

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
October 5, 2011
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: William Michel II, Bob Haas, Ronald L. Johnson, David Singer, Ronald J. Frederick, Robert Zerban, John Grulich, Abbey McDonald (YIG)

Others Present: Sheriff David Beth, Chief Deputy Charles Smith, Capt. Larry Apker, Lt. Marc Levin, Judge Bruce Schroeder, District Attorney Robert Zapf, Rebecca Matoska-Mentink, Ray Arbet, Bethany Lofgren, Nancy Otis, Mary Beier, Sandra Bertelle, Kathy Kemen, Peter Ress, Mike Ress

Meeting Called to Order: 6:00 p.m. by Chairman William Michel II

Citizen Comments: 6:00 p.m.: None

Supervisor Comments: 6:01 p.m.: None

Chairman Comments: 6:02 p.m.: Suprv. Michel thanked everyone for coming and stated that he would be making some changes within the Agenda. Number 7, the Resolution for the Climax Tavern Cabaret License Request from the Sheriff's Department will be the first one to be heard and then bringing forward Number 9, from the Public Works and Judiciary & Law Committees which is the Resolution to Ban Firearms, Explosives and Other Weapons in Kenosha County Buildings and then go into the budgets. He requested that these items be moved forward since there were guests here for these Resolutions and did not believe that they should be forced to sit through the budget presentations. There were no objections. Suprv. Michel also wanted to note that the two Youth in Government students that were not present this evening were excused by Supervisor Zerban.

Minutes Read: 6:03 p.m.: August 10, 2011 and September 14, 2011

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

Resolution from the Kenosha County Sheriff's Department:

1) Climax Tavern Cabaret License Request (MOTION DENIED)

Motion by: Singer ***Seconded by:*** Johnson ***Approved:*** unanimously

6:05 p.m.: Michel stated that there is no one here for this matter since this was referred back from the last County Boarding meeting because the Sheriff's Department did not approve the Resolution due to that it was written in the wrong form. As stated in the Resolution, the reason that it was voted down was because the Climax Tavern did not meet the requirements due to the fact that it did not have adequate parking. Supr. Frederick stated that he felt that this matter should have been dealt with at the Town level first. Michel indicated that when they had spoken to Mr. Melcher and his department, there was information that was relayed to the owner of the establishment stating that there were violations and that the establishment could not use the back area, nor could they use the horseshoe area due to the inadequate parking. The owner was actually put on notice. He didn't know if the individuals who had leased the property were informed of the violations by the owner of the property. When the Sheriff's Department did the investigation, it was shown that there were violations and unfortunately, the Lessee was uninformed about that.

Resolution from the Public Works and Judiciary & Law Enforcement Committees:

1) A Resolution to Ban Firearms, Explosives and Other Weapons in Kenosha County Buildings.

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

6:11 p.m.: Judge Schroeder stated that he and the other judges were the recipients of this proposed Ordinance that was created by Bernie Vash to deal with the introduction of weapons in the Courthouse. He stated that when the judges had looked at the resolution that was prepared, there was one area of the statute that had not been covered. The statute provides that any judge anywhere in the State may grant a permit to anyone who already holds a concealed weapons permit so that they may carry a weapon in a courthouse. Two things need to be done. A provision needs to be included in order to conform to state statute that a law enforcement officer may come in with a firearm. Later on, an amendment is suggested that states that anyone who wants to bring in a firearm with a judge's permit, needs to present it at least 24 hours before doing so to the Clerk of Courts. This way, we are conforming to the state law by

permitting the firearms in and yet providing foreknowledge to the judges that there will be a firearm in the courtroom.

Ray Arbet clarified that there were two options for this resolution. Public Works acted on the original resolution. The judge's modifications came in late last week. These changes were discussed at the Public Works Committee back in September and it was requested that a motion to amend this resolution be made to adjust it to the judge's modifications. Michel then clarified by stating that this committee is only dealing with the initial resolution and then on the floor of County Board, Supervisor Elverman will make the motion to amend to get the right verbiage so that it conforms with state statutes. Otherwise, we would have to stop this and send it back to Public Works. This way, the Resolution will be in place and can be read for the November 1st meeting.

