

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**November 18, 2003**

The **Regular Meeting** was called to order by Chairman Kessler at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisnefski.

Excused: Supervisors Ruffolo, Kerkman, Marrelli.

Present. 25. Excused. 3.

**CHAIRMAN'S ANNOUNCEMENTS**

Chairman Kessler stated that yesterday he spoke with Gary Groenke, Chairman of Kemper Center Board and he is very anxious to get stated with the new long range planning committee. He will be announcing the make-up of the committee on December 2nd and there will be more than five people from the county.

Chairman Kessler reminded everyone about the County Board Christmas Party on December 16th.

**SUPERVISORS REPORTS**

Supervisor Wisnefski stated that there was a Building & Grounds Meeting tonight before the County Board Meeting to discuss the Kemper Center. There will be a joint meeting with Kemper and Highway & Parks after the first of the year.

**NEW BUSINESS**

Resolutions - one reading.

**RESOLUTION 79**

79. From Judiciary & Law Enforcement and Finance Committee regarding Re-Authorizing the Use of Juvenile Secure Detention as an Alternative at the Time of Disposition, as a Short Term Hold and as a Sanction for Habitual School Truants.

**WHEREAS**, in 1996 and 1998, the Wisconsin legislature modified the Juvenile Justice Code to include the use of secure detention for purposes of a disposition or short term hold in delinquency cases and as a sanction in habitual school truancy cases; and

**WHEREAS**, under Section 938.06(5) of the Wisconsin State Statutes, the county board of supervisors of any county, may, by resolution, authorize the Juvenile Court to use the above alternatives; and

**WHEREAS**, under Section 938.34(3)(f) of the Wisconsin State Statutes, if the court adjudges a juvenile delinquent, the court may designate secure detention as a placement for any combination of single or consecutive days totaling not more than 30. The use of placement in a secure detention facility as a disposition is subject to the adoption of a resolution by the county board of supervisors under s.938.06(5); and

**WHEREAS**, under Section 938.355(6m) of the Wisconsin State Statutes, if the court finds by a preponderance of evidence that a juvenile who has been found to be in need of protection and services has violated a condition with which the juvenile was required to comply, the court may place the juvenile in a secure detention facility for not more than 10 days. The use of placement in a secure detention facility as a sanction is subject to the adoption of a resolution by the court board of supervisors under s.938.06(5); and

**WHEREAS**, under Section 938.355(6d) of the Wisconsin State Statutes, if a juvenile who has been adjudged delinquent violates a condition with which the juvenile was required to comply, the caseworker may, without a hearing, take the juvenile into custody and place the juvenile in a secure detention facility

for not more than 72 hours while the alleged violation and the appropriateness of a sanction are being investigated. The use of placement in a secure detention facility as a place of short-term detention is subject to the adoption of a resolution by the court board of supervisors under s.938.06(5).

**NOW THEREFORE BE IT RESOLVED** that the use of secure detention as a condition of disposition, as a short term hold, or as a sanction in habitual school truancy cases, be authorized by the Kenosha County Board of Supervisors pursuant to Section 938.06(5) of the Wisconsin State Statutes; and

**BE IT FURTHER RESOLVED** that such secure detention be accomplished pursuant to the terms of the agreement between Racine and Kenosha for secure detention at the Racine County Juvenile Detention Center; and

**BE IT FURTHER RESOLVED** that it is anticipated Kenosha County will not incur any additional costs over and above the annual adopted budget as a result of placement under the terms of this resolution; and

**BE IT FURTHER RESOLVED** that the provisions of this resolution sunset on the expiration of the Racine Detention Center contract, December 31, 2006.

It was moved by Supervisor Huff to adopt Resolution 79. Seconded by Supervisor Carbone.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisnefski.

Nays: Supervisors Bergo, Larsen.

Ayes. 23. Nays. 2.

Motion carried.

#### **RESOLUTION 80**

80. From Judiciary & Law Enforcement and Finance Committees regarding Accepting and approving the Juvenile Detention Contract with Racine County.

**WHEREAS**, Kenosha County does not own or operate a juvenile detention facility and is, therefore, required to seek housing and provide transportation throughout the State of Wisconsin; and

**WHEREAS**, Racine County has offered Kenosha County a three year contract (from 2004 to 2006), which will allow Kenosha County to house juveniles close in proximity, at the Racine Detention Facility; and

**WHEREAS**, during each contract year, Kenosha County is guaranteed 18 beds, at a daily rate of \$120 in 2004, \$123.50 in 2005 and \$127 in 2006; and

**WHEREAS**, Kenosha County is guaranteeing a minimum annual payment to Racine County of \$788,400 in 2004, \$811,395 in 2005 and \$834,390 in 2006; and

**WHEREAS**, the proposed contract includes new language that offers the negotiation of revised terms in 2005 and 2006, and if such negotiations fail, the agreement may be terminated by Kenosha County in its sole discretion; and

**WHEREAS**, the administration has negotiated and reviewed the attached contract, which terminates on December 31, 2006, and believes it to be in the best interest of the county to enter into such an agreement; and

**WHEREAS**, due to the cost and length of the contract, the administration seeks the concurrence of the Board of Supervisors that it is in the best interest of Kenosha County to enter into such a contract.

**NOW THEREFORE BE IT RESOLVED** that the Kenosha County Board of Supervisors authorizes the County Executive to enter into a contract, which is attached and incorporated herein by reference, with Racine County for housing of Kenosha juveniles in the Racine Juvenile Detention Facility.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Anita Faraone

Brenda Carey-Mielke

Joe Montemurro

Terry Rose

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Terry Rose

Robert Pitts

It was moved by Supervisor Huff to adopt Resolution 80. Seconded by Supervisor Rose.

It was moved by Supervisor Gorlinski to close debate. Seconded by Supervisor Rose.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Johnson, Pitts, O'Day, Larsen, Wisnefski, Noble, West, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Huff, Molinaro, Faraone, Singer, Montemurro, Carey-Mielke, Clark, Elverman.

Ayes. 17. Nays. 8.

Motion carried.

Roll call on Resolution 80.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisnefski.

Nays: Supervisor Larsen.

Ayes. 24. Nays. 1.

Motion carried.

#### CLAIMS

52. Adrianna & Jorge Arelland - Notice of Injury by employee of the Wisconsin Department of Administration.

53. James Sugden - mailbox damage.

54. David Pomerantz - car damage.

Chairman Kessler referred Claims 52 thru 54 to Corporation Counsel.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Bergo.

Motion carried.

Meeting adjourned at 8:30 a.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R, Highland  
County Clerk