

**MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
OCTOBER 13, 2004
KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM**

Members Present: Jim Huff, Brenda Carey-Mielke, Terry Rose, Susan Deschler

Others Present: Mark Modory, David Beth, Charles Smith, Larry Apker, Nancy Otis, Mary Beier, Rebecca Mentink, Ben Schliesman, Bethany Lofgren, Marie Jonas

Meeting Called to Order: 6:05 p.m. by Chairman Jim Huff

Citizen Comments: None

Supervisor Comments: None

Chairman Comments: Supr. William Michel II is in Florida.

Minutes Read: August 11, 2004 and September 8, 2004

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

Resolutions from the Kenosha County Sheriff's Department:

1) Probationary Cabaret License – Michael's Pub

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

Sheriff Beth presented the resolution that recommends approval for the Probationary Cabaret License. The applicant, Marie Jonas, was in attendance at the meeting. The establishment is at 12417 Antioch Rd. in Trevor. All fees have been paid. After the building inspection passed, the cabaret inspection passed. Supr. Huff inquired about a loud music call for service. Chief Deputy Smith reported that this call was while the establishment was under previous ownership. The only calls with this owner were cabaret application related. The only delay in bringing this resolution to the Committee was getting the building inspection. Huff asked Marie Jonas if she was aware of the loud music call. She responded that she was not. Her intent is to have comedy shows and parties. Huff advised Jonas that loud music would probably precipitate another call.

2) Recognize Unanticipated Revenue 2004 Sheriff Budget

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

Sheriff reported that the projected Federal Inmate Revenue for 2004 has already been met. The Sheriff entered into an agreement this summer with Long Island Productions to provide security at a movie set in Salem for which the costs would be reimbursed. The total invoiced for the Movie Set Security came to \$35,305. The resolution proposes that \$392,700 of the Federal Inmate Revenue surplus and the anticipated Movie Set Revenue of \$35,305 be used to increase expenditure appropriations by \$428,005 for 2004. Specific expense lines to be increased are \$20,000 for Food & Groceries; \$37,735 to Gas/Oil, Etc.; \$578 to Officer's Equipment; and \$369,692 for overtime and benefits. This resolution does not require funds from the General Fund. Huff asked if the movie producers also reimbursed for health and retirement. Sheriff said yes, all costs were reimbursed.

Discussion of Memo Regarding Request to Direct Surplus Capital Project Funds to Install Shower Panels in PTF Dorms:

This memo is for informational purposes only. \$50,279 was authorized for the PTF Double Bunking Project. The cost to complete the double bunking came to \$30,747, leaving a balance of

\$19,532. This was brought before the Building & Grounds Committee. T-Dorm showers have been a maintenance problem for several years. Stalls are painted-block walls and a painted cement floor. Painted showers do not last very long and the time it takes to repaint them is lengthy. Mold and mildew has formed in the shower area. Drains leak on occasion down to the first floor hallway outside the Detective Bureau. A verbal quote received to install stainless steel inserts in T-Dorm is \$12,000. Building & Grounds Committee recommended that because there are only a few more showers without stainless steel inserts, KSD should see how many more they can get for the remaining \$7,000 after the \$12,000.

Set to Record that Country Thunder Bonds, Licenses, Inspections, etc., be Completed by May Beginning in 2005:

Supr. Carey Mielke explained that the Sheriff's Dept. intends to require that Country Thunder organizers acquire licenses, have inspections, and pay bonds by May next year or a Cabaret License will not be granted. She thought this should possibly be backed up with support from the JLEC. Huff commented that there are last minute inspections that could not be completed by May. Carey-Mielke said that permits and required fees could at least be completed. She also brought up the drinking concerns at the festival. Carey-Mielke mentioned that Satellite Beer Tents were erected without permission and with no security. Huff asked how the JLEC would give notification. Sheriff commented that there is no security at all. He explained that they have already sent written notification that has already precipitated a meeting with representatives from Country Thunder regarding security. Sheriff suggests that possibly excessive security should be used next year. Huff asked for a copy of the letter sent and the Sheriff said he would get it to him. Carey-Mielke proposed that the Committee send a follow-up letter with the Sheriff's letter attached. She asked if this should go through Corporation Counsel first. Supr. Rose said he thought the letter could be sent without Corporation Counsel conference. A letter will be drafted after receipt of the Sheriff's letter.

