

**MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE**  
**October 20, 2005**  
**KCAB 2<sup>ND</sup> FLOOR COUNTY BOARD COMMITTEE ROOM**

**Members Present:** Jim Huff, Brenda Carey-Mielke, Terry Rose, William Michel II, James Moore

**Others Present:** Bev Sebetic, Sue Marcinkus, Sheriff David Beth, Chief Deputy Charles Smith, Capt. Larry Apker, Capt. Gary Preston, Nancy Otis, Mary Beier, Rebecca Mentink, Ben Schliesman, Bethany Lofgren

**Meeting Called to Order:** 6:00 p.m. by Chairman Jim Huff

**Citizen Comments:** None

**Supervisor Comments:** None

**Chairman Comments:** None

***Resolution from the Office of the Corporation Counsel:***

1) An Ordinance to Create Section 3.6451 of the Municipal Code of Kenosha County Entitled "Retention of Records – Joint Services Board"

**Motion by:** Carey-Mielke                      **Seconded by:** Rose                      **Approved:** unanimously

Sue Marcinkus explained that State Statutes guide the City and County as to record retention, however, Joint Services is like a hybrid agency that is not included. Joint Services has been working with the State Forms Board and the Attorney General and they have advised that this action is necessary. This schedule has been approved by the Forms Board and Joint Services Board and now has to go to the City and County Boards. Supr. Rose asked if after these time periods would there be no records whatsoever. Marcinkus replied that some records are microfilmed and basically the records to be destroyed would be backup records. Main financial records and summaries of activity would be kept. 911 tapes are destroyed after 120 days

Acceptance of the Kenosha County Sheriff's Department 2006 Budget

**Motion by:** Carey Mielke                      **Seconded by:** Rose                      **Approved:** unanimously

Sheriff Beth, Chief Deputy Smith, Capt. Apker, Capt. Preston, and Nancy Otis represented the Sheriff's Department. Sheriff Beth presented an overview beginning with the Administration announcement that they would be held to a 3% increase in County tax levy for the 2006 budget. The department overviewed total operations of enforcement, detentions, personnel, programs, and revenue to ensure that costs they are incurring are necessary to their responsibility as a Public Safety entity. Previous estimates were for a significant loss of federal inmate housing revenue when McHenry County takes federal inmates. This loss is now expected not to be as high because BICE intends on closing down their inmate housing at Ozaukee Co. and reducing the numbers at Tri-County. As Sheriff, he has not added or expanded any existing programs that depend on tax levy for the year 2006. They have not asked for any additional manpower to supplement the Department's overall operations. To help offset the tax levy dollars the Department plans to utilize unanticipated federal inmate housing revenue of approximately \$370,000 from 2005 and have it carried over to the 2006 budget to afford critical detentions and patrol operating equipment. The budget presented includes an increase of \$1.3 million dollars (29%) in anticipated revenue over 2005. With the increase in revenue, bonding, and reserve funding sources, the total 2006 tax levy increase to the taxpayer's to support the Sheriff's operations amounts to only a 1.8% increase.

