

## **BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING SPECIAL SESSION, APRIL 16, 2002**

The Board of Island County Commissioners met in Special Session April 16, 2002 at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Commissioners Shelton, McDowell and Thorn present. The meeting was to conduct a Budget workshop to review and discuss how the budget shortfall for 2003 can be addressed within individual departmental budgets. These workshops are preliminary only and no decisions made. Scheduled today were: Juvenile Court Services, Superior Court and County Clerk. The Budget Director, and a number of Elected Officials, Appointed Department Heads and staff were in attendance.

### **BUDGET WORKSHOP**

#### **Juvenile Court Services**

**Presentation by:** Michael Merringer

**Hand-out:** Budget Presentation Outline

Statutes

Prescreen Risk Assessment/Risk Assessment

Reviewed specific requirements under the various statutes, Consolidated Contract and local rules:

- Criminal RCW 13.04.030/040
- Dependency RCW 13.34.100; RCW 26.12.175; RCW 26.12.177 Superior Court Rule 38
- Diversion RCW 13.40.070/080
- BECCA RCW 13.32; RCW 28A.225 -- Truancy; ARY – At Risk Youth; CHINS – Children In Need of Services; [Becca Bill-state mandated enacted in 1985
- Probation Couns. RCW 13.04.040; 13.34.120; 13.40.130

Summary included review of the CASA [Court Appointed Special Advocate] and GAL [Guardian Ad Litem], recruitment/facilitation, training and criminal background. RCW 13.34 has to do with the CASA program "... court shall appoint...". This is one of the best deals going in Island County; there are 18 volunteers and 7 more waiting to be trained. Full time CASA employee has now been trained as a trainer and will be able to provide that training. Estimated number of cases in 2002 is 120. Hope to have every case that comes before the court assigned a CASA – close but not there yet.

So often we hear about the number of kids processed in criminal cases but there are an equal number who qualify for diversion [in lieu of court]. It is a RCW mandated program that with first offense a child must be considered for the program. In this County CAB's (Community Account Boards), groups of volunteers in Oak Harbor, Coupeville and Langley hear juvenile cases [volunteer program on both ends]. There has been an 80% success rate and it has been one of the most successful programs in the State. There is a \$50 charge to go through the process [fees are separate from any fines]. Probably could get larger fee from most but some just do not have it; there is no charge to foster parents or the parent if that parent is the victim, for the child going through the process.

Reviewed what Probation Officers are required to do by statute and touched on the liability issue, citing three well-documented cases in the State, primarily adult probation cases where government was sued because probation of offenders had not been adequate: Bishop; Hertsog; and Taggart. There is one pending case involving a juvenile. Under the Consolidated Contract [two year contract] there are restrictions and includes a risk assessment, pre-assessment and full assessment [copies provided]. The pre-assessment is a tool to evaluate the child's risk level and provides a good idea for the type of recommendation to make, the type of contact necessary from the probation officer, and the type of programs the child needs to be involved with. Full assessment is done every 90 days until the child is off probation.

CDDA [Chemical Dependency Disposition Alternative] is usually a benefit if the child is looking at institution time. Have tried to marry drug court in with CDDA where the child comes before the judge every two weeks and makes sure he/she remains clean. There are six kids in drug court right now and in Mr. Merringer's mind it is of huge benefit [particular case given where probably in the overall cost to society saved thousands of dollars on one kid alone]. There's been one graduate and Mr. Merringer believed that kid had not re-offended. Applied for and received a start up grant for drug court and can still go after a Federal grant.

BECCA money – original amount was \$122,000, found that not all of that had to be used because a majority of the

participants had insurance, so that money has been there for first and second year and can possibly carry over for a portion of the third year. The Department also provides ART and SSODA [Special Sex Offender Disposition Alternative Act] – instead of going in an institution the child is retained in the community and receives intensive therapy. Under HB 3900 in 1997 kids receive longer supervision. The Stuart Grant is used to recruit CASA volunteers. There has been the ability to have a family therapy program since 2001 but the contract is still going through contract review process and concern is that if not used, the dollars go away June 30<sup>th</sup> – but can apply next year, although not in the same amount. Break down as far as number of cases: 67% Male; 32% Female. In 2000, there were 117 requests for after hours detention; in 2001 there were 86, but dollars spent roughly the same.. Noted there are disposition recommendations that can be made without detention time.

Reviewed figures for current salaries, wages and benefits for all programs and funding sources. Probation Counselors average in the high 20s to low 30s as far as cases they supervise. The state average is 43 but one of the differences is that in Island County probation officers supervise cases as well as provide direct services through ART.

### **Options to Meet 11% Reduction**

Decrease a position.  
Reduce Residential Budget by \$46,000.

Have been without a position since November 2001, 5 months savings of \$18,333.