Acceptance of the Kenosha County Sheriff's Department 2005 Budget

Motion by: Carey Mielke

Seconded by: Rose

Approved: unanimously

Sheriff Beth, Chief Deputy Smith, Capt. Apker, and Nancy Otis were in attendance to present the budget. Sheriff distributed a "Recap of Sheriff Budget Modification" since submitting the initial budget 7/23/04. The total expenditure adjustments were \$790,999, and total revenue adjustments were \$276,240, resulting in a net effect of a \$514,759 increase. Business unit expenses for law enforcement in 2004 were projected as \$26,665,000. Total revenue for 2004 was projected as \$6,048,194. The tax levy for 2004 should end up being about \$20,617,000. The adopted budget was for about \$700,000 more than that. Sheriff reported that the federal inmates are currently back up to about 120, however, the Feds say that this is a spike and numbers will go back down soon. The daily federal inmate count used to project the 2005 revenue from federal inmates was increased from 76 to 80. This is very risky because the inmates could go to other institutions. Upon completion of construction, McHenry Co. is expected to open in 2005 and take 200 to 250 federal inmates. Joliet is also negotiating to hold 400-500 inmates. KSD will do their best to keep the numbers up. 2005 proposed total expenses are \$27,287,000 and revenue is up about \$150,000 from what was adopted in 2004 (to 4.9 million) for a total tax levy needed of \$22,359,000.

Rose asked about the proposal of 64 deputies to 66 when it was previously reported that layoffs might occur. Sheriff responded that Sgt. Tenuta's and Lt. Copen's positions were converted to deputies. Rose asked where the money came from. Sheriff replied that medical insurance had a \$165,000 decrease; the P/T Laundry Supervisor position was eliminated for \$26,500; Worker's Comp decreased \$53,000; OT was reduced \$100,000; and \$93,000 was deducted as a vacancy adjustment. They also increased revenues by \$50,000 for traffic citations; \$26,000 for County Ordinance citations; \$140,000 for Probation & Parole; and \$102,000 for federal inmates. The County Executive and Finance also gave an additional \$514,000. Nancy Otis reported that there is a new position in the 2005 budget for a Drug Investigator. This position was moved to KSD from the District Attorney's budget

and is offset by grant revenue. Rose commented that he didn't see where the contractual services were reduced by \$280,000 for the elimination of WCS. Sheriff responded that this was offset by other contractual service increases, primarily doctors and nurses. Rose asked how 2004 compared to 2005 for medical service. Otis explained that they are getting more services and an increase in hours. Their salaries and benefits have gone up. Chief Deputy added that after making all the cuts they could, and boosting revenues, they were still about a half million short. The County Executives office came in and eliminated positions in other county budgets to come up with the \$500,000 extra levy for KSD. After January 1, Workcrew will be down to 2 deputies. The only thing they are keeping on WCS is the OWI Program.