Supr. Michel asked if the future addition of a pod is still a consideration to generate more revenue. Sheriff responded not for federal inmates, however, they are looking at state inmates. Dane Co. currently has 170 inmates housed out of their county. The current rate for state inmates is \$37 per day. Michel asked if the state would sign a contract. Sheriff said they would try to obtain one. Nancy Otis is working on determining how much revenue would be needed to make building and opening a new pod feasible. Supr. Rose asked what the carryover would be used for. Sheriff replied for equipment, the only new equipment in 2005 was a copy machine. This will only be purchased if we receive the surplus revenue and the carryover is approved. Otis distributed handouts detailing equipment to be purchased. Vehicles are bonded and/or reserves. Rose commented that he thought a resolution was passed within the past couple months allowing money for equipment. Sheriff said that money was used for overtime and fuel. Rose asked if there is anything in the budget (i.e. architect or planning fees) regarding relocation to Hwys 45 & 50. Otis replied nothing to their knowledge. Michel asked if the Jail Literacy Program was being eliminated. Otis explained that it is not in the budget because this is funded by grant money and the grant has not been received yet. This will be added by resolution when received. Rose asked about the total employee count going down by 1. Sheriff explained that this is because the drug agent went under the District Attorney budget. Rose asked if there is anything new. Sheriff said no, except equipment, which had been discussed. Rose said that his general concern is for specificity so that items/issues do not enter via a "back door." Michel asked if there are any new grants available. Sheriff replied none known, however, they are always looking. Supr. Carey-Mielke asked if any grants are expected to be lost. Sheriff said that the drug grant may be cut back, however, they do not know how much. Currently there are 2 employees funded by this and Lt. Heyden is working on supplementing the grant money. Supr. Moore asked about replacement and rotation of new squads and how many vehicles are in the fleet. Sheriff responded that patrol squads are usually retired after 3 years and then go to lighter use areas such as Workcrew. Chief Deputy said that there are 31 marked squads, 17 unmarked, and 2 Tahoe's for the dog patrols. Sheriff said that the rotation for the unmarked cars is also longer because they are used less than patrol. Moore said that this equates to a need for about 13 cars per year, correct? Sheriff said yes, they got behind last year. Sheriff said the Suburbans, transports, and laundry truck are from 1998. Rose asked about the Recidivist OWI Program. Otis said this is also a grant not yet awarded. Carey-Mielke commented that these are not in the budget yet because the funds are not a certainty. Rose asked the average number of federal inmates in 2005. Sheriff responded 119. Capt. Preston explained that this is high because it is prior to McHenry County opening, which will decrease the numbers. Michel asked about contracts for numbers of inmates and/or rates. Sheriff said there is a contract for rate, not numbers of inmates. We receive the highest daily rate in the state for federal inmates; we receive at least \$4/day higher. Rose asked if KSD would handle courthouse security. Sheriff replied that they would not be responsible for, nor will they man the posts for, courthouse security; this is still in the planning stages. Michel said he heard that the County Executive might have taken this from Personnel and put into Administration.

#### Acceptance of the Juvenile Intake 2006 Budget

**Motion by:** Rose

**Seconded by:** Moore

**Approved:** unanimously

Mary Beier presented her budget and distributed a summary of her increases. Personnel and Other Professional Services are most significant. They'd like to replace their 10-year-old copier. Consequently, the maintenance agreement would go down for three years. Finance increased the projected secure detention revenue by \$10,000. There is nothing new in the budget.

Michel referred to page 46, personnel contractual fixed charges outlay, and asked why the \$273,000 2005 actual is so low compared to the projected at 12/31 of \$820,000. Beier explained that this is because the bills for Racine Detention are behind. Rose asked for the average number of beds currently being used. Beier replied 12-13, about ½ person more than last year. She said the contract is for 18 beds at \$124/day and that without the contract the cost would be about \$160/day. Carey-Mielke commented that without a contract beds could also not be available in Racine and juveniles would have

to be transported great distances. Rose said that the age for juveniles is reduced because they go to adult court at younger ages. He asked when the contract expires. Beier said at the end of 2006. Rose will want to address possibly contracting for fewer beds at that time. Rose asked if other counties use Racine. Beier said yes, however, we are the primary user. Rose asked for the percent of budget increase overall. Beier said 3%. Michel asked about projected revenue and who does collections. Beier explained that this is a state projection and that her office and Child Support do the collections.

#### Acceptance of the District Attorney 2006 Budget

**Motion by:** Carey-Mielke                      **Seconded by:** Rose                      **Approved:** unanimously

Rebecca Mentink presented the budget. Primary differences are personnel related. The only significant change is under fixed charges because they now lease their copy machines. Rose asked if the drug investigator on page 30 is the one from the KSD budget. Mentink said yes. Michel asked if any of the money for conferences is recoverable. Mentink said that SPET (State Prosecutors Education & Training) reimburses 25 cents/mile and some expenses. Rose asked for the overall percent increase. Mentink estimated 1 – 2%, they cut corners and watch the budget carefully. They use low-cost supplies. Finance cut a few areas. Rose asked if there was anything new. Mentink said the gun grant was set to expire this year but they did receive a 1-year extension so it is in the 2006 budget. Michel asked if the only increase in personnel was the drug agent. Mentink said yes. Clerical employees changed to paralegals so they have expanded job duties. Carey-Mielke asked Mentink to clarify equipment lease and rental, if this is for copiers. Mentink said yes. Michel asked about the increase for salaries from \$427,000 to \$513,000. Mentink said this is because clerical staff was changed to paralegals, settlement payments had to be made when the clerical contract was ratified, and the drug officer was added to their budget. Personnel numbers are provided by Finance. Rose wanted an explanation of the modified amount from 0 to \$151,000 for Other Professional Services. Mentink explained that this is IV-E grant money for TPR's. She said this is under a separate business unit funded with grant money for the drug officer.