Presentation of 2012 Budgets:

Juvenile Intake:

Motion by: Haas

Seconded by: Zerban

Approved: unanimously

6:17 p.m.: Mary Beier presented the recommendations for this budget. For the 2012 fiscal year, Juvenile Intake is requesting \$825,000.00 in tax levy, which is a decrease of \$121,000.00, or 12 percent less, than the current year's adopted budget. Only five general areas or line items will be affected overall. Each increase or decrease has an explanation to the right for each proposed change. The most significant change in the budget is a decrease within the Other Professional Services Account, or juvenile detention. Starting last year in 2010, Kenosha County began renting beds as needed at the Washington County Juvenile Detention Facility in West Bend, Wisconsin. Kenosha County continues to be billed at a very low rate of \$115.00 per bed daily and the use of beds continues to be minimal at this time. Therefore, she is requesting a decrease of \$118,000.00 in this line item. She hopes that her recommendation is accepted and the budget request is approved.

Supr. Michel commented that due to the fact that we use Washington County, the judges had to step up and change some of their timing in the court system because we had deputies driving these juveniles up and clearly could not have these in custodies in their court at 9:00 a.m. The judges really worked together along with the Sheriff's Department and District Attorney's office so that the County could save a substantial amount of money. In the eight years he has been on this committee, the numbers are immensely lower because we are actually paying for the beds that we use, instead of when we were with Racine we had a flat amount and no matter if we used one bed or twenty, it would be the same fee. Mary Beier stated that we were paying Racine

\$130.00 a day per bed and were locked into 18 beds a day for a total \$2,340.00 a day. They would not take us on a no-beds guarantee. An agreement could never be reached so we moved to the West Bend facility. They can hold 28 beds and the facility itself is much better than what has been experienced in the past.

Suprv. Singer posed the question about costs of transportation. Supr. Michel stated that that was in the Sheriff's budget and of course there is a small amount for gas, but the deputies are still being used. Mary Beier clarified by saying that what we are doing now compared to what we were doing when we were at Racine is the Sheriff's Department would make continual trips back and forth all day. What the Sheriff's Department is doing now is that first thing in the morning they are going up to Washington County and getting everyone they need for the calendar that day and housing those kids locally and at 5:00 p.m. returning everyone that needs to be returned in one trip. The number of trips have decreased.

Suprv. Zerban asked Mary Beier how is this affecting the families of these juveniles since they are Kenosha County residents? She stated that there are family members who make it up to West Bend to visit. They do have teleconference abilities thru DCFS, Public Defender's Office, District Attorney's Office and other various locations. If the family really wants to see their youngster and they cannot make the trip in person, they can make an appointment with the social worker on camera and have that communication.

Suprv. Frederick asked about professional employees reference overnight and weekends. Mary Beier said that these employees were temps in the past, but they were created into the 990 Professional contract. Part timers are mainly used. They only work five shifts a month and make maybe \$300.00 a month.

District Attorney's Office:

Motion by: Singer

Seconded by: Zerban

Approved: Unanimously

6:28 p.m.: Robert Zapf presented the budget with the Victim Witness Coordinator, Sandra Bertelle. He stated that most of the items on the budget are the "bricks and mortar" and pretty stable. Their big item is the request for an additional victim witness advocate or specialist. In addition to requesting this position from the County, they would also have to request the State of Wisconsin for this position because the Victim Witness Advocate Program has been funded by a reimbursement formula by the State of Wisconsin. So that while they are county employees, the program itself and the funds that are expended for personnel costs and expenses are reimbursed as a rate commensurate with whatever the State says it is at that given time. Years ago, the original idea was to induce counties to create victim witness advocate programs. They started with 100 percent reimbursement. It was hard to maintain the 100 percentage

reimbursement so that number has changed over the years and currently, the reimbursement rate is around 53 percent. Mr. Zapf is asking for an additional position which he has attempted to get in the past. He has gotten approval from the State for this additional victim witness specialist for the program. Since his office has received that approval, he is now submitting this request to this committee so that this position may be approved. In the last year and half, they have sought and were granted funding for a specialty person that would be in sensitive crime cases, but only half time. That half-time grant funding will expire in March, 2012. In closing, Mr. Zapf stated that it is his goal to be able to add an additional victim witness specialist to the program that will be reimbursable at state funds at 53 percent, so that the total dollar amount to Kenosha County will be the difference at the end of year. Mr. Zapf wanted everyone to know that he is very sensitive to the economy and the concerns to adding additional personnel on the county payroll, but believes that his request is somewhat unique and different than many of the other departments who have made requests for additional personnel due to the fact that this position is reimbursed by 53 percent.

