

SPECIAL MEETING OF THE MAYOR AND BOARD OF TRUSTEES

Gregory J. Bielawski Municipal Center, 500 N. Gary Avenue, Carol Stream, DuPage County, IL 60188

August 20, 2012

Mayor Saverino, Sr., called the Special Meeting of the Board of Trustees to order at 6:00 p.m. and directed Village Clerk Beth Melody to call the roll.

Present: Mayor Saverino, Sr. & Trustees, Tony Manzzullo, Matt McCarthy and Pam Fenner

Absent: Trustees Mary Frusolone, Don Weiss & Greg Schwarze

Also Present: Village Manager Joe Breinig, Assistant Village Manager Bob Mellor, Assistant to the Village Manager Christopher Oakley, Police Chief Kevin Orr, Deputy Police Chief Ed Sailer, Finance Director Jon Batek, Community Development Director Bob Glee, Village Attorney Jim Rhodes and Village Clerk Beth Melody

Mayor Saverino convened the meeting to discuss local prosecution of traffic offenses. Deputy Police Chief Sailer presented information on the benefits of prosecuting minor traffic offenses using a Village prosecutor. Currently, the Assistant State's Attorney represents the Village in both minor and major traffic offense cases. Below is a summary of the information presented at this meeting:

Current Traffic Court System

- Minor traffic offenses are heard in Glendale Heights Traffic Court
- Major traffic offenses are heard at the DuPage County Courthouse
- Assistant State's Attorney represents our interests in both courts
- We receive a portion of the fines based on Circuit Court Clerk formula (non-DUI)

Local Prosecution

- Will mirror current traffic court prosecution
- We will have our own prosecutor instead of Assistant State's Attorney representing our interests
- Process is very similar to our DUI Local Prosecution process
- We will receive 100% of fines and approximately 60% of court costs

Survey of Local Prosecution

- Survey consisted of area towns that have local prosecution
- These towns received a higher fine revenue percentage per ticket
- Exact fine disbursement amounts are difficult to determine because of County disbursement formula

Benefits of Local Prosecution

- We do not pay County's mandatory \$25 prosecution fee, we retain it
- Consistent legal representation
- We know the local prosecutor and they will be available to answer questions
- The local Prosecutor will provide training and feedback resulting in better testimony
- The local Prosecutor appears in court on our behalf
- The local Prosecutor does prep work with officers
- Officers will be a part of all plea deals

Prepay-No Court Appearance (Current Mail-In Fee Structure)

Based on \$120 traffic citation

- \$15.00 Court automation fee
- \$15.00 Document storage fee
- \$15.00 Illinois State Police share
- \$33.38 Municipality share
- \$12.61 State share
- \$29.01 County share

In-Court Appearance Percentages

Fees deducted before percentages applied

- \$15.00 Court automation fee
- \$15.00 Document storage fee
- \$25.00 Prosecution fee

Percentage breakdown

- 44.5 % to Municipality
- 38.675% to County
- 16.825% to State

Court Costs

Finding of guilty for a speeding citation

- Fine is \$120
- Judge automatically imposes \$130 for court costs
- Total fine and court costs is \$250

Minor Traffic Offenses

- Cases heard in Glendale Heights traffic court
- In 2010 Carol Stream issued 11,831 citations
- 9,566 were assessed fines/court costs of \$250,225
- As of May 2011, \$219,025 has been received

Major Traffic Offenses

- Cases heard at DuPage County Courthouse
- In 2010 Carol Stream issued 1,650 citations
- 1,051 were assessed fines/court costs of \$453,016
- As of May 2011, \$123,130 has been received

2010 Citation Totals for Local Prosecution Towns

- Glen Ellyn: 4,213 citations
Revenue was \$265,151
Fine revenue per ticket = \$63
- Oak Brook: 2,795 citations
Revenue was \$213,937
Fine revenue per ticket = \$77
- Wheaton: 3,226 citations
Revenue was \$352,638
Fine revenue per ticket = \$109
- Carol Stream: 13,098 citations
Revenue was \$793,615
Fine revenue per ticket = \$61

Every town had a higher per ticket revenue than Carol Stream except for one

Attorney Selection Process

- RFP to solicit proposals from pre-qualified attorneys and firms
- Select attorneys for interview process
- Offer of employment based on Village Board approval
- Drafting of contract including costs

- Village Attorney review of contract
- Set an implementation date
- Concern will be potential conflicts of interest
- We would like to assess the possibility of combining our prosecutor/adjudicator positions

Attorney Cost

- Eight traffic court dates per month
- Each session lasts 2-3 hours
- Approximate hourly rate would be \$200, resulting in \$57,600 per year
- Cost of drafting an ordinance adopting the Illinois Vehicle Code

Transition

- Seamless transition
- Adopt an ordinance to incorporate the Illinois Vehicle Code for local prosecution
- Ordinance chapter number (8-1) is placed ahead of IVC number on citations to indicate local ordinance violation
- No additional manpower requirement
- No reprinting of citations
- No additional record keeping
- No additional overtime required
- No extra time on traffic stops
- Offenses are applied to State driving record
- No additional cost except for a local prosecutor
- Local prosecutor will act under the direction of the Traffic Sergeant with oversight by the Chief of Police (same process used for DUI prosecutor)

Trustee Fenner stated she would like more information on the costs and revenues of implementing a program for local prosecution of minor traffic offenses. Manager Breinig stated this program is not about charging more money for offenses but rather for determining where fine money goes after conviction by the Judge. Trustee McCarthy stated that the local prosecution cost for the Village could be more if the judge grants continuances to the defendant that increases Village attorney fees (similar to DUI prosecutions).

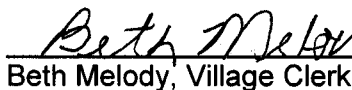
There was general concurrence by the Village Board to begin the process of implementing a local prosecution program for minor traffic violations for the Village Board to consider.

There being no further discussions, Trustee McCarthy moved and Trustee Manzullo seconded the motion to adjourn the meeting at 6:41 p.m. The motion was approved unanimously.

FOR THE BOARD OF TRUSTEES



Frank Saverino, Sr. Mayor



Beth Melody, Village Clerk

Minutes approved by the President and Board of Trustees on this

4th day of September, 2012.

Bill Meloy
Village Clerk