

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
on February 7th, 2023
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: Zach Rodriguez, , Laura Belsky, John Franco, Brian Bashaw, Mark Nordigian, Erin Decker, Jeff Wamboldt, YIG Ben Rothove, YIG Alexa Didinsky

Members Excused: None

Others Present: Sheriff David Zoerner, Cpt. Tony Gonzalez, Cpt. Eric Klinkhammer, Sgt. Christopher Hannah, Sgt. Joe Zarletti, Josh Nielsen, Monica Yuhas, Sgt. Colin Coultrip, Jodi Muerhoff, Gale Clark-Taylor, David Mau, Kevin Mathewson

Meeting Called to Order: 4:16 p.m. by Chairman Rodriguez

Citizen Comments:

4:16: Chairman Rodriguez asked for Citizen Comments.

Jodi Muerhoff of 7220 1st Avenue, Kenosha:

Jodi spoke about government operating with transparency, and the meeting times of various city and county committees including the Kenosha Public Safety Committee at 5pm, Kenosha Public Works Committee at 5:30pm, Kenosha Unified School Board at 5:45pm, Wheatland Town Board at 6:00pm. Jodi referenced the US Bureau of Labor Statistics that stated a majority of America's citizens work a traditional 9am-5pm job. Jodi said Kenosha County has the highest number of people employed falling into the categories of office and administrative support and management. Jodi stated that the majority of the City and County of Kenosha's sub-committees meet in the evenings so citizens can attend, comment, and listen to the conversations and decisions that impact the community. Jodi said that those committee members recognize the importance of meeting at a time that is accessible for the majority of the people they represent. Jodi guessed that the Supervisors on the board would have difficulty attending one of the Judiciary and Law Enforcement Committee meetings at their current time of 4:15pm, due to their jobs. Jodi understood that there was no legal issue on moving the time of the meetings to the afternoon but felt that just because there was a right to it didn't mean it was the right decision for the community. Jodi understood that some of the rationale was because it was more convenient for administrative staff or county employees, but the interest in the majority of the people in the county should be served by the Judiciary and Law Enforcement Committee. Jodi referenced the Racial and Ethnic Equity Commission report containing data arrests in Kenosha County. Jodi stated that the data showed that black adults are seven times more likely than white adults to be arrested in the county, and black youth are five and half times more likely over white youth to be arrested in the county. Jodi said that the committee has oversight for law enforcement in the county, community members will look to the committee for help in understanding why the data is skewed, especially with fifteen times more while people than black in Kenosha County. The community will also want to see what the committee's recommendations are to address the racial disparity according to the data in the report. Jodi said that citizens will want to attend and speak at the meetings and listen to the committee's discussions about policing now that the numbers have been released. Jodi guessed that the people interested in making public comments and listening to the discussions in the meetings, will be the people who are directly impacted by the practices reflected in the data report. Jodi said the meeting time that allows for people to participate will be important. Jodi guessed that the Supervisor did not run, nor would run in the future, a platform for making government less accessible or transparent to residents. Jodi said that there is one Supervisor who said there would never be a perfect meeting time, which is true, but finding a time that will allow majority of people to attend is important. Jodi asked the committee to reconsider moving the meeting time back to a later time, which is the right thing to do for the majority of people in Kenosha.

Gale Clark-Taylor of 7624 18th Avenue, Kenosha:

Gale stated that she had concerns along with Ms. Jodi Muerhoff about moving committee times to later rather than during the day. Gale said she is fortunate to be retired but the majority of citizens are tied up until 6pm. Gale stated that the subject she was most concerned about was the proposal about the DARE funds. Gale is involved with organizations in the community that raise money for various causes. They know what the agency, individual, or organization wants to do with the money. Once it is given to them, they trust they are going to do the right thing with it and not run off on a trip or something else. Gale stated that monies raised for the DARE program should not be controlled by the County Board, but they should trust in the ability of the DARE program, and the people working with the program, to spend in the way it was intended. To benefit the children and not make the program jump through hoops, fill out paperwork, etc. that goes along with the proposal.

David Mau (Alderman of 8th District of the City) of 7820 36th Avenue, Kenosha:

David talked about Josh Nielsen, the Director of Joint Services. David stated that Josh Nielsen failed to discipline properly in the recent investigations for two of the employees. David said there were multiple whistle blowers, which Mr. Nielsen chose to ignore. David felt that it was wrong Mr. Nielsen chose to do an internal investigation and waited to do a law enforcement investigation until Public Officials, such as himself, pushed Mr. Nielsen into doing it. David believed Mr. Nielsen disciplined improperly. David stated that one of the employees had a minor offense, admitted to it, showed proof of receipts that reimbursed him for what he had done. This employee was given 30 days suspension. David stated the second employee lied about it, stole from the citizens of Kenosha, had multiple offenses and was given the same penalty. David thought this was disservice to the City, County, and all citizens of Kenosha.

Kevin Mathewson of 5605 Sheridan Road, Suite 2295, Kenosha:

Kevin wanted to comment on the earlier statement about police racism in Kenosha County. Kevin stated that the study the person used was probably bias. Kevin stated that a friend of his Michael Cicchini, a Criminal Defense Attorney for the State of Wisconsin, has been in practice for 25 years, believes most of his clients are innocent and believes in fair trials. Kevin added that Mr. Cicchini has over 40 published law review articles, received a CPA which has a pass rate of 6%, and to get into the Bar is 70% and difficult to be an attorney. Kevin stated that Mr. Cicchini wrote a review article for L.M.U. that was published in a prestigious law review publication. In the article Mr. Cicchini looked at the data in Kenosha County for the Police Department and the Sheriff's Department. Kevin stated that police are not racist in the Sheriff's Department or the Police Department in Kenosha County. Kevin said there are two types of calls, officer-initiated where they stop a suspicious person, and calls-for-service where they are called to somewhere. Kevin said you cannot look at one set or the other but all the data. Kevin said that is what Attorney Cicchini did, he looked at disorderly conduct and he looked at the race of who was arrested. Kevin said if there is probable cause for arrest, the police send a referral, which goes to an attorney, who evaluates the evidence and applies it to the law and decides if they go on from there. Kevin said he analyzed the data from Attorney Cicchini and concluded that police are not racist in Kenosha County, the Kenosha Police Department, of the Kenosha Sheriff's Department according to the data. Kevin stated that it was shared with the County Board. Kevin thought it was easy to say "all cops are racist" when watching things happening around the world. Kevin said the leadership in Kenosha is good and he is constantly emailing asking about different things. Kevin stated that he is not one to let police officers get away with something without saying something, but learned it is not the case here. Kevin said the Kenosha Police Department and the Kenosha Sheriff's Department has professional men and women. Kevin said there are advocacy groups, like Forward Kenosha, who wish to get rid of bail. Kevin felt this was nonsense and added that he didn't believe anyone present wished to get rid of bail and let criminals, like Mark Jensen, wait at their home while awaiting trial. Kevin said people want police to find probable cause in minorities and ignore it or not find probable cause in Caucasians and charge them without it. Kevin commented that you could not change the numbers unless that was happening. Kevin said that we do not want police officers arresting people without probable cause and we do not want them to not arrest people when there is probable cause. Kevin said that if you look at the data, not just the calls for service and not just officer-initiated calls, but the data altogether. Kevin commented that persons stating there is racism in the Police Department has an agenda. Kevin believes in police accountability and is the first to speak up when an officer does something wrong.

