

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
October 15, 2012
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: Daniel Esposito, Ronald L. Johnson, Boyd Frederick, David Arrington, Anita Johnson, Douglas Noble, Angelina Montemurro

Others Present: Jeff Gentz, Ronald J. Frederick, Mark Molinaro Jr., Sheriff David Beth, Chief Deputy Charles Smith, Capt. Paul Falduto, Nancy Otis, Rebecca Matoska-Mentink, Judge Mary Wagner, Judge S. Michael Wilk, Court Commissioner Jon Mason, Bethany Lofgren, Marcy Gilbertson, Mary Beier, District Attorney Bob Zapf, Kathy Kemen, Dave Geertsen, Heidi Wenbert, Denise Molitor, Deb Shimkus, Val Jensen, Joe Potente

Meeting Called to Order: 6:05 p.m. by Chairman Daniel Esposito

Citizen Comments: 6:05: None

Supervisor Comments: 6:06: None

Chairman Comments: 6:06: Chairman Esposito thanked everyone for coming. The budget was in front of all supervisors and he would try to keep the meeting on point.

Minutes Read: 6:07: September 12, 2012 Meeting

Motion by: R. Johnson **Seconded by:** Frederick **Approved:** unanimously
With a correction by Supr. Frederick of the spelling of Kenn Yance's name.

Presentation of 2013 Budgets:

1) Juvenile Intake

Motion by: Noble **Seconded by:** R. Johnson **Approved:** unanimously

6:08: Mary Beier began the presentation with distribution of a handout detailing changes from 2012 to 2013. In summation, the requested levy for 2013 is a 2% (\$16,000) decrease. Personnel costs decrease by \$13,833 due to employee contributions to pension and health care. Other Professional Services decreases by \$56,000 to offset revenue reductions of AODA Pilot Grant and Secure Detention revenue. After 25 years, the juvenile Court Substance Abuse Pilot Program ended. The State has advised that a new RFP will be released in the near future. Revenue decrease for this is \$47,210. The remaining revenue reduction of \$5,574 is because the secure detention average daily census has declined in recent years. Subsequently, child support revenue for these placements has also been declining. Since January 2010, Secure Detention Housing has been in Washington County. This is expected to continue at the same rate.

Supr. Arrington asked if we benefitted from the pilot program. Should this, or something similar, be re-incorporated in the future? Beier replied that the program has been in place for so long that screening has become a standard practice that they plan to continue. There may be some loss of services for juveniles that do not have insurance. Arrington asked for an explanation of why costs have decreased so much. Beier explained that over the past few years there has been a significant decrease in numbers due to decreases in juvenile crimes. This year is up a little due to activity over the summer. They still hope to remain lower than ten. Supr. Gentz commented that this may be due to reaching youth earlier and expressed concerns as to how services will continue if the funds are gone. Beier stated that the difficulty will be when someone comes in that has no funding. They will try to connect juveniles with other agencies, including Division of Children & Family Services. She does believe that another program will be coming from the state. Gentz stated that he will bring this up with the Human Services Committee. Supr. Noble asked about the effect on staff with the decrease in admissions and for

the number of staff. Previously, with Racine County, they required payment for a set number of beds even if they were not being used. This changed for 2010. Beier stated that staffing has been the same since when she started in 1986. They do not do the admissions. Noble asked if the entire \$329,000 is for placements; about the rates; and if Racine is used. Beier responded that 99% is for placements. There is a small amount to cover extras such as translators. Washington County has always had the lowest rate. Others are \$150 - \$175/day. There was only one juvenile housed in Racine this year and they did house him at \$115, however, for ongoing placements they would still want a guaranteed amount.

