City of Virden \$300, City of Girard \$250, and we are waiting on Gillespie, Staunton, and Bunker Hill. Any monies left over will be used for maintaining and other associated costs.

**MOTION: Motion made by Pomatto and seconded by Wiggins to adjourn at 9:40 a.m. motion carried.**

Prepared by Jeanette Baker  
March 5, 2012



# DRAFT

## MACOUPIN COUNTY EXECUTIVE COMMITTEE MEETING

March 6, 2012

### MINUTES

**PRESENT:** Thomas, Bacon, Coatney, Goodman, Pomatto, Quirk, Watson, Zirkelbach, CFO Springer, Jordan Garrison-Assistant State's Attorney Jeanette Baker-Administrative Assistant

#### **AMENDED AGENDA:**

1. Approve timesheets
2. Approve agenda for the March 2012 meeting of the Macoupin County Board
3. Revolving Loan Fund Monthly Report – February
4. Synthetic Drug Ordinance

The meeting was called to order by Committee Chairman Thomas at 5:00 p.m.

Committee Chairman Thomas recognized the Assistant State's Attorney, Jordan Garrison who wanted to speak to the committee in reference to a technical change in the Synthetic Drug Ordinance to be considered at the County Board Meeting in March.

Garrison said that we had to make a change under the definition section of the synthetic stimulates. It is a technical change needed because there are certain authorities we have and certain authorities we don't have as a non-home rule county. The section is slightly revised so that it will comply with the authority of the county board. The change was explained as a technical change and it does not change the effectiveness of the ordinance. The ordinance had already been formally recommended back to the full Board by the Judiciary Committee. The technical change was brought to the Executive Committee so that a review could take place prior to the ordinance actually going to the full Board.

Next the committee reviewed and discussed employee time sheets for the month of February for non-union personnel.

**MOTION:** Motion was made by Quirk, seconded by Zirkelbach, to accept the February 2012 Time Sheets for Non-union Personnel. All in favor, Motion Carried.

The Agenda for the March 2012 County Board Meeting was reviewed, discussed and the following motion was made:



**MOTION: Made by Pomatto, seconded by Coatney to approve (with additions and corrections) the draft Agenda for the March 2012 County Board Meeting. All in favor, Motion Carried.**

The Revolving Loan Fund report for the month of February was reviewed and discussed by the committee.

**MOTION: Motion was made by Goodman and seconded Bacon to adjourn at 5:20 p.m. All in favor, motion carried.**

Prepared by Jeanette Baker  
March 8, 2012