Kevin then commented on the item regarding Joint Services. Kevin stated that he sent the County Board members the internal investigation, the Walworth County Sheriff's Department investigation, and made

them privy to the video interrogations. Kevin said that apparently one of the employees lied to his bosses, but not to the Walworth Sheriff's Department. Kevin felt it was a flawed investigation and the employee lied to the media, which there is nothing illegal about, but lying to the media should tell the elected officials that oversee him about his integrity and the coverup is always worse than what happened. Kevin said there was an employee who did bad things and was ignored, one employee used \$45 dollars in Menards rebates got 30 days off along with the employee who potentially profited thousands of dollars off of scrap metal. Kevin said he lied to Mr. Josh Nielsen, Director of Joint Services, and Supervisor Monica Yuhas, Chair of the Joint Services Board, stating his cousin took the vehicle lifts but did not cut him on the profits of those, just the scrap metal. Kevin felt this defied common sense. Kevin stated that Walworth County Sheriff's Department did a thorough investigation and if you read through the report, and watch the videos, they even called in the previous Director of Joint Services and even persons on the street in front of the scrap yard. Kevin said he hoped the County Board, and Judiciary and Law Enforcement Committee, to the best of their ability make sure the people in charge of accountability are held accountable. Kevin stated there was an injustice in the two guys suspended for 30 days. Kevin said the police officer in Park City who got a second DUI, and second time carrying a firearm while intoxicated, got suspended for 5 days and his colleagues were calling him the worst names possible. Kevin said 30 days is a big punishment for \$45 Menards rebates.

Supervisor Comments:

4:32: Supervisor Brian Bashaw commented on the discussion from Finance and Administration Committee, as well as Judiciary and Law Enforcement Committee, regarding a jailor who had passed away in the Kenosha County Jail. Supervisor Bashaw had seen an article that week from Wisconsin Counties Association that there was a push for legislation Bill LRB0304/1, which would give protective status to jailors. Supervisor Bashaw wanted to make the committee aware that there is energy behind that happening that, which was the crux of the case.

Supervisor Decker wanted to know why the County Board had not received the Racial Equity Commission report, since it had reached the media and general public. Chairman Rodriguez stated he would reach out to Corporation Council. It was his understanding they have a copy of it and will have it sent to the board via email.

Chairman Comments: 4:33 None

Approval of the Minutes from January 7th, 2023: 4:33
Motion by: Decker ***Seconded by:*** Nordigian ***Approved:*** unanimously

Resolution from the Kenosha County Sheriff's Department:

Resolution from the Kenosha County Sheriff's Department to Approve the Appointment of Representative Tip McGuire to serve as a member of the Kenosha County Local Emergency Planning Committee (Group #1 – State Elected Official Group)

Motion by: Decker ***Seconded by:*** Wamboldt ***Approved:*** unanimously

4:33: Sgt. Christopher Hannah, Director of Kenosha County Sheriff's Emergency Management, presented. The appointment will expire December of 2025. Sgt. Hannah reached out to Representative McGuire, who was unable to attend the committee meeting due to conflicting appointments. Chairman Rodriguez stated that it was the prerogative of the committee to have the appointee available but left it up to the committee if they wanted to move forward with approving his appointment or come back the next meeting. Supervisors Decker and Nordigian were okay moving forward with the resolution. Supervisor Decker asked who he was replacing. Sgt. Hannah replied Representative McGuire was replacing County Executive Kerkman under the Elected Officials category. Supervisor Decker motioned to approve the resolution, seconded by Supervisor Nordigian. Motion passes unanimously with no further discussion.

Resolution from the Civil Service Commission:

Resolution from the Civil Service Commission to Approve the Appointment of Estelena Cooksey to serve on the Civil Service Commission.

Motion by: Nordigian ***Seconded by:*** Franco ***Approved:*** unanimously

4:35: Clara Tappa, Director of Kenosha County Human Resources, presented. Clara stated that she was in contact with Commissioner Cooksey who had been hospitalized and was unable to attend the committee meeting. Chairman Rodriguez left it up to the committee if they wished to proceed with approving the appointment. Supervisor Nordigian stated he was okay moving forward as she was succeeding herself. Supervisor Decker asked what her attendance was in the past. Clara replied that she is very well attended and is only aware of her missing one meeting in the last few years. Supervisor Nordigian motioned to approve the resolution, seconded by Supervisor Franco. Motion passes unanimously with no further discussion.

Resolution from the Kenosha County Sheriff's Department:

Resolution from the Kenosha County Sheriff's Department to Approve the 2022 Grant Award (FY'22) - Homeland Security - Wisconsin Emergency Management / HS ALERT Bomb Technician Response Equipment 2022

Motion by: Nordigian ***Seconded by:*** Decker ***Approved:*** unanimously

4:37: Patrol Sergeant Colin Coultrip, of the Kenosha County Sheriff's Department and Kenosha County Bomb Squad Commander, presented. The Bomb Squad takes care of Kenosha County, Racine County, and Walworth County for response to calls. The grant is by the Homeland Security Wisconsin Emergency Management and will bring in \$13,300 that the Bomb Squad will be using. The monies will be used to replace old equipment, equipment with normal wear and tear, and getting new safes for explosives. The resolution requires no funds from the General Fund and will increase the revenue and expenditure lines by \$13,300 each. Chairman Rodriguez asked what kind of equipment other than safes would be purchased. Sgt. Coultrip responded that it would be simple items like AA and AAA batteries and a stand as their disruption item. The stand will be used to hold a barrel that will shoot water out at a suspicious item, and they have not been replaced in decades. The monies will also purchase wires to connect the x-ray system to its power source and the panels to go behind the x-ray, similar to what they do at the dental offices but on a larger scale. Supervisor Nordigian motioned to approve the resolution, seconded by Supervisor Decker. Motion passes unanimously with no further discussion.

Resolution from the Kenosha County Sheriff's Department to Approve the 2023 WI OJA Multi-Jurisdiction Drug Task Force Grant for the South East Area Drug Operations Group (S.E.A.D.O.G.) Resolution to Approve the Law Enforcement Support Office Program Participating Law Enforcement Agency State Plan of Operations Addendum

Motion by: Belsky ***Seconded by:*** Decker ***Approved:*** unanimously

4:39: Sergeant Joe Zarletti, of the Kenosha County Sheriff's Department and KDOG, presented. The WI Office of Justices Systems has awarded Kenosha County \$211,792 to the multi-county consortium drug task force, known as the South East Area Drug Operations Group (S.E.A.D.O.G.). Consortium includes Kenosha, Racine, Walworth, Dodge, and Jefferson Counties. Kenosha County shares this funding for the Sheriff's Drug Unit for \$53,140. The resolution requests modification to the 2023 Revenue and Expense Budgets in the Sheriff's Department Drug Unit subdivision 2170 to account for the \$53,140 grant. Kenosha County is the lead agency for the grant and receives reports quarterly for Racine, Walworth, Jefferson, and Dodge county for reimbursements. The grant management will result in an increase in revenue and expenses and expense budgets in the Sheriff's Department Drug Unit Subdivision 2170 to account for the other counties portion grant award of \$158,652 which will be dispersed to the four counties on a quarterly reimbursement basis until all funds are expended for the grant or the grant period ends, whichever comes first. All remaining funds at the end of the grant period are forfeited to the awarding agency. Supervisor Bashaw clarified that if participating counties outside of Kenosha do not utilize their full stipend, it would revert to Kenosha County as the holder of the distributor of the monies, to which Sgt. Zarletti agreed. Supervisor Wamboldt said that this grant comes through every year and asked if it was more than normal. Sgt. Zarletti replied that it was the same amount. Supervisor Belsky motioned to approve the resolution, seconded by Supervisor Decker. Motion passes unanimously with no further discussion.

Resolution from the Supervisor Bashaw and Supervisor Decker:

Resolution from Supervisor Bashaw and Supervisor Decker Regarding DARE and Deputy Friendly Programs

Motion by: Decker ***Seconded by:*** Wamboldt ***Approved:*** with amendments

Ayes: Youth in Governance’s Alexis Didinsky and Ben Rothove, and Supervisors Decker, Rodriguez, Franco, Belsky, Nordigian, and Wamboldt

Nays: Supervisor Bashaw

AMENDMENT 1: Second page, the first “Now Therefore Be It Resolved;...” paragraph to change the wording from “Kenosha County Board” on the second to last line to “Judiciary and Law Enforcement Committee”.