Rose asked if KSD is saying that medical services and Visiting Nurses are up \$300,000 from last year. Otis responded that the KVNA contract is the biggest increase of \$200,000, from about \$700,000 to \$900,000. This includes physician and dental service. \$40,000 was also added under medical/dental for a Psych Intern Project. Rose asked why the need for a Psych Intern and the qualifications for this. Do we not already have a doctor for this? Chief Deputy explained that they currently only have a medical doctor. There is a big liability issue relating to housing mentally ill persons. Screening has to be done for all inmates suspected of having a mental illness. Assessments are currently done by Crisis Intervention. Crisis is cutting their services back. The Courts have been pressuring to be certain that the mentally ill are not housed. Rose said that he believes the criticism of the Courts is that the doctors are taking the inmates off medications. Chief Deputy replied that medication is a separate issue. Rose commented that inmates are incarcerated pursuant to a court order so it seems that this should be a judicial issue. Chief Deputy responded that people are also arrested off the streets. It is the Sheriff's responsibility as an elected official. Rose said that the medical cost increase is about 25%, however, inmates have not increased 25%. Chief Deputy explained that inmate medical costs have gone up and they have had to come back to the Committee for additional money. KVNA can no longer provide in gratis services such as reviewing medical billings and extra hours of service. Sheriff added that there are new requirements due to housing federal inmates. KVNA is now performing extensive TB testing for inmates and employees. Capt. Apker added that an additional 8-hours per week of nursing service at each facility has been added. Adjustments for these could not be added until a new budget. Chief Deputy said that an RFP was done 3 years ago and 1.2 million was the lowest bid from other providers. There are extra costs associated with operating two facilities. Dr. Johnson comes in 1 day/week. Dr. Johnson's contract was increased a couple thousand. KSD has never been successfully sued in medical area because of the caliber of service. Nursing care is provided 16 hours/day Monday through Friday and 8 hours/day on Saturday and Sunday. Hours of service were increased at KCDC at the recommendation of the federal government.

Carey-Mielke asked what level of education the intern would have. Capt. Apker said that someone seeking a Bachelor's or Master's Degree in Psychology would be on-site 20 hours/week with a Psychologist with a Doctorate Degree overseeing him or her. In addition to doing assessments, this person would advise regarding the duration of suicide watches. Carey-Mielke said she is not arguing the need, she just wants to be sure that options have been explored for cost effectiveness. KVNA has incorporated the intern cost into their budget, as their employee, so a RFP was not necessary. They have a doctor on-site to oversee the intern. The last 2 years, interns have been denied because we did not have a doctor on-site to oversee. Carey-Mielke commented that a great majority of the repeat offenders have mental illness issues. Apker said that KSD wants to try to prevent suicides and possible resulting liability.

Supr. Huff commented that most of his questions were answered by Rose's questions. He asked if the \$15,000 increase in gas/oil, etc. would be of a sufficient amount. Predictions are for continued raises. Otis responded that they would probably have to come back for more. Chief Deputy also said that the budget amount was figured in June or July when prices were not rising so quickly. Huff asked about the \$25,000 increase in fees and processing fee revenue. If and how much does KSD charge for subpoenas and does this include the processing fee recently added? Chief Deputy replied that a \$40 flat fee is charge for subpoenas and the processing fee was initiated a couple years ago.

Sheriff said that he expects they will be back by April or May for more overtime money. They asked to increase this line to \$700,000, however, the County Executive brought this down. This year they are projecting 1.3 million in overtime.

Carey-Mielke asked if all financial needs relating to Country Thunder are being reimbursed, if the taxpayers are paying for any of these services. Sheriff said that in the past the car assigned to that area did respond to calls. They are proposing for next year that manpower is increased and deputies or officers from other agencies (deputized to be out there) will respond to the calls. The goal is to be sure that all of these expenses are covered.

Rose asked what the average daily population of federal inmates has been in 2004 and what the number budgeted was. He asked if a surplus in 2005 is anticipated. Sheriff said that the average including fuel and travel is between 120 and 129. Rose said that KSD would have to eventually reduce staff if we lose the federal inmates. Apker said that we were understaffed in the jail when we had 500 inmates. We will always have fixed costs. Chief Deputy said there is excessive overtime. They are losing people due to burnout. They lost 2 more people a couple weeks ago. Carey-Mielke expressed concerns that forced overtime is a tremendous liability. Working 16-hour days is emotionally and physically stressful. This can be a danger to the community. Rose commented that he raises the point of surplus revenues coming in because the general fund is increasing (from 8 million to 10 million from '03 to '04); we have to look at the possibility that we are over-taxing. Should the revenue projection be higher? Chief Deputy answered that the federal inmates started as a good thing, however, now is a bad thing. This revenue is going to end. They will fall 3 million short when this happens and will need the general fund. When KSD started housing federal inmates they hoped to get some much needed things for their department, not to support other departments. Their capital outlay is so low that it even only affords one copy machine for 310 employees. They used to get \$300,000 to \$400,000 to keep going. Being a 24/7 operation, things wear out much quicker than other departments. The housing of federal inmates is adversely affecting staff. They have had strong discussions within the department that this is not worth it. This revenue is now expected and they are sacrificing their staff and wearing things out that they can not even replace. To stop this would be to get out of this business, which they can't. However, this decision may be made for them if the federal government houses the inmates elsewhere. Sheriff does believe that the revenue from federal inmates has directly increased the general fund and that this is attributed to the hard work of Capt. Apker and other staff. He reiterates that the general fund will decrease rapidly when federal housing ceases.