#### Acceptance of the Kenosha County Emergency Management 2006 Budget

***Contingent upon an explanation from Finance to justify the addition of \$20,000 for Other Professional Services***

**Motion by:** Carey-Mielke                      **Seconded by:** Michel                      **Approved:** unanimously

Ben Schliesman distributed an information sheet highlighting changes. Total levy increase is \$26,440. Personnel was increased by \$3,300 for overtime due to ongoing/increased heavy workload. Each year they have to submit a Plan of Work to the State. Finance suggested overtime instead of assistance. Other Professional Services has an overall decrease of \$16,614, all grant related except an addition of \$20,000 for fiscal services (Hoppe & Orendorff). The County Executive added this. There is an increase under Motor Vehicle Maintenance for the Communication's Trailer. Office supplies increased primarily because supplies for the new printer are more expensive. Mileage & travel and Gas/Oil/Etc. went up due to higher gas prices. Staff Development needed to be increased because Schliesman is on additional State Committees/Boards. Fiscal supplied the increase amount for building insurance. Terrorism/WMD Pass Thru decreased by \$459,171 due to grant closeouts and smaller Homeland Security Grants. Carey-Mielke commented about an article in the paper about State Grant cuts. Schliesman explained that the amounts distributed are no longer formula based, they are risk based. We may eventually see a gain due to our close proximity to Chicago.

Revenue changes were an increase of \$5,208, Emergency Government Reimbursement, due to an increase in grant funds. This can be used for salaries/retirement. SARA/Title III grant funds increased \$1,361. Exercise Grant increased \$12,976 to conduct Terrorism Exercise in 2006. Rose commented that he estimated the budget shows an increase of tax levy of about 30%. Schliemann explained that Emergency Management is probably one of the smallest budgets so when there are any changes they are much more dramatic. Administration added \$20,000 for Professional Services. Rose said that

without this there is still about a 15% increase. Schliesman said that public liability insurance went up \$2,000 and salaries/benefits increased including adding overtime. Rose asked why overtime is needed. Schliesman said because they can't get the work done. They should be doing more to be prepared for emergencies. Rose asked if we are prepared for emergencies. Schliesman said yes for tornadoes and floods, however, need work on evacuations. Carey-Mielke commented that the evacuation exercise created tensions among the different municipalities, we need to work together on this. Schliesman said that the ACU 1000 Communication Patching System allows for better communications, including with aircraft.

Carey-Mielke said that she would like an explanation/clarification from Finance as to the addition of \$20,000 for Other Professional Services.

Acceptance of the Clerk of Courts 2006 Budget *as Modified to Reduce line item 12100.527600*  
*Attorney Fees by \$16,000*

*Motion by:* Carey-Mielke                      *Seconded by:* Deschler                      *Approved:* unanimously

Bethany Lofgren presented the budget. She said there is no increase in number of personnel, just contractual costs. Other Professional Services is down because they are going to imaging court files instead of sending information out for microfilming. Under telecommunications, the juries phone line (800 number) was eliminated. Copy machine costs are higher with the age of their machines. Sentencing transcript fees are higher. Juror fees are higher for mileage. Jury expenses (such as meals) and witness fees are pretty constant. They expect an increase in interpreter expenses, however, they will charge back to users if possible. Carey-Mielke commented that the Interpreter Expense line went down. Lofgren explained that this is one of the accounts included in their Levy Reduction Project. For budgeting purposes these project lines are sometimes reduced to amounts lower than they expect to spend. The unpaid fine registration is being eliminated because they have a collection agency. Doctors' fees increased, however, this is another of the Budget Reduction accounts, so they are knowingly under budgeting. Guardian ad Litem (GAL) fees are up. Huff asked if this is an increase by the State or if there are more GAL's. This is an increase by us of 2%; they did not get a raise at all last year. There are no additional GAL's. They are still contracting for out-of-county GAL's, however they are trying to bill back for those when possible.