Effects:

1. No supervision of Restitution caseload.
2. Coverage of Intake responsibilities
3. Diversions

Compromise administrative duties:

1. Policy and Procedures
2. Contracts
3. Case reviews
4. Retreats
5. Grant opportunities
6. Outcome measures for grant

Mitigation No further parenting plans  
Hire new position

Reduce Residential Budget By \$46, 000.

JAIBG application for Regular and Comp.

\$40,201/\$36,218 almost 1FTE for 52 weeks

Average 7.4 bed days served per week or 59 hours of work  
Save \$46,000.00 per year.

Discussions and concerns noted – under CHINS program given what has happened in DSHS the concern, s especially around many services provided by DSHS, is that as the State cuts back the same number of cases here still need the services. Talked about what could be done to ameliorate County expenses for detention and transportation and does there need to be a different priority and ` focus more on grants. Mr. Merringer noted detention money and transportation were un-controllable items. One savings would be in maintaining the population that needs to serve detention through the work program; not only does it save detention bed days, it is labor that perhaps could be used in County parks as opposed to hiring someone else to do that work. Also, hopefully this time next year the County's own juvenile detention facility will be nearing completion. There is a possibility there to provide detention services for neighboring counties and bring in additional revenue. In terms of union contracts, Mr. Merringer agreed to check with the Human Resource Director about the potential to use kids in the work program to assist with work at county parks/facilities, etc. which he thought had the potential to save \$20,000 for the County. There should be money coming to Island county for the drug court and Mr. Merringer will report back on that as well.

## **Superior Court**

**Presentation by:** Vickie Churchill; Alan Hancock; Delilah George

**Hand-Out:** Outline – Overhead Presentation – Budget

Island County Judicial District includes Island and San Juan counties, with San Juan County reimbursing Island County for 25% salary and benefits. Includes all administrative functions, merged calendar, coordination with District Court for jury services. Trials are scheduled on a merged calendar system. A Judge, Court Reporter and Court Administrator travel to San Juan County every Monday for a full calendar. Island County gets a bargain at being reimbursed on the 25% basis, initially established through an intergovernmental agreement in 1989 or 1990.

Court operations are measured by case load, case flow and personnel. Caseload consists of filings, resolutions and proceedings. A filing is when a case is filed with the clerk; resolution is when tried, settled or otherwise concluded; and a proceeding is every time a case goes before a Judge. Pie chart depicted the number of filings in the district as a whole. The Island County caseload has remained fairly constant over the last 4 years; 2002 estimate is based on the first two months projected out over the year at 6264, slightly higher than last year. Cases are being resolved at approximately the same rate. San Juan County filings are down slightly. A chart displayed the total Judicial District Yearly Comparisons, another chart gave the Yearly Comparisons for Jury Trials for the years 2000, 2001 and projected for 2002 could go to 84 jury days.

Case flow chart provided the Washington State Time standards for cases to be off the books. What Superior Court is doing now is working with the Clerk's Office in both counties to go back through the backlog of cases and see why it is that nothing has happened and the cases still on the books. As far as time lines for cases, Judges have more authority than they are using at this point and should whenever a case is filed go ahead and set the timelines, but they need the right kind of software program in order to do that. When talking about dissolution cases the Judges think there are some things they can do, for example making it easier pro se to file their cases, where generally in 3 months it is done. As far as time standards, the lag between number of cases and number filed are right about where all the other courts are.

The Court's mediation requirement for family law cases is at participants' expense through a private mediator approved by the Court and has made a good impact on the number of cases that go to trial; Also the parenting seminar requirement is highly successful. It is a self-supporting program.

Contacts with others. Special sets and trials; calendars; scheduling pro tem judges, court commissioners, court reporters, phone contacts; counter contacts. Special set hearings are any cases going before the Judge that take longer than 15 minutes. Responsible for hiring pro tems and court reporters when ours are not available. Pro tems are not used except when absolutely necessary when one Judge is on vacation or in trial that continues on through Friday. Pro tems are used only sparingly and the Court goes through a process of hiring so that the State will reimburse the county for one half of the Judge pro tem cost. Counter and telephone contacts graph depicted a four week period in March showing an average 200 telephone contacts per week and 65 counter contacts a week.