Sandra Bertelle spoke about the role of the Victim Advocate Specialist. She has been in this program for about twenty-five years. They have not had an additional person in twenty one years. There are currently three of them. They have to cover nine court rooms, 15 assistant district attorneys and all the victims. They also have to attend the child advocacy centers. The State has granted them this position because of the hard economic times two things increase, crimes and victims. She thanked everyone for their time.

Suprv. Michel stated that he has spoken to the County Executive and Mr. Zapf about this. He believes that this is a truly instrumental position and that Kenosha County is headed in the right direction. This last year, a victim witness waiting room was used and to some degree makes the court move a little more efficiently so that we can get the victims into the courtroom much quicker. We know where they are at and don't have to track them down. Mr. Michel thanked Ms. Bertelle for coming and commended District Attorney Zapf and his staff on the excellent job his office is doing.

Suprv. Singer stated that he was glad to see this position and supports it. Suprv. Johnson realizes that it is a great program and asked Mr. Zapf if he has any idea what it will cost the County? Mr. Zapf said they had projected that it would be \$69,681.00 for the total program.

Suprv. Zerban asked what kind of educational programs on sexual assaults are out there, if any, that would help on a countywide basis. Sandy Bertelle said that they have a coordinated response group that goes to schools, hospitals, social services, Crisis and any organization that deals with children. They make sure that all the necessary information and materials gets to them. Suprv. Zerban indicated that he believes the statistics show an increase of ten percent in sexual assault reports. Sandy Bertelle said that more people are reporting because of the victim witness program.

Clerk of Courts:

Motion by: Haas

Seconded by: Johnson

Approved: unanimously

6:45 p.m.: Rebecca Matoska-Mentink appears with Judge Schroeder and her Fiscal Services Manager, Bethany Lofgren. She is concerned about several things in her budget, but is presenting it. As it compares to the 2011 projection, she is actually showing a \$47,000.00 decrease in tax levy dollars, despite a ten percent decrease in state grants of \$78,000.00. The primary reason that she is able to come under levy dollars is because the county defunded one of her positions in Circuit Court of an Office Associate. This position was never filled, but was granted to Circuit Court when Branch 8 was created. They had given Courts two new positions. One position was filled and the other was held off due to the tight budget. They have only defunded it, not removed it from her budget. However, she will never be able to fund the position because her department is not a revenue generating department. That is her one concern. The staff in Circuit Court work extremely hard. She has high standards for her employees and uses disciplinary measures with the union, not frequently, but as needed to make sure that those standards are met. She wanted to point out that Circuit Court has two non-reps, two managers and a Registrar in Probate. The Registrar in Probate is appointed by the judges and supervises a staff of two. Her two managers supervise 33 and one-half employees. She believes that this is a high ratio when compared to other departments and she would like to recognize them.

Suprv. Michel stated that he believes Mrs. Mentink is doing an excellent job since obviously the State is clearly asking us to do more, with less money. In addition to himself as an attorney, he believes that her office could use more support staff.

Suprv. Haas indicated that he believes Circuit Court needs more staff, especially since the Sheriff's Department must be overloading the courts due to the amount of tickets that are written. Mrs. Mentink stated that they have a wonderful Court Commissioner on the bench right now who for one reason or another is able to deal with the increase of the number of cases filed. On the clerical side of things, they have raised the bar and so far, her employees have been able to reach it without over burdening. For how long this can last, it remains to be seen.

Resolution from the Kenosha County Sheriff's Department: (Moved to 10/17/11)

1). Modify 2011 Budget to Recognize Surplus Revenue to Cover Anticipated Expenditures and Purchase a Mobile Command Vehicle.