Chief Deputy also distributed a "Kenosha County Five Year Capital Outlay/Projects Plan."

Note: Rose seconded the motion reserving the right to recommend additional changes at the Finance meeting.

Acceptance of the Juvenile Intake 2005 Budget

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

Mary Beier presented her budget and distributed a summary of her increases. The bottom line was a 3.8% increase with \$44,654 requested from the tax levy. The increase of \$19,397 was the result of proposed wage and benefit changes for personnel. Other Professional Services is increased due to the detention contract increase from \$120 to \$123.50 per bed in 2005. \$3,120 is also proposed for medical and temporary placement when juveniles are apprehended outside of southeastern Wisconsin. The Equipment Maintenance Agreement for their copier increased \$53. By court order they have to maintain Public Liability Insurance and this cost, according to Finance, will increase by \$389.00. Rose asked why revenues stayed the same from 2004 to 2005. Beier responded that grant amounts are consistent and revenues from child support are not expected to increase.

Acceptance of the District Attorney 2005 Budget

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

Rebecca Mentink presented the budget; Bob Jambois had a previous commitment. They have asked for no increases except in mileage. This is because Jambois, as an elected official, serves on

many committees and is often in Madison representing Kenosha. They will have to increase the mileage line for 2004. There is a staff development decrease. They are finding less expensive conferences to attend and are utilizing phone conferencing. The Victim/Witness revenue is going down because the rate of reimbursement is down to 60%. Other increases are as Finance provided regarding salaries and benefits. Rose asked why the contractual expenses and revenue are each down about \$200,000. Mentink said that this is due to the transfer of the Drug Investigator to the Sheriff's Dept. IV-E revenue is down about \$12,000. This is another grant position funded by IV-E that reimburses one of the attorneys that process TPR's. As they have caught up on the backlog, the number of referrals has decreased. Victim Witness revenue decreased \$20,000. The gun grant was a 2-year contract that is no longer in the budget. Supr. Deschler asked about the positions that changed from legal secretary to paralegal. Mentink responded that about 2.5 years ago the Union filed a grievance about the re-assignment of a legal secretary into a temporary position. As part of that settlement any legal secretary completing his or her paralegal degree would automatically be re-classified to a paralegal (up to two positions/year). Huff asked if Victim Witness Coordinator, Lynn Copen, was replaced. Mentink said yes, by Sandra Bertelli, and then the assistant was replaced. They are at full staff. Carey-Mielke asked why Worker's Comp increased so much. Mentink answered that this amount is determined by Finance.