2) District Attorney

Motion by: Noble

Seconded by: R. Johnson

Approved: unanimously

6:20: District Attorney Bob Zapf and Kathy Kemen attended to present the budget. Handouts were distributed detailing budget changes; DA Organizational Chart; and an Office Workload Analysis. There is a total expense reduction of \$54,285, primarily due to decreased personnel costs. Overall, there is a levy decrease from 2012 to 2013 of 1.4%. DA's budget is a bifurcated budget with the State of Wisconsin. Attorneys are State Employees and operating expenses and clerical staff are paid by the County. There is a \$74,918 reduction in Victim/Witness Revenue. This amount is based on a decrease in projected reimbursement from the State of Wisconsin. State dropped the reimbursement rate for the last half of 2011 to 40%; however, they are optimistic that this will increase. The first six months of this year are at 46.85% and the last six months are unknown at this time. Revenue projection for Motor Traffic Fines was reduced by \$4,000. This is shared revenue with the Sheriff's Dept. and Clerk of Courts.

Noble asked why Business Unit 16130 went to 0 in 2013. Kemen replied that the VAWA Sexual Assault Grant expired in 2012. Zapf explained that retention of State staff is difficult because of low compensation and benefits. Based on the Workload Analysis, an additional 9.22 prosecutors is needed, however, the State has no current plans to increase the number. The governor determines how much goes to each county. Noble asked what would be needed from Kenosha County if the number of prosecutors was increased. Zapf replied that at least one paralegal would be needed for every two prosecutors.

3) Clerk of Courts

Motion by: Noble

Seconded by: R. Johnson

Approved: unanimously

6:36: Clerk of Courts Rebecca Matoska-Mentink, Judge Mary Wagner, Judge S. Michael Wilk, Court Commissioner Jon Mason, and Bethany Lofgren attended to present the budget. Matoska-Mentink reported that there is a decrease in levy due to staff cost decrease. Circuit Court relies on tax levy even though they get some State funding. They are keeping Traffic Interdiction revenue the same. Last year statutes changed for poverty levels so more people are entitled to Public Defenders. Supr. B. Frederick asked what the increase in salaries is due to and the increase in Guardian ad Litem (GAL) costs. Matoska-Mentink replied that 2012 salaries were lower due to vacancies; two and at sometimes three vacancies. GAL's were given a 2.3% increase. Qualified attorneys are needed for GAL's. Judge Wagner added that GAL duties are much more complicated now with more hours needed. Supr. A. Johnson asked about juror fees from \$90,000 in 2011; \$120,000 in 2012; and \$131,000 projected for 2013. Are trends looked at? Judge Wagner responded that high profile cases generate excessive fees. One case can significantly impact costs. They coordinate the choosing of jurors and bring all in on Mondays. Jurors are only paid \$16.00/day.

Gentz asked who is in charge of getting cases on the docket due to some concerns brought to his attention as to the length of time for this. Matoska-Mentink stated that Family Court can take up to three to four days. All are scheduled before Court Commissioners who are very busy. Wagner added that if an attorney complains it is to a Judge and it is dealt with. Unless staff is added to Family Court, they are doing the best they can. Gentz stated that he was not trying to imply that anyone is not doing their job; he just wanted to know the process. Judge Wagner stated that this is a long process that involves many departments. Delays occur due to scheduling conflicts among all parties. Gentz asked what the vacancy

was. Matoska-Mentink replied one in Family Court. Overtime this year is due to this. There is a retirement coming at the end of the year. Noble asked if they ever considered asking employers to return juror pay if employers accepted it in exchange for paying the employee their regular salary. Judge Wagner stated that she doesn't believe this can be done statutorily. Also, many employers do not give employees their regular pay while serving jury duty.

Noble stated that he sees nothing in the budget suggesting a new courtroom. He asked if there is any possibility for a new judge within the next five years. Judge Wagner replied no. They have hard working Judges and Court Commissioners. They are moving along well.

Matoska-Mentink stated that she also has the Elected Services Budget. This is for the satellite office at highways 45 and 50 that represents the Clerk of Courts, County Clerk, Register of Deeds, and Treasurer. This budget was reduced by \$3,000 due to employee benefit contributions. Gentz asked if the office employee has been the same since inception. Matoska-Mentink replied that she believes yes.