Motion by: Frederick

Seconded by: Singer

Approved: unanimously

6:54 p.m.: Sheriff Beth stated that due to the increase in federal inmates over the last few years, this year he has an unanticipated revenue that was projected at 1.3 million dollars. He would like to use some of that unanticipated revenue to help the Sheriff's Department to help the county as a whole. The Sheriff's Department took over Emergency Management this last year and one of things that the department needs is a new Mobile Command Post. The current one is over 20 years old and falling apart. The unit was originally owned by the State Patrol and was designed to be a mobile intoxilizer and would travel throughout the state. The Sheriff's Department took it and did the best they could to morph it into a mobile command post. It has lasted for the past twenty years, but it has seen the last of its life. At one point this year, they tried to bring it out and it would not run. A squad car had to be placed in front and in back of it because it was at night and did not have working lights to the emergency because they needed a facility to hold people inside of it. At Country Thunder, another generator had to be placed alongside of it because the generator itself does not work anymore. The Sheriff is requesting to take \$724,000.00 from the unanticipated revenue for the command unit. This unit would be used for Emergency Management in case of emergencies like tornados, floods and blizzards. This unit would also be a back-up communication center. If the dispatch center ever goes down, this will be the unit that will be used.

Lt. Marc Levin described some of the problems with the Mobile Command Unit. There is no wiring schematic that came with vehicle. The wiring is currently unsafe, malfunctioning or modified during the years. Due to the age, parts are not available and basically no one within this area can service the unit anymore. The two air conditioning units cannot be used in tandem due to a previous wire fire that occurred when it was owned by the State Patrol. The floor has numerous soft spots due to corrosion in the undercarriage. These are just a few of the issues.

Sheriff Beth commented that this was supposed to be in the 2012 budget, but the County Executive took it out and this gives the Sheriff's Department the perfect opportunity to not use tax levy dollars since this was money generated by the Sheriff's Department and this is something that this department and this county needs.

Nancy Otis spoke about the projected shortfalls in fuel, pharmaceuticals for inmates and inmate medical services. There is also a piece of equipment for the bomb unit, a ultra light weight post clamp set, cost for which is \$1,600.00.

Supr. Haas stated that he saw the Mobile Command Unit when it was used when the tornado hit the Town of Wheatland and it was inadequate at that time. He agrees with the Sheriff that is something that if it isn't done now, then it is only going to cost more and more in the future. Supr. Michel asked if this is

something that can be done through a grant. Sheriff stated that he has been trying for years to do that. Supr. Haas asked Sheriff Beth if he has any estimates or demonstrations on a new one. Sheriff Beth said that he has updated the specs every year and it is roughly \$515,000.00 for a fully equipped unit.

Supr. Frederickson stated that he doesn't believe that this is not tax levied dollars. He believes that whatever the department earned is tax levy dollars. He has an issue with spending \$515,000.00 on a vehicle when there are employees taking cuts and positions being defunded. Believes we have to make what we have work and cannot support this.

Supr. Michel had an opportunity to discuss this with a couple of deputies. They stated that the current mobile command center is junk. They have had difficulty starting it. The concern that they had was that the command center was plan B for an emergency and it is not reliable. Supr. Michel said that if there is an emergency, the current equipment is not acceptable.

Sheriff Beth stated that it used to be used for fatal accidents, homicides, any major incident, but he can't even consider sending it out since it doesn't start on a regular basis. If something happens to our Dispatch, the command unit is our backup. That is where we would have to dispatch City, County, Fire and Rescue out of.

Suprv. Singer said this is the first he has heard of these problems and doesn't quite understand how this could cost a half million dollars and would like time to evaluate this item. He does approve this item without the command unit provision.

Supr. Michel stated that it might be wise not to act on this Resolution tonight. They are concerned about such a large purchase and would like more information about other options and would also like to view our command unit. Sheriff Beth stated that he would have our command unit available and also contact Walworth County and ask if they would to bring their unit at the next meeting on October 17th for viewing. Supr. Michel requested that this whole resolution be moved to the October 17th meeting.

Presentation of 2012 Sheriff's Department Budget:

7:18 p.m.: Supr. Michel said that as stated earlier, they are not going to act on the budget. All that will happen is the presentation.

