

**COURT EN BANC MINUTES**  
**Tuesday, December 9, 2008, at 6:00 p.m.**  
**Callaway County Courthouse**  
**Jury Assembly Room**

**Judges Present:** Gene Hamilton, Deborah Daniels, Jodie Capshaw Asel, Leslie Schneider, Gary Oxenhandler, Christine Carpenter, Larry Bryson, Cary Augustine, Carol England and Commissioner Sara Miller.

**Others Present:** Boone County Circuit Clerk Christy Blakemore, Unit Manager Lana Brooks, Court Administrator Kathy Lloyd and Assistant Court Administrator Joy Rushing.

**1. Call to Order**

The meeting was called to order by Presiding Judge Gene Hamilton.

**2. Approval of Minutes**

Judge Kevin Crane noted that the change placing his uncontested dissolutions on his law day docket was not noted in the minutes. It was the consensus of the court that this omission did not require a change to the minutes. Judge Cary Augustine made a motion to approve the minutes as presented. Second: Judge Deborah Daniels. The motion passed unanimously.

**3. Election of Presiding Judge**

Court Administrator Kathy Lloyd handed out ballots for Presiding Judge. Judges Augustine and Bryson were asked to count the ballots. Once the judges were through completing the ballots, Judges Augustine and Bryson left the room to count them.

**4. Reappointment of Board of Jail Visitors – Boone**

Judge Christine Carpenter said she had spoken to Tony Davis, a male Democrat, and he is willing to serve on the Board of Jail Visitors. Judge Carpenter made a motion to approve Tony Davis as a member of the Boone County Board of Jail Visitors. Second: Judge Leslie Schneider. The motion passed unanimously.

**5. Major Work Objectives for 2009**

Court Administrator Kathy Lloyd distributed a handout showing administration's major work objectives for 2009. Some of the objectives which she emphasized were:

- Courthouse Expansion
  - Although many of these items are currently scheduled for completion in January, it is unlikely that all will be done by the end of that month. For instance,

renovation of the existing hearing room will not occur until the new hearing room is completed.

- The existing artwork from the stairwell will be replaced. New artwork will be purchased for the fourth floor stairway and jury assembly area. The Boone County Bar Association may assist with the purchase of the artwork.
- All HVAC filters will be replaced upon completion of construction, due to the dust created by construction.
- There will be a courthouse open house at either the end of the first quarter or in the second quarter.
- Upgrade Courtroom/Courthouse Technology
  - Wireless zones will be set up for the courthouse, and she will meet with the Boone County Bar Association to see if they are able to fund wireless service for attorneys.
  - Outstanding technology needs will be reviewed. \$10,000 will be carried over to next year in the budget for technology needs.
- Expansion of Alternative Sentencing
  - Court Administrator Kathy Lloyd indicated she will be meeting with the Juvenile Office and Alternative Sentencing to discuss the use of the lower level of the Guaranteed Land Title building when that is vacated by the construction people.
  - Staff will also be looking at ways to fund Reintegration Court and a DWI Court.
  - Staff will be working with the Columbia Police Department as it undertakes to implement a Community Intervention Team approach to community policing issues.
- Data and Process Documentation
  - Staff will be looking at implementing the treatment court module in JIS.
  - A committee with Court Marshal Les Werner as chair and heads of the departments that use MULES information as members has been appointed to review and revise MULES protocol/access and retention of records.
- Enhancement of Juvenile Division Facilities and Initiatives
  - The Juvenile Office in Callaway is scheduled to move its offices into the Palace Hotel building on the courthouse square on January 3. There will be an open house once this is completed.
  - The Juvenile Office will be implementing a new program called Cognitive Behavior Intervention.
- Jury Procedures
  - Once the new jury assembly space is available, the new jury pooling system will be implemented.
- The court was awarded a STOP Grant of approximately \$47,000 for the Batterers' Intervention Program. This program begins January 1.
- Staff will be working on revising courthouse bomb threat and search protocols, implementing the Safety Committee and training staff on safety issues

Judge Deborah Daniels mentioned that one of the projects for next year with the STOP Grant was to apply for a coordinator for a projected Domestic Violence Court. Assistant to the Court Administrator Joy Rushing agreed that was what was intended, but she just failed to add it to her list of objectives. There was a general discussion of this possible new court.

## **6. Budget Amendments**

### **A. Jury Services and Court Cost**

Court Administrator Kathy Lloyd explained that when she placed this item on the agenda she thought that the court would not be able to satisfy the jury costs for the year out of currently budgeted funds. However, now that the reimbursements from other counties have been taken into account, it may not be necessary to request a budget amendment to transfer monies into this budget account.