Resolutions from the Kenosha County Sheriff's Department:

1) Probationary Cabaret License – One Eyed Jack's

Motion by: Arrington ***Seconded by:*** Frederick ***Approved:*** unanimously

6:53: Capt. Paul Falduto presented the resolution. One Eyed Jack's has passed all inspections. There is no history of violations. All requirements have been met. Richard Puchalski was in attendance at the meeting.

2) Cabaret License – Player's Park South

Motion by: R. Johnson ***Seconded by:*** A. Johnson ***Approved:*** unanimously

6:55: Capt. Falduto reported that this is a conversion from a probationary to a regular license. There have only been a couple incidents of underage patrons. Citations were issued.

3) WI DOT Kenosha County PreTrial Intensive Supervision Program XVI Grant

Motion by: Noble ***Seconded by:*** A. Johnson ***Approved:*** unanimously

6:57: This resolution is to accept \$54,696 from the WI Dept of Transportation. The total operation budget for the 2012-2013 Intensive Sanctions Program is \$152,384, funded by four sources: State DOT grant \$54,696; client fees collected by Wisconsin Community Services (WCS) \$34,995; Sheriff's Dept. In-kind match of \$20,193 (Safety Building office space and Sheriff Supervision); Sheriff's Dept. hard match of \$42,500 (Levy). The project will be facilitated by WCS out of Milwaukee. Repeat DWI offenders are screened by WCS to receive intensive counseling treatment and supervision in lieu of incarceration in an effort to effectively deter repeat offenses.

Supr. Molinaro asked how many people are in the program. Capt. Falduto replied 194. Molinaro stated that he would like statistics showing reduced recidivism before the County Board meeting. He expressed opinions as to when we are going to say we have had enough. There are too many occurrences and we continue to spend money to keep offenders from repeating and they repeat anyway. He will not support this resolution. He wants to deter by putting offenders in jail. He stated that statistics show we are not tough enough on drunk drivers. Esposito asked if this program saves the County money. Falduto replied yes because there is not in-custody expense. Esposito asked if the program is state wide. Falduto replied that he is not sure if all counties participate and Esposito asked for a report of the counties participating. Montemurro asked if there is any lead-way for Kenosha to not allow so many participants. Sheriff Beth stated that research would have to be done; cannot answer at this time.

Presentation of 2013 Budgets:

4) Sheriff's Department

Motion by: R. Johnson ***Seconded by:*** A. Johnson ***Approved:*** unanimously

7:10: Sheriff Beth, Chief Deputy Smith, Capt. Paul Falduto, and Nancy Otis attended to present the budget. Sheriff Beth presented a near \$35 million budget afforded by about \$10 million in department revenue and \$25 million in tax levy. Working with the Finance Department; their levy

allotment increased by 1.38% or \$383,000 for 2013 operations. Personnel costs show a reduction of about \$973,000 from 2012; primarily as a result of defunding thirteen, currently vacant, detention officer positions and the reduction in proposed employee health care costs. The vacant detention officer positions are a result of a self imposed hiring freeze implemented mid 2012 responding to a decrease in federal housing revenue. Federal inmate revenue was budgeted at 250 placements per day in 2013. This year they are proposing 200 per day. There is also a reduction proposed for food/groceries, bedding/linens, housekeeping, and inmate uniforms due to the proposed decrease in inmate numbers.

The department's proposed revenue shows a decrease of 12% from 2012, primarily due to reducing the federal inmate numbers.

In 2012, they terminated the K-9 security program at the Detention Center saving \$24,000 in salary, K-9 supplies, and training expense. The patrol division Traffic Interdiction Unit, primarily assigned to I94 and other major roads in Kenosha County, is still being impacted by construction.

They have temporarily satisfied the medical care requirement for the immigration population and the BICE detainee population has increased since early October. He feels confident that they will reduce the projected shortfall for 2012. They have still not heard if their request for a per diem increase has been approved. They will watch the level of housing recognizing that increased housing population or per diem will require filling unfunded detention officer positions and require increases in other operating expenses related to the increased population.