Sheriff Beth stated that this year he has a 5.07 percent decrease in tax levy, which is approximately 1.3 million dollars. The salary budget increased by about 1.85 percent primarily due to the deputies moving up the wage scales. Also, 2012 is a leap year, so an extra eight hours of pay had to be added for 2012. No employees were added or deleted for 2012. Overtime was reduced by 149,000.00 because of a

scheduling change that will be utilized in the jail. Because the way the policies have changed in the State, he will be able to start a 5-2-4-2 schedule beginning January, 2012. This will allow the creation of power shifts in the jail. Busiest times in the jail are Monday thru Friday. Weekends in the jail are our slowest times and in patrol it is our busiest times. On the current schedule, an employee works 260 days, not including any benefit time, like vacation or casuals. The 5-2-4-2 schedule has 252 scheduled working days. The employees are not being shorted days. On the week that the employee is short, they will get priority to choose any overtime shift that they want or if they don't want to work the extra hours, they don't have to. With this schedule, more employees will be working with all the slots filled without generating overtime. There is a \$149,000.00 anticipation in overtime savings. In retirement there is a significant decrease because of the 5.8 percent that the employees are paying into their retirement. The medical insurance has gone up slightly, but there is supposed to be a rather large reduction next year due to the retirees being placed on Personnel's budget. Overall, the personnel costs have been reduced by 2.41 percent or \$748,000.00. The Sheriff is able to keep the estimated budget for contractual services to nearly the same level as 2011. Some increases were necessary – inmate medical services, radio and building equipment maintenance. There is a slight increase in the food budget and the fuel budget remains pretty much the same as last year. There will be a shortfall this year because of how much fuel has gone up. The Sheriff's Department operating budget for 2012 is two percent less than it was in 2011. The generated revenue projection is increased by \$602,000.00 - mainly due to federal inmate revenue.

Supr. Michel asked if we meet all the federal mandates for these additional inmates. Sheriff Beth stated that he does. Also, Supr. Michel asked about future numbers for these inmates. The Sheriff stated that the numbers fluctuate, but so far, the average is 264 inmates. Supr. Michel was concerned about competing agencies. Sheriff Beth stated that he, David Geertsen, the County Executive and Mark Molinaro went to Washington D.C. last December to try to get them to make Kenosha the hub for the Midwest. Somehow, Illinois got it, but Crete, Illinois is not holding inmates now. He stated that news article that he had read said that a private industry has the one in Illinois. Suprv. Michel said that long term we should be aware that there is a private business in jail facilities for these inmates and that down the road there is a possibility that we may lose our federal inmates. Sheriff Beth said ICE had said that they wanted Kenosha to be the hub, so Crete, Illinois was a complete surprise to him.

The Sheriff's capital for 2012 is \$975,000.00 more than 2011. Half of this increase has to do with a plan to build a storage facility behind the Detention Center. Currently, the Sheriff's Department has equipment in the Safety Building basement, Romano's Towing, Bristol, Bong, Highway Department. Equipment is being stored all over the county because there is no central location to store all of it. If the revenue can be generated, about \$550,000.00 will be used to build a pole barn behind the Detention

Center. This will eliminate rental fees in some spots and all the equipment will be in one area instead of numerous locations.

In July, the four deputies that have been assigned to TIU have issued 620 citations generating \$123,888.00 in traffic bond amounts. They have also picked up several people on warrants and found other crimes, such as having drugs in the car. The unit has been very effective.

Supr. Michel asked if there were any major purchases. Sheriff stated this is the last year the Crown Vics are being made, so the department is going to the Taurus and because it is a different sized care, they have to be outfitted differently so some of the equipment cannot be reused. The question of being able to consolidate equipment with the Police Department came up by Supr. Michel. Sheriff Beth stated that the City has different cars than ours. The Sheriff's Department needs more equipment in the squads and needs a bigger vehicle than the Police Department.

Supr. Michel stated again that they are not acting on the Sheriff's Department budget tonight and will address it at the October 17th meeting.

Any Other Business Allowed by Law: 7:58 p.m.: None

Meeting Adjourned: 7:59 p.m. on motion by Grulich, seconded by Singer.

Respectfully Submitted,

Michelle Battellini