Motion by: Nordigian **Seconded by:** Decker **Approved:** passes

Ayes: Youth in Governance’s Alexis Didinsky and Ben Rothove, and Supervisors Decker, Rodriguez, Franco, Belsky, Nordigian, and Wamboldt

Nays: Supervisor Bashaw

COUNTER MOTION TO AMENDMENT 1: Change the language “Now Therefore Be It Resolved;...” at the top of the second page, instead of modifying to “Judiciary and Law Enforcement Committee” to change it to the “DARE Board of Directors”.

Motion by: Bashaw **Seconded by:** Wamboldt **Approved:** failed

Ayes: Youth in Governance Alexis Didinsky and Supervisor Bashaw

Nays: Youth in Governance Ben Rothove, and Supervisors Franco, Decker, Belsky, Rodriguez, Nordigian, and Wamboldt

AMENDMENT 2: The third “Be It Further Resolved;...” on the second page, to change the numbers for the makeup of the DARE Board from “5” to “6”. The members would be “3 members appointed by the Sheriff, 2 from the County Executive, and 1 by the County Board Chairman”.

Motion by: Decker **Seconded by:** Belsky **Approved:** N/A

AMENDMENT TO AMENDMENT 2: Change the the total members from “6” to “7” and add the Dare Officer, making the members “The DARE Officer, 3 members appointed by the Sheriff, 2 from the County Executive, and 1 by the County Board Chairman”.

Motion by: Belsky **Seconded by:** Decker **Approved:** passes

Ayes: Youth in Governance’s Alexis Didinsky and Ben Rothove, and Supervisors Decker, Rodriguez, Franco, Belsky, and Nordigian. Amendment to the amendment passes without further discussion.

Nays: Supervisors Bashaw and Wamboldt

4:41: Supervisor Bashaw and Supervisor Decker presented and Sheriff Zoerner answered questions from the committee. Supervisor Bashaw stated that the committee had the opportunity to ask questions regarding DARE directly to the former Sheriff and the administration responsible for the program. Supervisor Bashaw said that there were areas of inconsistency raised and created some judgement questions on the committee’s part, for example if there is enough oversight within the DARE program and funds for the County Board to execute effective oversight responsibilities. The resolution was then put together that creates requirements that the DARE program report to either the County Board or the Judiciary and Law Enforcement Committee twice a year, so they have direct oversight. The resolution also creates a requirement for an advisory committee, or accountability board, within DARE to make sure it is managed effectively and given oversight that way. Supervisor Bashaw stated that the resolution was a watch-dog type document to give more effective oversight and insight into what is happening. Supervisor Decker added that the County Board does not direct or tell the Sheriff where to spend the DARE funds. That is still under the purview of the Sheriff, the board is just the oversight. Supervisor Decker said that they are saying if the Sheriff wants to spend DARE funds not on DARE or Deputy Friendly programs, then they need approval from the board. It can still be done it will just need approval. Otherwise, the Sheriff has the controls over the DARE funds.

Supervisor Belsky clarified that the DARE fund was a line-item on the budget. Supervisors Decker and Bashaw said that it was. Supervisor Belsky stated she was in approval of the resolution as the County Board has oversight of the County Budget. Supervisor Belsky said she could see no reason why it shouldn’t just go through the Judiciary and Law Enforcement Committee. Supervisor Belsky asked the Sheriff if he was okay with the resolution, but Supervisors Decker and Bashaw stated there were modifications.

Supervisor Nordigian moved the resolution, seconded by Supervisor Decker. Supervisor Decker then moved to amend on the second page, the first “Now Therefore Be It Resolved;...” paragraph. Supervisor wanted to change the wording from “Kenosha County Board” on the second to last line to “Judiciary and Law Enforcement Committee”. Supervisor Decker stated this was at the request of Sheriff Zoerner and Acting Chief Deputy Miller because it can take a long time for approval to go through the County Board, so they requested the Judiciary and Law Enforcement Committee, and Supervisor Decker stated she agreed. Supervisor Decker believed that a request to spend funds not DARE or Deputy Friendly programs could be approved by the Judiciary and Law Enforcement Committee and did not need full County Board approval. Supervisor Wamboldt asked if it would then go to Finance and Administration or just Judiciary and Law Enforcement Committee. Supervisor Decker replied just Judiciary and Law Enforcement Committee, and in theory it shouldn’t happen often and going to two committee could take a month or just over.

Chairman Rodriguez stated he would support the amendment. Chairman Rodriguez said that he spends a lot of time with Planning, Development, and Extension Education Committee (PDEEC). There are items that go to PDEEC that do not go to the full County Board and approved by the committee. Chairman Rodriguez stated he felt this would be appropriate and by doing that it allows Sheriff Zoerner and his team to be the guider of the fund, while ensuring oversight from Judiciary and Law Enforcement Committee, and making sure constituents know that if they give monies to DARE and if it does not as their representatives can inform them where it went.

Supervisor Bashaw stated he would like to second and make a counter motion. The counter motion is to change the language “Now Therefore Be It Resolved;...” at the top of the second page, instead of modifying to “Judiciary and Law Enforcement Committee” to change it to the “DARE Board of Directors”. Supervisor Bashaw said that the DARE Board of Directors has a direct relationship with the Sheriff’s Office and eliminates a potential conflict with the next “Therefore Be It Resolved;...”, which contradicts with bringing it to the appropriate committees of the County Board. It leaves it with the Sheriff’s Department that can meet with their board and discuss on how to expend monies. Supervisor Bashaw said there was a proviso in the resolution for them to come and report to the Judiciary and Law Enforcement Committee twice on an annual basis. This give oversight without putting them in the position of appearing to administrate, manage, or oversee how the funds are directly expended. Supervisor Bashaw restated that the modification is “DARE Board of Directors” versus “Judiciary and Law Enforcement Committee”. Supervisor Wamboldt seconded the counter motion to open for discussion. Chairman Rodriguez stated that he would not support the motion as he thinks it is important that Judiciary and Law Enforcement Committee has oversight. Chairman Rodriguez said asked if Sheriff Zoerner and his team were in support of coming to the committee to ask permission on spending the monies. Sheriff replied that it was his understanding that he was in control of the funds completely and only if he is trying to utilize the funds outside of the DARE program it would need approval. Sheriff stated that he did not plan on using the funds for anything other than what was intended. Sheriff added that he was not in favor of giving up authority in any way but understood why he was there. Chairman Rodriguez stated again that because of that he would not support Supervisor Bashaw’s counter motion.

Supervisor Franco asked if the DARE Board of Directors is new or already in existence. Sheriff Zoerner stated that it was informal and mostly friends of the program that didn’t meet or have oversight of the program, but they did exist. The new board would more formal. Supervisor Franco asked what the jurisdiction of the DARE Board of Directors is in relation to the Judiciary and Law Enforcement Committee. Supervisor Franco asked what they would decide and how it related to the committee and their decision-making powers. Supervisor Bashaw stated that in the resolution there was a proviso that the County Board Chairman would appoint 2 people to the DARE Board, the Sheriff would appoint 2-3 people, and the County Executive would appoint 1 person. This makes a DARE Board of appointed individuals selected by the Chairman, Sheriff, and the County Executive and make a direct administrative oversight that did not exist before. The prior DARE Board was on paper but when challenged that previous Sheriff said it did not exist. Supervisor Bashaw said that having the DARE Board of Directors associated with the program itself and collaborating directly with the Sheriff’s Department suffices the need for immediate oversight and keep it within the matrix of the Sheriff’s Department. Supervisor Franco asked if what the Sheriff brought to the DARE Board of Directors would be the same thing brought to the committee and asked if it was redundant to have the other. Supervisor Bashaw replied that under his counter motion it would not come to the committee. Supervisor Bashaw said that after speaking with Corporation Council, they felt that there was an indication in the language drafted as it would appear that they are taking over administrative functions of the DARE program. To avoid direct administrative function of it, Supervisor Bashaw felt it was cleaner to allow it to reside within the DARE program and the

DARE board that is administrating and managing it with collaboration of the Sheriff. Supervisor Franco stated he wasn't sure where he stood on the motion as it seemed there was a level of bureaucracy that is unnecessary. Supervisor Bashaw replied that when it came to the committee he agreed, but when it stays with the DARE Board he did not see that.