She reported that attorney fees are skyrocketing, \$156,000 may not be enough. Rose said that this is a line that he believes should at least be cut back to the amount in 2005. He believes this is being abused and recounted a recent instance whereby an accused person was granted a public defender because the "Affidavit of Indigency" form they need to complete does not require disclosure of assets (including retirement accounts, cash in bank, IRA's, stocks, bonds, and mutual funds). If the person answers yes to any questions on page 1, such as current low income or any kind of aid including child care or food stamps, they do not have to fill out page 2 relating to assets. The person in this example had assets in the six-figure range. Lofgren said that this is a state form and her office requires completion of page two relating to assets. Michel said that if they are granted a public defender, they should repay costs. Rose said at the rate of about \$35/month. Lofgren said that they do track the people down for the \$35/month. The system in place should not allow this unless ordered by Judge. Rose said the judges would rather have a lawyer there than deal with a contentious defendant. Rose said he would like to get the Judges' attention on this. Carey-Mielke asked if full disclosure could be required via resolution. Lofgren said this is a state form that they can not change. Michel said that the Judges would have to be encouraged if they are the deciding entity. Moore asked if people could be required to complete the entire form via a County Ordinance. Huff said the law is flawed because they do not require enough information. Carey-Mielke said a determination is needed as to whether this is a state law or Administrative Code. We can make Administrative Codes stricter. The Legislative Committee should find this out. The following motion was made:

To Send a Letter to Legislative Committee of the County Board and Judges to Enhance State Regulations for Determining Eligibility for Provided Representation

**Motion by:** Carey-Mielke

**Seconded by:** Moore

**Approved:** unanimously

Rose would like to reduce the Attorney Fees line by \$16,000 to the 2005 budgeted amount to encourage the Courts to scrutinize. Moore asked what happens if you go to a Judge and say there is no more money. Lofgren said if a Judge orders representation they would have to come back to the County Board with a resolution. Michel commented that he does not understand what the Committee is trying to accomplish by reducing this line, what they are trying to portray to the Judges. Carey-Mielke said they could not limit the Judges, they can order to pay. Lofgren said that Gail Gentz has proposed currently to allow a set payment schedule for a specific criminal charge. The attorneys, however, can petition the courts if they think a case is exceptional and they need more money. The following motion was made:

To Reduce line item 12100.527600 Attorney Fees by \$16,000

**Motion by:** Rose

**Seconded by:** Carey-Mielke

**Approved:** yes with  
Michel opposed

Lofgren reported that they increased the projected revenue by \$16,000 primarily because of the increase in attorney fees. They will continue to tighten collection efforts. Carey-Mielke asked what they do if billings do not generate receipts. Lofgren said they take from other accounts. Moore asked what the Budget Reduction Project is. Lofgren explained that as needed this allows their department to move up to \$50,000 among different line items within their budget.

Furniture/Fixtures increased for a fax machine and shelving. Office supplies and duplication are up due to cost increase. Statute books are not needed this year. Lease rental is up slightly. Huff asked if there is central purchasing for buy copiers in bulk or if each is purchased separately. Rose said he believes they go with State approved vendors. Lofgren reported revenue increases budgeted for child support, interpreters, county ordinances and traffic fines (bond can now be posted by credit card 24 hours/day or when stopped), restitution, marriage licenses, occupational drivers' licenses, court fees, GAL reimbursement, reconciliation fees, and mediation fees. GAL grant is up; this is based on the number of Judges. Circuit Court investment increased because an error was found in calculations. They couldn't get the extra revenue for last year because the books were closed. Carey-Mielke asked how long the error occurred and where the money went. Lofgren responded 3 years and that the money probably went to the general fund. Rose asked about E-files. Lofgren said no money was allocated, they will try to do this. Rose said that in federal courts they need court permission not to E-file. Rose worked with Information Services to automatically file in KSD budget. Huff said this is still under development, currently this is primarily used at the weigh station.

**Any Other Business Allowed by Law:** None

**Meeting Adjourned:** 8:40 p.m. on motion by Carey-Mielke, seconded by Rose.

Respectfully Submitted,

Donna L. DeBree