A few personnel changes are part of the 2013 budget proposal: 1) reclassify a Lieutenant position to a Captain; 2) reclassify an Accounting Specialist to an Account Clerk. The net cost of changes in position titles is \$3,204. They are not increasing FTE's. They would like a Captain of Administration for personnel, Emergency Management, and other Administrative areas. The change to Account Clerk is suggested after reviewing job duties and responsibilities.

Bonded projects for 2013 are to purchase an Inmate Property Storage carousel system for KCDC and purchase a replacement Mobile Command Unit. Currently, inmate property at KCDC is packaged in paper bags, marked, and placed on shelving.

Esposito asked when they expect 2011 BICE standards. Sheriff responded that only one in six current housing facilities has met these standards. Today he heard the federal government is out of money. BICE numbers were up but are now back down. Kenosha rate is still the lowest.

Supr. Ron Johnson asked if they have the money for a mobile command unit. Sheriff replied that half is bonded this year and if revenue goes up they are asking for support of language in the Budget Policy Resolution allowing for use of surplus revenue that may be generated in 2013 be used to support the total cost of this vehicle, forgoing the plan to bond for the other half of the cost in year 2014. At Esposito's request the Sheriff provided information about the current mobile command unit. The unit was originally built in 1990 as a camper converted to a mobile intoxilyzer. We converted the unit to a Mobile Command Unit. There have been many mechanical problems, including starting the unit, resulting in needing units from Walworth County. Our unit is not reliable and cannot be counted on to run. The new vehicle would be used to respond any major event/incident including major crimes, events, natural disasters, etc. This would be a backup dispatch center. They are accustomed to not sending out the unit now due to its unreliability. They have no schematics for wiring because the unit was not built to be a Command Unit. Half of the new unit is in the 2013 budget and the other half in 2014. Supr. Noble asked if \$226,000 is the full cost. Sheriff replied no, half. Noble asked when the unit would be purchased. Sheriff replied that they would probably start the process the end of 2013 after the 2014 budget was approved. Supr. Ron Frederick asked how many times the unit was used this year. Sheriff replied only once because it would not start the other times. Gentz stated that he would like the number of times it could have been used. Supr. A. Johnson commented that it was known that the unit was not reliable so it was not asked for. Sheriff stated that if they knew it was reliable it would go out very often. Chief Deputy Smith added that the unit would also offer shelter and a place to go for victims, witnesses, etc. It would help in inclement weather with multiple responders and involved citizens. The current one can only be used for a very pre-planned event and they have time to get it running. Esposito asked about the longevity of the unit, he had heard twenty years. Sheriff explained that the new units are modular and we would have specifics and schematics. Parts could be replaced.

Supr. B. Frederick asked if this could be used in other municipalities. Could we charge other municipalities for its use? Sheriff replied that charging is not in the plans because all municipalities pay taxes to the Sheriff and this would be part of that service they pay for. Supr. Montemurro asked where the nearest functioning unit is. Sheriff replied Walworth and they received a private contribution to purchase theirs. Chief Deputy Smith added that the only unit we charge for is the Bomb Unit. Backup numbers are tracked every year. They have responded 195 times already this year. They were able to purchase an armored vehicle with drug arrest/confiscated money.

Noble asked for an explanation about the defunded positions because the number of employees is the same. Sheriff stated that they are just not putting in salaries for budget purposes. If inmate/detainee numbers go up will have to put them back in. We cannot count on federal population income anymore; need to wean off. Noble stated that this budget is based on 200; can this be too high? Sheriff stated that they cannot guarantee. They are trying to reduce some dependency due to fluctuations and unsecured income. Last year they tried to bring the number down but Finance put the number back up. Noble stated that he wants to be sure this is a realistic number, not a number that the Sheriff's Dept. is being forced into. Sheriff stated that he feels somewhat safe with 200. Noble asked what the plan is to wean off. Does this mean we would control the numbers? Sheriff stated that this year they will take anyone they can get to close in on the \$1 million shortage. They made a big step this year dropping by fifty. Next year they may propose to decrease even more. They will assess for 2014 once they see how 2013 goes. This has been a business that we have grown.