Supervisor Nordigian wanted to clarify that no tax money goes into DARE and it is only voluntary monies. Supervisor Nordigian asked why the committee needs to part of an oversight committee when there is no tax money involved in DARE. Supervisor Nordigian understood from the standpoint that the organization falls under the Sheriff's Department and felt how it was originally written is a better alternative than having the DARE Board with appointed officials asking permission to spend the money. Supervisor Nordigian stated that he didn't they need to have a DARE Board involved, and they hadn't in the past, he didn't think there was a reason for it because there is no tax money to oversee.

Chairman Rodriguez commented that the DARE Board in the past was not really a board. It was made up of persons friendly to the DARE program. Chairman Rodriguez said that later in the "Be It Further Resolved;..." it establishes a board with "...oversight of expenses, establish goals and expectations...". Chairman Rodriguez said that those are things that were in the previous discussion about DARE that was only done at the Sheriff and DARE Officer level but not with the board. Establishing a Board of Directors brings people to the table to form goals for DARE. Chairman Rodriguez said the Sheriff, County Board Chair, and the County Executive will have a pick of who is on the board and then there is the oversight. Chairman Rodriguez said that while it is not tax dollars, the monies go into a fund that is a line item managed by County employees and the County Board has direct oversight through the budget. Chairman Rodriguez said he thought the Sheriff and DARE Officer can go to the DARE Board of Directors asking permission on how to spend the money, but when it comes to spending money outside of the DARE program it is wiser for them to come to the committee because people donate to DARE and their expectation is that their money is used for DARE. Chairman Rodriguez said that the Sheriff Zoerner had said few and far between, if ever, and since he and the team want to spend DARE money outside of DARE it is important that the committee has oversight of that.

Supervisor Franco asked if regular spending that doesn't go above and beyond traditional DARE spending would be decided by the DARE Board of Directors. Supervisor Bashaw said that was correct. Supervisor Franco asked if anything out of that would come to the committee, to which Supervisor Decker agreed. Supervisor Wamboldt clarified if went through the DARE Board of Directors to the committee. Supervisor Decker replied that the only thing that would come to the committee would be expenditures from DARE funds spent on non-DARE or Deputy Friendly items. Supervisor Nordigian asked who brought that to the board, if it would be the Sheriff. Supervisor Decker replied the Sheriff or Deputy Friendly, whomever is the representative. Supervisor Nordigian clarified that it would go through the DARE Board for approval on what to spend the money on, but if it is outside of the DARE program it would have to go committee for approval. Supervisor Decker replied that regular DARE expenditures, for example t-shirts or pizza parties, do not need to come to the Judiciary and Law Enforcement Committee, that it is only for outside spending of the DARE or Deputy Friendly programs. Supervisor Belsky said she felt it was important because it is a line item on the budget, so if the money is being spent outside of the DARE program, the utilization of that line item, then it should come to the committee for approval.

Chairman Rodriguez put the counter motion up for approval from the committee and clarified voting 'yes' to the motion that only the DARE Board needs approval. Voting 'no' would go back to Supervisor Decker's original motion, anything outside DARE would come to the committee. Chairman Rodriguez took a vote via roll call on Supervisor Bashaw's countermotion. Voting Aye was Youth in Governance Alexis Didinsky and Supervisor Bashaw. Voting Nay was Youth in Governance Ben Rothove and Supervisors Franco, Decker, Belsky, Rodriguez, Nordigian, and Wamboldt. The counter motion failed.

Chairman Rodriguez returned to the original amendment by Supervisor Decker, which was motioned by Supervisor Nordigian and seconded by Supervisor Decker, to change approval from the County Board to the Judiciary and Law Enforcement Committee. Chairman Rodriguez took a vote via roll call. Voting Nay was Supervisor Bashaw. Voting Aye was Youth in Governance's Alexis Didinsky and Ben Rothove, and Supervisors Decker, Rodriguez, Franco, Belsky, Nordigian, and Wamboldt. Amendment passes without further discussion.

Supervisor Decker made a motion for a second amendment. Supervisor Decker motioned to amend the third "Be It Further Resolved;..." on the second page, to change the numbers for the makeup of the DARE Board from "5" to "6". The members would be "3 members appointed by the Sheriff, 2 from the County Executive, and 1 by the County Board Chairman". It would increase the DARE Board by 1 and increase the

appointment by the Sheriff to three giving equal power to the DARE Board where decisions that are controversial could possibly not pass, where if it is controversial on one side or another, it seems a little more fair or even. Supervisor Decker stated this was at the request of the Sheriff. Supervisor Belsky seconded the motion to amend.

Supervisor Franco asked Supervisor Decker if she wanted it so a potential tie would fail, to which Supervisor Decker agreed. Supervisor Nordigian asked Sheriff Zoerner how he felt about it. Sheriff replied that it was his idea and, as stated earlier, he is not a fan of giving up authority of the office of Sheriff but understood why he was here and believed it was an acquiescence to his request. Sheriff added that he was in favor to give more opportunities to win. Supervisor Wamboldt commented that he had been on a lot of committees in his career when there has been an even amount and there always seemed to be trouble. When there was an odd amount it worked fine because it was an automatic tie breaker, but with six it fails as opposed to them arguing it out with five and coming to some sort of conclusion. Chairman Rodriguez stated that he understood but if Sheriff asked for it he was inclined to give that to him. Supervisor Belsky stated that she wanted to make it clear that the individual appointed by the County Board Chairman, is not necessarily a County Board Supervisor but could be anyone.

Supervisor Bashaw commented on the statement that the Sheriff had requested the additional appointed person on the DARE Board. Supervisor Bashaw stated that it was not the job of the County Board to make people happy and satisfy requests. The County Board's job is good governance and making decisions on behalf of the county as elected board members and not for partisan reasons. Supervisor Bashaw stated that he was concerned a board of six member would become hung and with the lean of Sheriff having 3, the County Executive 2, and the County Board 1, the Sheriff would be able to execute according to his needs or expectations, then Supervisor Bashaw felt there is no point to the resolution. Supervisor Bashaw stated that he is not a fan of the modification as it creates an imbalance in the structure. Supervisor Nordigian stated that every decision that goes through the DARE Board would have to be agreed upon by 2/3 majority, or 66%, and asked if that is how they wanted to run the DARE Board. Sheriff Zoerner said that they did not have that yet and were looking at a program that has been functioning for decades and is loved. Sheriff stated that there were educators present that wanted to make sure the program was not going away. As a previous School Resource Officer, Sheriff stated he had all kinds of plans to help the community and was in a deficit of the resolution because he does not have any intentions of doing anything inappropriate with the program. Sheriff stated he had plans to augment the program in City and Unified schools that could be funded for and they were working with the communities. Sheriff stated that he did not have any real issue with the resolution other than the fact he doesn't want to give up authority of the Office of Sheriff. Sheriff stated he would like to give himself the opportunity to make his own mistakes and be judged from that point.

Supervisor Nordigian said that looking at the rest of the resolution there are certain things you have to do be a committee. When there is a potential for tie, it gets bogged down and can take away as opposed to an odd number. Supervisor Nordigian commented that it was a tough sell to have an even amount because then it's just a majority to move things along, unless they say that 3 out of 5 have to vote one way or another, like they do for the budget meetings.