Superior Court staffing consists of 6.90 employees (6 full time, 3 part time, 2 on-call). A chart was used to show the distribution of salaries and benefits. As far as staffing level 1992 to 2002 other law and justice departments increased from 22 to 48% while Superior Court increased only by 8%. Duties were reviewed by way of a chart for each: Judges, Court Commissioner, Court Administrator, Assistant Court Administrator, Court Reporters, Jury Manager, Courthouse Facilitator Bailiffs. Our Judges do not have law clerks; each Judge every week receives working copies for each case they are to hear. The calendar can have as many as 20 to 30 cases in the morning and 25 or 30 in the afternoon. Judges have taken over pro se dissolution cases once a week and now have a drug court as well. Bailiffs are used only for jury trials. Since moving into the new Law and Justice Facility, are used more, now for DV/AH calendar for security purposes because of the layout of the facility - commissioner is within arms' reach, and some of those cases are extremely volatile. Being in the new Law & Justice Facility, Superior Court is impacted by heavy foot traffic from the public; additional signage would be a big help.

Courthouse Facilitator is scheduling appointments every half hour – works one day a week. Self help work center is back up and running and offering documents for sale again, and there is a software program to assist [much like Turbo-Tax]. There is no new expense with it because without the Court Facilitator there would not be the additional funds coming in from file fees.

## ***Superior Court Budget Review***

### Budget Expenditures

	<u>Sal/Bene</u>	<u>M&amp;O</u>	<u>Total</u>
Superior Court	412,519	22,767	\$ 435,282
Facilitator	5,514	1,154	6,668
Jury Fees	-	33,750	33,750
	\$418,033	\$57,671	\$ 475,704

Budget Revenues

\$72,000	Reimbursement from San Juan County	
3,890	Filing Fees – dissolution’s	
7,350	Filing Fees - marriage licenses	
345	User Fee – Court Facilitator	
930	Self-Help Packets Sold	
- ? -	IV-D Reimbursement	[child support matters]

Going through the process of trying to see where the budget could be reduced, the conclusions was that with the increased caseload, increased customer interaction, increased bailiff time, and increased staff time that the required functions could not be done with less hours, staff or funding. Ms. George did not see that the positions of assistance court administrator and court facilitator could be combined because of totally different skill sets.

**County Clerk**

**Presentation by:** Jane Koetje  
**Hand-Out:** Budget Letter dated April 8, 2002  
w/Attachment I - Clerk’s Mandated Duties  
Attachment II - Memo 4/3/02 from Prosecutor

Ms. Koetje advised that in going through the budget analysis and review of the duties and responsibilities of her Office, an 11% reduction would cripple ability to function, forcing a cut in hours of availability to the public. Therefore she proposed a reduction of \$17,000 which would have to come from S/W/B, the specifics of those cuts to be determined at a later date should that become necessary. The prime concern is that statutory obligations have to come first. There is nothing being done now that is optional – the only thing “optional” is being friendly, helpful and timely.

Mandated duties and responsibilities of the office were provided in Attachment I. Attachment II was a memorandum 4/3/02 from the Prosecuting Attorney concerning turn-around time for requests to inspect or copy court records, which she included because should cuts occur, she was concerned that her office would not be able to meet requirements and provide records. The Office receives on average 200 requests per month for file inspections. The Office collected in 2001 over \$11,000 in copy charges. From a two month track of the volume of paper coming into the Office for processing, she used a “prop” posted on the wall show just how much paperwork was processed [graphic represented 67,000 pages of paper a month].

Someone from the Clerk’s Office is required to attend all court proceedings; Delilah George just gave good explanation of what Superior Court is and how it functions. It is something the Clerk’s Office facilitates and coordinates to help the Court run more efficiently. Data shows that in the last 12 month period there had been a 9% increase in court hearings. The Court Facilitator assists pro se litigants get through the paper work, but once that is accomplished, the paperwork is then brought to the clerk’s Office and staff interacts with them. The Court Facilitator is here only one day a week and for the other four days of the week the Clerk’s Office is the first line; the Court Facilitator has been a great help.

As the Commissioners heard from Superior Court, signage is a huge issue in the Law & Justice Facility for both Superior court and the Clerk’s Office, with many people coming to the counter just to ask directions within the building. She reviewed changes to the office that effect things running more smoothly, use of newer technology and changes that save dollars already.

The Commissioners discussed with Ms. Koetje further about closing the counter to the public; whether other than Monday and Friday she could shorten work hours when things were not as busy. Possibility through coordination with Court Administrator and Judges to work around the court schedule and be able to shorten hours. Suggested too was to

look into the possibility of receiving some funds to go towards the Clerk's office for salary support through the Court Facilitator program. Follow-up suggested: talk with Maintenance about the signage issue; check with the Auditor regarding the new CRIS+Plus recording and imaging system in the county to see if there is any potential use of that for the Clerk.

[copies of budget hand-outs are on file]

There being no further business to come before the Board at this time, the meeting adjourned at 11:50 a.m. The Board will meet next on April 22, 2002, at 9:30 a.m. in Special Session for a budget workshop, and at 1:30 p.m. in Regular Session [11:30 a.m. Elected Officials Roundtable canceled].

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

**ATTEST:**

Elaine Marlow, Clerk of the Board