Special Note per Chairman: Noble stated that we need to look at a plan to wean off dependency on Federal Inmate revenue.

Molinaro stated that he has been an advocate to reduce dependency for a long time. The Sheriff brought this federal inmate idea to the County Board. He stated that coming in with a \$1.3 million budget increase is significant when the County Board asked for zero. There was talk about cutting deputies but Molinaro stated that he would not stand for this. Sheriff stated that they would cut conveyance/transport deputies. Molinaro would like information on long term; what Kenosha County would look like if federal inmate revenue. The Command Center is included at the expense of thirteen funded positions. Sheriff stated that if federal revenue was lost, they would have to calculate staff that would be needed and how much tax levy would go up. This could be done in simple form. Nancy Otis has already looked at what staff would be needed without federal inmates/detainees. Molinaro stated that we don't have a savings account to count on while adjusting. We need to be prepared. Supr. Montemurro asked if it would help to budget low and if we have the revenue it would be a blessing. Sheriff stated that we are kind of doing this now by decreasing the number. Supr. R. Johnson added that many layoffs would occur; this should not be rushed into. Esposito commended the Sheriff's Dept. on trying to reduce dependency. A. Johnson wanted to clarify that the 13 FTE's are not needed. Sheriff replied that it is not a matter of need; there is no money for them. Having the positions filled would reduce overtime. Staff turns over and training takes a while. They would add the positions officially if the per diem rate for federal inmates increases. Detainees are not necessarily a burden, the requirements are.

A. Johnson asked if for this year the vehicle would be bonded. Sheriff replied yes.

Sheriff commented about the scheduling. The 7K program (more hours worked before overtime pay) is not in the budget. The 5/2 : 4/2 is in the budget. Sworn personnel are paying \$4,800 towards their medical. For short pay periods employees want to be paid an extra day. We have a good staff; 95% are positive. This extra day pay is not in budget. Sheriff would like the County Board to give money to pay holidays, however, if this is entertained should also give \$4,800 to sworn deputies. R. Frederick stated that he continues getting emails from correction staff that deputies do get the extra pay; he asked if deputies ever get a short check. Sheriff explained that the deputies work an extra fifteen minutes every day to make up for this so they do not get a short check. Deputies also do not get holidays. Gentz stated that the issue then is really fifteen minutes so can corrections staff work an extra fifteen minutes?

Sheriff stated that this would still be a matter of \$548,000 because they would have to fill shifts. Gentz asked then if we are shorted \$548,000 for the deputies. Sheriff replied that this has been worked into the budget since inception, prior to Sheriff Beth's terms. Chief Deputy stated that the deputies have the numbers to meet the schedule; correctional staff does not. Noble asked if the option still exists for employees facing the short week to get first choice at overtime. Sheriff replied yes. Noble asked then aren't we still paying anyway? Sheriff said they are still not covering the eight days shorted. With the old schedule they worked less days but got paid for more. Esposito asked if they would get the eight days pay if they went to the 7K system. Dave Geertsen explained that the savings is greater with the 5/2 : 4/2 schedule. A. Johnson asked that with the deputies getting paid for all full weeks, do they get to needing overtime sooner. Sheriff replied that they have the staff to cover. A. Johnson commented that the deputies then are basically banking their fifteen minute periods and are actually working the hours. This in not actually a holiday issue, it is a short pay period issue. B. Frederick asked if the extra day that correction staff can work on their short week is regular pay or overtime pay. Sheriff replied regular. Noble asked Geertsen if overtime is calculated on an eighty hour basis. Geertsen responded forty hours per week. Esposito explained that 7K is that 171 hours is worked before overtime is paid.

AUDIO OF THIS MEETING IS AVAILABLE ON THE KENOSHA COUNTY WEBSITE

Any Other Business Allowed by Law: 8:35: B. Frederick will speak with U.W. Extension about Youth in Governance missing too many meetings.

Meeting Adjourned: 8:36 p.m. on motion by Arrington, seconded by Montemurro.

Respectfully Submitted,

Donna L. DeBree