Chairman Rodriguez suggested changing the number of 6 to 7 people, with the seventh person being the DARE Officer. This would change the amendment to 3 people appointed from the Sheriff, 2 from the County Board Chair, 1 from the County Executive, and the DARE Officer. Supervisor Wamboldt verified that it would then be 4 from the Sheriff's Department. Supervisor Belsky said that it was just an appointment and not necessarily employees of the Sheriff's Department. Supervisor Decker commented that on her first term with the County Board there were 28 County Board Supervisors for 8 years and there was only one vote that ended in a tie. Supervisor Decker said that the DARE Board should not be voting on anything controversial and therefore an even number shouldn't make a difference. It does give the opportunity where, if something controversial and they want to make a change, the vote would die or the motion would die, so it wouldn't pass.

Supervisor Bashaw commented that the Sheriff is new to the position and has a clear perspective of where DARE needs to go. The resolution began as an offshoot from the prior administration. Supervisor Bashaw said that there was some outside legal investigation and the legal council said that the activities were outside the scope of normalized policies within the county. Supervisor Bashaw stated that there needs to be clearer oversight, and even said to the new DARE Officer that he would expect that there is better administration of how the program was executed including goals and objectives. Supervisor Bashaw stated that the Sheriff had articulated a clearer understanding than what had been heard in multiple sessions with different committees. Supervisor Bashaw said that what he was hearing is a need for additional oversight by the board is abated by

the fact they have power over the purse and direct oversight of how expenditures are made. If DARE comes and presents to the committee at the discretion of the Chair, other committee members, or at the annual budget, then the committee has the opportunity to give financial oversight. The committee will then have the opportunity to dig into expenditures made, without becoming the administrators of DARE, who is directly engaged in expenditures that are generalized in the discretion of the department, the Sheriff, or a DARE Board of Directors, which the committee would like to see administrated better. Supervisor Bashaw stated that he was torn on the value of the resolution under that auspice. When looking at it that way, Supervisor Bashaw was concerned that the committee was taking too much oversight and not giving enough expectation to allow administration of DARE while the committee will continue to be introspective and inspect the work that is being done. Chairman Rodriguez stated that what Supervisor Bashaw described was what they had for the last twenty years, and they saw what happened with that. Chairman Rodriguez said that he trusted the Sheriff's judgement, they didn't know who the next Sheriff will be or how they will spend that money, and this resolution sets it stone regardless of who the Sheriff is, that there is oversight by the DARE Board.

Supervisor Belsky made a motion to for an amendment to the amendment, making the DARE Board of Directors total 7 with the addition of the DARE Officer appointment, with the DARE Board made up of 3 appointed by the Sheriff, 2 appointed by the county executive, 1 by the county board chairman, and the DARE Officer. Supervisor Decker seconded the motion. Supervisor Bashaw clarified that the Sheriff's Department essentially becomes a vote of 4, versus 3 that are not associated directly with the department. Supervisor Wamboldt asked Sheriff Zoerner if he had given thought to who he would want on the DARE Board yet. Sheriff replied he had but didn't have intention of putting a whole of lot of Sheriff's Office personnel on the board. There is a lot of interest in the community for the program and a lot of candidates that would love to serve on the DARE Board.

Supervisor Wamboldt commented that there probably isn't going to be a whole lot of controversy and wondered if they needed it at all, but since it was here he wants to do it right going forward. That is why Supervisor Wamboldt was leaning more towards 5 because it was an odd number and had experienced some controversy on even numbered committees over the years. Supervisor Belsky replied that the amendment was for 7 total members. Supervisor Wamboldt agreed, and that would make it a 4 to 3 split. Supervisor Franco said that he was happy with the odd number and the only issue is that do you skew it more towards the County appointing it versus the Sheriff appointing the board, because before there was 5 members with 3 from the County and two from the Sheriff, but now with 7 total members there are 4 from the Sheriff and 3 from the County. Supervisor Wamboldt added that what he liked about the 5 total members was the split was 2 County, 2 Sheriff, 1 Executive and that split it up a little bit. Chairman Rodriguez stated that he understood, that the Sheriff has 4 picks with this amendment, but in his opinion the program is run by the Sheriff and the Sheriff can decide. Chairman Rodriguez said that another Sheriff down the road may decide not to have DARE and focus only on Red Ribbon Week, for example, and that would do away with this resolution. While this is not the current Sheriff's plan, Chairman Rodriguez does not see an issue with the 4-3 swing as he is the on putting on the program.

Chairman Rodriguez returned to the amendment on the amendment, which was motioned by Supervisor Belsky, and seconded by Supervisor Decker, making the DARE Board of Directors total 7 with the addition of the DARE Officer appointment, with the DARE Board made up of 3 appointed by the Sheriff, 2 appointed by the county executive, 1 by the county board chairman, and the DARE Officer. Chairman Rodriguez took a vote via roll call. Voting Nay was Supervisors Bashaw and Wamboldt. Voting Aye was Youth in Governance's Alexis Didinsky and Ben Rothove, and Supervisors Decker, Rodriguez, Franco, Belsky, and Nordigian. Amendment to the amendment passes without further discussion.

Supervisor Bashaw motioned to table the resolution indefinitely, there was no second to the motion, motion failed. Supervisor Belsky motioned to approve the resolution as amended, seconded by Supervisor Decker. Chairman Rodriguez took a vote via roll call. Voting Nay was Supervisor Bashaw. Voting Aye was Youth in Governance's Alexis Didinsky and Ben Rothove, and Supervisors Decker, Rodriguez, Franco, Belsky, Wamboldt and Nordigian. Amended resolution passes without further discussion.

Follow Up Discussion with Josh Nielsen, Director of Joint Services:

5:18: Josh Nielsen, Director of Joint Services, answered questions from the committee. Chairman Rodriguez stated that he asked Josh to the committee tonight to follow up on a few things after Josh had spoken with the Executive Committee. Josh had given the Executive Committee the synopsis of what he claimed were the events and what actions Joint Services took, goals for himself, and goals for Joint Services moving forward.

Chairman Rodriguez asked about what things Josh and his team evaluated and has anything changed for policies and procedures. Chairman Rodriguez added he knew they were in the process of finding a new metal scrapper, recycling, etc. and asked Josh to update the committee where Joint Services is at. Josh replied that there were no further changes at this point. There is a company that will come and put a dumpster in for scrap metal when needed, it cannot be permanent because they do not have the space. When there are small amounts of scrap metal, they can take it to the city recycling center. Josh said at this point they are relatively solid for what they have there and moving forward will make sure that is handled appropriately. Chairman Rodriguez stated that at the Executive Committee Josh had mentioned being interested in having an outside expert take a look at Joint Services' policies and procedures to make recommendations as to what should be changed, things that are easy to change, as well as things that might take a little extra time to roll out. Chairman Rodriguez asked if there was any progress or if Josh had explored anything there. Josh replied not at this time, he had brought it up at the Executive Committee, but it would have to go through the Joint Services Board, and at this time there was no further action taken. Chairman Rodriguez asked Josh if he planned on bringing it up to the Joint Services Board. Josh replied he could follow up with whomever and take a look at doing something along those lines.

Chairman Rodriguez stated that he wanted to touch on several things that Josh had told the Executive Committee about the events that transpired at Joint Services. According to the Walworth County report provided to Joint Services, then released to the public, there were two employees who committed in one instance similar misconduct with using Menards rebates for personal gain. According to the report that included groceries, coffee, various miscellaneous things and one rebate was about \$45-50. That employee admitted to what they did and was suspended a week's pay. Chairman Rodriguez asked Josh if that was correct, to which Josh agreed.