### **B. Family Services Justice Fund**

Court Administrator Kathy Lloyd said that she will be asking the County Commission for a budget amendment transferring \$10,000 from the fund balance into the 2008 budget to cover the Commissioner's salary. She provided a handout showing the increases in the salary for this position, and a concurrent decrease in IV-D reimbursement. Commissioner Miller said that it appears that the Prosecutor's Office is handling fewer child support cases, most likely because the state is handling the matters administratively. Judge Cary Augustine made a motion to approve the requested budget amendment. Second: Judge Kevin Crane. The motion passed unanimously.

## **7. Credit Card Payments**

Assistant to the Court Administrator Joy Rushing handed out a copy of a proposed amendment to Local Court Rule 67.13 regarding the payment of an additional fee when a credit card is used. The county will be contracting with a third party to handle credit card charges, and the fee charged by that vendor will be added to the amount being charged against the card. She indicated that the second sentence in the proposed amended paragraph referring to the \$4 fee should be deleted. Once this is done, Rule 67.13 would be amended by deleting the last sentence regarding a \$4 fee for using a credit card, and replaced by the following: "Credit card charges are subject to a transaction fee charged by the company processing the charge, which fee will be included in the amount charged against the card." Boone County Circuit Court Clerk explained the procedure that would be used once this program is implemented. Judge Deborah Daniels made a motion to adopt the amendment to Local Court Rule 67.13, as discussed, to be effective February 1. Second: Judge Cary Augustine. The motion passed with the following vote:

For: Judges Daniels, Asel, Oxenhandler, Carpenter, Bryson, England and Augustine  
Against: Judge Schneider

## **8. Home Detention Reports**

Court Administrator Kathy Lloyd directed the courts attention to the home detention report attached to the court's agenda as page 7. Starting August 2008, the number of requests for reports started decreasing fairly markedly. They just wanted to let the court

know why they are seeing fewer reports. Judge Gary Oxenhandler asked that the report be passed on to the Criminal Justice Advisory Committee, and let the bar know. Judge Oxenhandler added that he, Warren Brewer and Aaron Gish are working on a new jail population report that will be easier for people to follow.

## **9. Rule on Video Appearances for Involuntary Mental Health Proceedings**

Judge Deborah Daniels passed out a draft of proposed changes to Local Court Rule 65 to allow involuntary civil commitment hearings by video. She used the local rule from St. Louis City, who is already doing this, as a basis for this draft. She has discussed this proposal with the Sheriff's Department, Mid-Missouri Mental Health, and Boone County Commissioner Karen Miller.

Judge Cary Augustine asked whether the Polycom equipment could be used for other than juvenile matters. Court Administrator Kathy Lloyd responded that now the equipment was available for cases that are not juvenile cases.

Judge Daniels made a motion to approve the recommended change to be effective January 1, 2009. Second: Judge Gary Oxenhandler. There was a general discussion of the need for a 60-day comment period. Judge Gary Oxenhandler asked whether the individual had the ability to request a hearing in court. There was a general discussion of whether the individual has a right to appear in court for a civil commitment hearing. Judge Daniels said there was no statement in the proposed rule that the individual could come to court, but if someone requested that, she would have them brought to court. Judges Carpenter and Oxenhandler expressed some concern that this was not included in the rule, because future judges may not handle the docket the same as Judge Daniels. Court Administrator Kathy Lloyd asked whether the court marshal would be required to go to Mid-Missouri Mental Health. Judge Daniels responded that she understood that there would be a sheriff's deputy at the mental health facility.

Judge Kevin Crane called the question. The motion passed unanimously.

## **10. Update on Callaway County Security Upgrades**

Court Administrator Kathy Lloyd announced that the Callaway County security upgrades have been completed. There was a general discussion of the new locking system, and the judges getting into and out of the courthouse. The new card keys for the Boone County Courthouse were also mentioned.

## **11. Courthouse Expansion Update**

Court Administrator Kathy Lloyd indicated that most of this information had been discussed in her earlier discussion of Major Work Objectives for 2009. Adult Court Services is now back in their permanent offices. IT will be moving back the end of this week or next week. The clerks have relocated to their temporary spaces on the third floor and ground floor. The accounting and traffic clerks have moved back to their first floor permanent space. The clerks will be moving again in about 30 days.

**12. Other**

Judge Larry Bryson stated that the ballots had been counted and Judge Hamilton had been re-elected as presiding judge. Boone County Circuit Clerk Christy Blakemore asked the court's indulgence during all the moves. There may be times when it takes them longer to locate a file.

**13. Comments From the Public**

Court Administrator Kathy Lloyd reminded the court of the employee appreciation event tomorrow morning, and urged the members of the court to attend.

**14. Next Meeting Date**

The next meeting of the court en banc is set for 5:00 p.m. January 13, 2009, in Boone County.

Prepared by: \_\_\_\_\_  
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Submitted by: \_\_\_\_\_ Distributed on: \_\_\_\_\_  
Kathy Lloyd  
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