Chairman Rodriguez said that the other employee also had some misuse of rebates and that's where they get into the issue of recycling. Where the money went for the scrap metal and what it was getting spent on. Chairman Rodriguez asked for clarification because Josh told the Executive Committee that when Joint Services didn't have a vendor, Pat stopped taking scrap metal directly to the recycling plant in Racine, Josh had stated that it was various scrappers. The scrappers were people driving around on garbage day, it was not one major scrapper. Josh replied that was his understanding, that there were different times and methods used to get rid of scrap. Chairman Rodriguez asked if Josh had read the Walworth County Report before coming to the Executive Committee. Josh replied no, they had just received the report, he had requested it but did not receive it until after January 1, 2023. Chairman Rodriguez asked if he had since read the report, to which Josh replied yes. Chairman Rodriguez said in the report it was not random scrappers, as seen on garbage day, but the employee's cousin. Chairman Rodriguez asked Josh if that was correct and he understood that, to which Josh replied yes, he did. Chairman Rodriguez asked Josh if he understood that this had gone on for 10 years, where the employee's cousin came in to Joint Services once a month and picked up scrap metal. Josh agreed he understood. Chairman Rodriguez asked if it was true that the employee's cousin told Walworth County Sheriff's Department that on average he would receive a few hundred bucks when he scrapped. Josh replied yes, he believed so. Chairman Rodriguez said that they didn't know the exact amount, it just states "a few hundred bucks". Chairman Rodriguez used \$300 as an example, for every time the employee's cousin scrapped, once a month for ten years, is \$36k and a substantial amount of money Joint Services missed out on that should have gone back to them. Chairman Rodriguez said it did not but instead go into the pocket of Mr. Conway, and he is not stating that Mr. Conway did anything wrong. Mr. Conway was presented with an opportunity to take scrap from Joint Services, approached by a Joint Services employee, who asked Mr. Conway to get rid of the scrap metal for them. Mr. Conway told the Walworth County Sheriff's Department that he would scrap the metal, receive the money, and then in turn give the Joint Services employee a portion of the money back. Chairman Rodriguez asked Josh if that was his understanding as well. Josh replied it yes, according to the Walworth County Sheriff's Department report. Chairman Rodriguez said that the Joint Services Employee admits to that as well. The Walworth County Sheriff's Department had spoken with the previous Joint Services Director, and the previous director had spoken with this employee, some time between 2011 and 2013, to remove the scrap metal building up. Chairman Rodriguez said that the employee had reported that the previous Joint Services Director had told him this as an off-handed comment. The previous director had made it very clear to the employee that any monies from the scrap metal had to come back to Joint Services, and the employee said he understood and would handle it. Chairman Rodriguez said it was at this point they see the cousin, who they believed started in 2012. The Walworth County Sheriff's Department then started speaking to several employees at Joint Services and one employee claimed that they went with the

employee in 2007 to the scrapyard. The employee received a check made out to the employee's cousin from the scrapyard for \$468. The number stuck out in the employee because he thought it was strange it was a personal check and not one made out to Joint Services. The employee then asked the employee in question to take scrap to Racine for a check. The employee refused as he thought the conduct was wrong and did not want a part in it. This was told according to the investigation Joint Services conducted, that the money received from the scrap metal was used to buy equipment for Joint Services, then for cookouts and things of that nature. According to the employees that the Walworth County Sheriff's Department interviewed, they claimed the math did not add up and there should have been more shop supplies. One employee told the Walworth County Sheriff's Department that the employee "spent money at his discretion". In 2012 another employee who was fired, and on his way out, started pointing fingers at misconduct in Joint Services when the scrap metal was brought to light. The former Joint Services Director told the employee then to stop the practice, and the employee had said he stopped. According to another Joint Services employee he saw firsthand about \$2k the employee received from scrapping metal and the only tools bought for Joint Services was a plasma cutter, which he told Walworth County Sheriff's Department cost about \$900, leaving about \$1k in cash unaccounted. The employee saw the personal checks written out but was unsure there might be more cash or checks received.

Chairman Rodriguez stated that these two current employees did not have the same level of misconduct. There was misconduct on both parts of the employees but to treat them the same was not fair to the employee with the lesser offence. Chairman Rodriguez told Josh at the Executive Committee that there was a cloud hanging over Joint Services and Josh needed to do something as a Director to remove that cloud because the public had doubts in how Joint Services was being run. Chairman Rodriguez said the he didn't know how to do that, but they had gotten into discussion about bringing in an outside expert to reevaluate but since the discussion the cloud had only gotten darker. This is because as was told, and the public heard, at the Executive Committee was wrong. Chairman Rodriguez said that if Josh did not have the report from Walworth County Sheriff's Department at that time, that was one thing, but decisions were made for two Joint Service employees without the full story. In the Walworth County Sheriff's Department report it said that the employee would've been arrested and charged, in their opinion, for several misdemeanors, but it was missed due to Statute of Limitations by just over a year. Chairman Rodriguez stated that it led him to believe, based on what else is in the investigation, that the previous Joint Services Director, told the investigators he believed he alerted Josh when he took over as Director, that the behavior was being done. The previous director had told the Walworth County Sheriff's Department, that he told the employees several times to stop and they were essentially stealing money from Joint Services and he had alerted Josh about it. Chairman Rodriguez stated that it made him this, and anyone who reads the report, had Joint Services handled the situation sooner, or Josh when he became Director, the Statute of Limitation would not have run out. Chairman Rodriguez stated that Josh knew about the misconduct because his predecessor had told him about it and because employees had made it known, and nothing was done until the public caught wind and that is not transparent. It leads the public to not trust in public institutions. Chairman Rodriguez stated that they hear from citizen comments earlier in the meeting about how important transparency is and he agrees with that. Chairman Rodriguez added that he had everything he can during his time on the board to increase transparency. Chairman Rodriguez had a meeting with Sheriff Zoerner about an unrelated topic. The argument was that Kenosha County matches other counties in similar topics and that is "okay". Chairman Rodriguez's argument was that it is not good enough to match other counties but be more transparent. Chairman Rodriguez stated that there was a great disservice done to the community with what happened and if he was in charge of employment decisions would have been different. Chairman Rodriguez said that he understood the Joint Services Board, his team, the Assistant Director, and council went over the event, but he didn't know how the cloud goes away at this point.

Josh replied that he wanted to comment on the fact that there is a bit of misunderstanding that the previous director told him about it, and this is not the case. Josh said he did not have this information until Walworth County Sheriff's Department came out with the report and did not know where the discrepancy is. Josh said he knew there were issues with getting rid of scrap metal but not how bad it was as stated in the report. Josh said the issue he was aware of was that it was piling up and becoming a safety hazard and that was what he was aware of. Chairman Rodriguez said that he was going off of what the Walworth County Sheriff's Department put in the report and it said that the previous director made them aware of the behavior. If they were not being truthful in the report that was on them, but that's what he and the public were going off of. Chairman Rodriguez said that when Josh came to the Executive Committee he said it was neighborhood scrappers, making them think it was a couple hundred bucks and then next week it's whomever got there

soonest, but that wasn't the case. It was a cousin of an employee who got an estimated \$300 a month for 10 years, or \$36k. Chairman Rodriguez said they knew the employee was cut in on the profits and still employed by Joint Services, which is a problem for himself, constituents, and citizens. Chairman Rodriguez said he did not know how you come back from that. Josh replied that the other issue, is that he was presenting to Executive Committee what he was aware of. There was a property management company involved and Josh knew that his cousin was aware of that. Josh stated that if he did not state it at the Executive Committee, he was not trying to hide it. However, things came out during the investigation. It was not something he was aware of in advance. Josh added that there was no attempt to misstate something, he was presenting what information they had.

Supervisor Belsky said they were discussing a lot of things that happened prior to Josh becoming director and it is rather suspect and unfortunate that a lot of what seemed to occur, people were aware. Supervisor Belsky thought that something should have been done prior to Josh becoming director and being handed a mess. Supervisor Belsky said to Josh that he hoped finds the resources needed to lift the cloud and if there is anything he needs she can assist. Supervisor Belsky said that she thought they should be there to support Josh and Joint Services, which is crucial to the community. Supervisor Belsky added that what has happened in the past is pretty appalling and it is too bad it was not addressed when it occurred. Supervisor Belsky said that she hoped Josh can rise above this and make the department what it needs to be and will support in any way she can. Supervisor Nordigian said that he is on the Joint Services committee and they went through the explanations when the internal evaluations and investigations came out. Supervisor Nordigian stated that nothing had come out from that interrogation or investigation close to what came out on the Walworth County Sheriff Deputy's report. Josh replied that there were a lot of similarities there. Supervisor Nordigian stated that no one at the time claimed to be a whistle blower, to which Josh agreed. Supervisor Nordigian said that there is whistle blower, but no one claimed to be a whistle blower during the internal investigation. Supervisor Nordigian said that there were similarities with scrap, but it had seemed more accidental than planned from how the Walworth County Sheriff's Department came out. Supervisor Nordigian stated that there was one area where he thought it was under control going forward and that Josh and Mr. Morrissey had said that they're doing the discipline at the time and added that Josh will have to live with the decision instead of waiting for the report to come out. Supervisor Nordigian said that he is with Supervisor Belsky that Josh will be able to rise above it and move forward. Supervisor Nordigian added they he didn't know how to get rid of the cloud, but the board is there to do what they can to help.

Supervisor Bashaw stated that he raised the line of questioning to Josh at the Executive Committee regarding outside assistance or support in some way. In the 10 months the board has been together, they heard a lot from Josh's committee, group, and team. Supervisor Bashaw said that some of it was a specific incident but used the iceberg principal where what you see above the water is only a small percentage of the overall, and it seems there are more to be seen if somebody put the time into digging. Supervisor Bashaw had photocopies passed out to the Judiciary and Law Enforcement Committee and Supervisor Yuhas. The handout was in referenced to a company called Collaborative Safety, a consultant that works with government agencies to help them figure out where things are working, not working, and how to fix them. The company assists with things like retention, to determine how to retain highly trained and skilled individuals who are filtering to other communities. Supervisor Bashaw said that he is in management for 35 years and doesn't accept that it is about how much they are getting paid. While it is a component but its not the primary driver for people's decision to leave. Supervisor Bashaw said that another area is policy and procedure and how to prevent these situations from happening. When there is a catastrophe more policies, procedures, and makes it more cumbersome to effectively execute. Supervisor Bashaw stated that he reached out to Scott Modell, the founder of Wisconsin Counties Association, whom they saw at the Wisconsin Counties Association Meeting and founder of the company. Supervisor Bashaw said that it is a consulting group that be assistive or supportive and he appreciates what he heard and sees from them. The group works with Racine County and their jails and work in the area. Supervisor Bashaw addressed Supervisor Yuhas, the Chair for the Joint Services Board, stating that maybe Joint Services can take this up and maybe someone on the committee could raise it as an opportunity to explore it further. Supervisor Bashaw said that there is a cloud that needs lifting and something that needs to be modified and changed. Supervisor Bashaw said that he talked to their council for County. They have indirect influence, because of budget authority, with what happens going forward. Supervisor Bashaw said that he strongly encourages the everyone to take a look at an outside resource, maybe Collaborative Safety, and bring them in and understand what their potential is and how they might be able to assist and support the county. Supervisor Bashaw stated that more needed to be done and appreciated the

Chairman's line of questioning. It is hard to stop at the fact a scrapper came in and picked stuff up. Scrap is valuable and if you run raw pricing in today's stock market, the numbers estimated are low based on today's market. Supervisor Bashaw said the reality is somebody taking things out the back door can get out of hand. Supervisor Bashaw referenced the \$1.25 million worth of chicken wings that went out the back door of the commissary of a school in Chicago. Supervisor Bashaw said that more needs to be addressed and identified, such as a young manager in a complex role. Supervisor Bashaw stated that he hoped the information was received well and the Joint Services Board will take the opportunity to address it further and evaluate the opportunity.

Supervisor Decker asked Josh whose decision it was to discipline the employees before the Walworth County Sheriff's Department report came out. Josh replied that it was through legal consultation. Supervisor Decker asked why the decision was made. Josh replied that they had legal opinion from council and in their opinion they needed to act prior to the report. The legal opinion was that they should be acting not tying it to a law enforcement action. Josh added that they had reason to believe there is misconduct or violation of policy and that was the opinion they acted on. Supervisor Decker said that he looked at the employee handbook sent over and asked what the policy was for employee theft and what the consequences were, as Supervisor Decker didn't see it in there. Josh replied that there is not a specific rule in there, there is a violation of law and some other general rules that would apply. Supervisor Decker said that there is an ethics policy that refers back to the County and City ethic's policy and she looked those up. Supervisor Decker asked Josh what happens when an employee is caught stealing from Joint Services or if he did not know because there has never been a history. Josh replied that he did not know there has never been a history. Supervisor Decker asked Josh that now more information has come to light with the report, that more has been taken from Joint Services, if he is going to review the decision on the discipline of one of the employees. Josh replied that they could review it and had been reading through the reports to look at the difference of information. If there is something in there that is additional they could do it, but at this time they have not taken any further action. Supervisor Decker asked if Josh had been looking at the report or not really. Josh replied they had been looking at the Walworth County Sheriff's Department reports. Supervisor Decker asked what the threshold was because as an employer if they catch an employee stealing potentially thousands, or even hundreds, of dollars, that employee would be fired. Supervisor Decker said that the Statute of Limitations had ran out but to let one employee steal then everyone is going to be stealing. Supervisor Decker asked if Joint Services is going to be reviewing this and change their decision based on the different numbers that came out from the Walworth County Sheriff's Department report. Josh replied that at this point they were looking at what was in the report and had not made any addition decisions. Supervisor Decker asked if they had a timeline to make the decision on. Josh replied not at this point in time. Supervisor Decker asked if Josh was going to allow an employee who possibly stole thousands of dollars, admitted to Walworth County Sheriff's Department, to stay working there and how it affects morale for employees. Josh replied that what he was struggling with is that this would be an internal investigation and having this discussion in an open session. They are reviewing the report and will be talking with council.

Supervisor Wamboldt asked Josh who advised him and what attorneys he was talking about. Josh replied it was Buelow Vetter, a law firm out of Milwaukee. Supervisor Wamboldt clarified it was not from the City of Kenosha, County, or Corporation Council. Josh replied no, Joint Services has a labor attorney. Supervisor Wamboldt clarified that they said should make the decision before the police were done investigating, to which Josh agreed. Supervisor Wamboldt asked if they have taken any actions since it all came to light, for example make changes or oversee things, and what Josh has done to make sure it did not happen again. Josh replied that they have more direct oversight over the department now. Supervisor Wamboldt asked if he could be more specific. Josh replied that they are meeting with all the employees on a weekly basis. They put policy in place on a couple of things, specifically with scrap, to make sure it does not pile up, which is being taken over by the City of Kenosha and multiple employees participating. Administration is monitoring what is going on and there are a lot of minor things that they are working on. Supervisor Wamboldt said that addresses a criminal and misdemeanor aspect. From a morale standpoint, when the employees see that something was afoot and a person is back to work, how it affects them and is anything being done to address that. Josh replied that they have been meeting with employees on a weekly basis and the Assistant Director is over there once a week. There are several things they are working on to address the specific issues the employees brought up from a morale standpoint. Supervisor Wamboldt said that Josh wasn't clear if they are going to look into more discipline or termination and would make it a top priority in his opinion. Supervisor Wamboldt asked if any of the attorneys used the term "double jeopardy". Supervisor

Wamboldt said he was concerned with so much wrongdoing going on, that Josh went ahead with discipline when the police report already shows worse behavior, can it be addressed again. Josh said it was one of the things they talked about, if there is something additional there that is above and beyond what was found. Supervisor Wamboldt clarified that there was something additional. Josh replied that is what they are evaluating.

Chairman Rodriguez asked Josh what there was to evaluate. The employee admitted to taking part of the misconduct to the Walworth County Sheriff's Department and the cousin admits he gave nearly half of what he got to the employee. Chairman Rodriguez said he estimated \$36-40k if the prices have gone up and that's tens of thousands of dollars and asked Josh again what there was to evaluate. Chairman Rodriguez said that he asked Josh earlier if he read the report, and Josh had said he did, but then Josh told Supervisor Decker that he is still reading the report. Chairman Rodriguez stated that he read the report as soon as received it and asked Josh how much more time he needed. Chairman Rodriguez stated that Josh had told Supervisor Wamboldt that they are doing things, and asked Josh what is was they were doing. Chairman Rodriguez used the example of a child saying they will clean their room and putting it off and Chairman Rodriguez stated that Josh should "clean the room" and if he is not going to that he needs to leave. Chairman Rodriguez said that himself and the public do not trust Joint Services right now. It is not because of the good men and women that work for Joint Services, but particularly one bad one. Chairman Rodriguez asked Josh what needs to happen and what needs to be evaluated. Josh replied that it was a difficult situation because they are talking an employee disciplinary action in an open session, which is still something they are looking to. Chairman Rodriguez said that outside of that, Josh had told Supervisor Wamboldt that he was doing things to protect morale and employees moving forward and what were those things. Josh replied that they are meeting with employees on a weekly basis to make sure the issues that out there are being addressed, which is the main thing they are doing. They are monitoring everything that is going on to make sure nothing new is coming up. They put procedures in place to deal with some of the issues. Chairman Rodriguez said that he understood that was where they are but didn't think it was enough and more needs to be done. Chairman Rodriguez stated that the Joint Services Board needs to step up and say to Josh, as the Director, that they are going to get to the bottom of it and make sure it never happens again, and not to recoup and wait for the After Action Report and hope it never happens again. Chairman Rodriguez reiterated that the employee stole from Joint Services and should have been charged with a crime, had it not been for a few months, he would have been arrested and yet, he is still employed. When talking about morale it's an issue. If they are not promoting that behavior for future or current employees, what does it do for the people who came forward about the misconduct and why would they come forward again in the future. There is no motivation for someone to come forward or report to a supervisor and then have repercussions of that supervisor come down on them. There is no motivation for someone not to steal because there is not a theft policy in the handbook. Chairman Rodriguez asked Josh if they started drafting a policy, or worked with the Joint Services Board, and what are the next steps. Josh replied that they have work rules that would apply here and right new they are making sure the employees are having a place to and talk about thing and putting things in place to make sure the scrap metal is dealt with appropriately. Chairman Rodriguez clarified that Josh did not know if they have a timeline, if they were going to revisit the discipline, when they are going to finish reading the report, and what the next steps were. Josh replied that they are doing those and looking at a timeline right now, but he did not have a specific timeline to provide today and will be done with it shortly.

Supervisor Decker stated that if she had an employee that she knew had stolen from her in the past, there is no way she would allow that employee stay in her employment and possibly steal while he is still working there. The employee would be walked off the premises with a police escort. Supervisor Decker asked the committee if they ran a business, how would they handle an employee stealing from them, if they would allow them to continue to work there or walk them out of the building. Supervisor Decker said that is what they do at the County and doesn't understand why it was not done in this instance.

Supervisor Franco asked when the event happened, understanding it is big time frame being discussed as it went on for 10 years, but asked Josh when he found out that the employee stole from Joint Services. Josh replied that it came to light in August of 2022. Supervisor Franco asked what the initial punishment was once he found out. Josh replied that is when the disciplinary suspension occurred. Supervisor Franco asked how long the suspension was and Josh replied 30 Days without pay. Supervisor Franco clarified that this was before he found out about the report and asked why Josh's attorneys asked him not to wait for the police report. Josh replied that their opinion was that disciplinary action needed to be separate from law enforcement action and the advice was not to wait. Supervisor Franco asked for clarification on the Statute of Limitations and how it

fits in. Josh replied, from his understanding from the Walworth County Sheriff's Department report, it was specific to the Menards rebates part of it because it occurred in 2017. Supervisor Franco asked when it expired. Chairman Rodriguez said it was for three years and was missed by six months. Supervisor Franco asked Josh when he was hired. Josh replied in February of 2022 he was confirmed. Supervisor Franco clarified that this occurred before he was hired but then found out about 6 months later, to which Josh agreed.

Supervisor Bashaw asked Josh if he was under guidance from council at the moment or interpreting and trying to walk a tight rope. Josh replied that he is under guidance to be care about what is discussed in an open session. There is information that is already public, and those things can be discussed, but with other items the guidance is not to have that discussion in an open session. Supervisor Bashaw addressed Supervisor Yuhas, Chair of the Joint Services Board, and asked if there are any action by the board to investigate or go further with this matter. Supervisor Yuhas replied, as Josh had stated, there is an ongoing investigation and he is looking at possible other things with his attorney. Supervisor Yuhas added that the Joint Services Board does not get involved with personnel issues. They are there for arbitration purposes, for example if an employee is upset about a disciplinary action they would come to the board and ask them to review the discipline that was handed down. The Joint Services Board can either enforce it, add more discipline, or dismiss it. Supervisor Bashaw clarified that they did not have an oversight capacity. Supervisor Yuhas stated that right now it was being handled by Josh. Supervisor Bashaw said that he saw some separation in that and indications that there are other areas to address including handbooks, codes of conduct, ethics, policy and procedure around terminations, management, training, and skill development. Supervisor Bashaw added that there are other areas they are hearing in the discussion that would fall under oversight to say we need more introspective. Supervisor Yuhas replied that she has taken the notes and had that discussion. The Joint Services Board did not meet in December and had their first meeting in January, so they are just getting back into things.

Chairman Rodriguez addressed Supervisor Yuhas and stated that he hoped the Joint Services Board does something in the future soon. Chairman Rodriguez said that what he is hearing is they are letting Josh take care of it, but what he is hearing from Josh is that he is not doing anything about it, and someone needs to. Chairman Rodriguez reiterated that tens of thousands of dollars were stolen, and the employee is still working for the county in Joint Services. Chairman Rodriguez said that to him it sounded like it was an ongoing investigation and will remain that way until everyone forgets about it. Chairman Rodriguez used the example of the Alderman in Chicago or other employees or elected officials that are being investigated, until they are forgotten. Nothing every happens and then when it happens again there are questions as to why it was allowed to happen again if it happened last time and the people got away with it. Chairman Rodriguez stated that public employees and elected officials get away with things that private citizens would not and right now they have a prime example of that, and it needs to be addressed. Chairman Rodriguez said that the employee admitted to and had a part in removing tens of thousands of dollars that should have been in the accounts of Joint Services and it was not, and it is unknown what he spent it on. Chairman Rodriguez said they know what the employee said, and it was not true on both occasions. Chairman Rodriguez said to Josh that he hoped to have him back in the future so he can tell us or the Executive Committee what action he has taken. Chairman Rodriguez said that if there are no actions that need to be taken, then there needs to be a new Director of Joint Services at that point. Chairman Rodriguez added that he does not have faith in Josh's leadership and hopes that changes.

Any Other Business Allowed by Law: 6:03 None

Meeting Adjourned: 6:03: on motion by Supervisor Decker; seconded by Supervisor Belsky.

A recording of the meeting is available online at kenoshacounty.org

Respectfully Submitted,



Alyssa Werfelmann