Acceptance of the Kenosha County Emergency Management 2005 Budget

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

Ben Schliesman presented the budget. He distributed a report specifying the highlights of line item budget changes. \$8,165 increase was set by Finance for personnel. Other expense increases were \$22,000 related to grants; \$1,000 for outdoor sirens; \$2,000 for machinery/equipment that was formerly a computer hardware/software line item; \$10,937 for Terrorism/WMD grant pass-thru; HazMat Equipment increase of \$4,000 (tactical team to get new vests and helmets); and \$12,000 for the training of First Responders. Revenue changes consisted of a \$264,063 decrease in Terrorism/WMD grants; FEMA grant decrease of \$16,500; \$10,000 decrease for a non-governmental video project grant that they hope to finish in 2005; and \$10,000 decrease in HMEP grant. Carryovers equal a total increase of \$341,590 from Terrorism/WMD Equipment Grant, Ameritech Grant, Terrorism Exercise Grant, and Hazard Mitigation Planning Grant. There is also a \$5,000 increase for additional training grants. All increases and decreases are grant related. We are developing a Collapsed and Confined Space, a rescue team in Kenosha Co. Within the next couple weeks the Governor should be appointing Schliesman to a Statewide Communications Government Committee, comprised of 14 people statewide to set the standards for communications statewide. We were awarded a \$45,000 grant for Citizen Corp. to teach people about emergency preparedness. We were also awarded to do a national exercise in May '05 because the State liked what was done with a table-top exercise in 2003. The Feds are funding a \$75,000 consultant for this as well as allowing \$50,000 for overtime or whatever else is needed. '05 equipment grants will be coming out soon. There are many grants out there and probably 95% of Schliesman's job is spent on grant writing and related issues. The Federal Government wants consistency in first responder operations so that people can be drawn from other areas and know how things operate. Federally mandated training will be imposed. All counties will need to re-write their emergency operations plan to be in conformance with the federal government's. Huff asked if there is any timetable for completion of these federal requirements. Schliesman said that the study would be done next year. Huff expressed his concerns regarding the communication aspects because the KPD has radios that do not work past I-94. The City jurisdiction expands past I-94 now. Carey-Mielke asked if we are having better inter-governmental cooperation with the city. Schliesman said that he has sent letters to the Mayor, Police Chief, and Fire Chief. Huff said that everyone knows the communication problems, they are waiting for the Federal Government to allocate the money. Schliesman said it was proposed that the city could apply separately, however, the grant is written such that the larger the geographical area the better the chance to get funded. Consequently, the Chief of Police asked Schliesman to take care of the grant and

include the City Fire and Police. Carey-Mielke commented that her impression from the table-top exercise in 2003 was that the Federal Government wanted the County to coordinate, however, there was internal conflict about who was going to write what and get what. Schliesman said that he has surveyed all of the municipalities to identify the problems. Huff said that people just want some kind of timeframe. Schliesman said that the State would decide before the end of the year which planning grants will be funded.

Schliesman distributed a packet titled, "Regional Broadband Infrastructure and Connectivity." He was asked to brief the Committee on this because it impacts law enforcement and emergency services. Funds will be taken from Fred Patrie's budget. This will eliminate the T-1 lines that the county has: 6 lines at the cost of \$400/month for each line. The County will be guaranteed a regional fiber optic broadband infrastructure. For example, the Kenosha County Center can currently do voice or data but not GIS or Tele-conferencing. This will also be sent to the various industrial parks to modernize their capabilities and possibly attract new industries.

Acceptance of the Clerk of Courts 2005 Budget

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

Bethany Lofgren presented the budget. She reported that they would be keeping the pilot projects started in 2003. They have reduced the levy dollars by \$50,000. With the approval of the Finance Director, they retain the option of moving money within appropriation units to meet costs. The personnel cost increase of \$155,688 is estimated pending the clerical union contract settlement and a bailiff's increase of 2% (about \$1.00/day). Request for a raise last year was denied. Rose commented that this seemed very low and asked what the bailiffs asked for. He asked if they only work a half a day, do they get half. Lofgren explained that changes/raises are determined at a Judge's meeting and yes, they get half if they work half a day. Bailiffs are restricted from earning more than \$5,300 so Personnel does not have to offer benefits.

There is a contractual increase of \$1,673. Data Processing has decreased because the Judges changed an electronic contract whereby they access legal material. Other Professional Services includes a 2% raise for the court reporters (about \$2 a session). This is a per diem rate, if they do not work they do not get paid. These are court reporters that are called in; the Judge's Court Reporters are paid by the State. The telephone expense change is due to a contract change. Unpaid fines registration is reduced because they began using a collection agency that will keep 27% of what is collected. Juror's fees are going up about \$15,000. Guardian ad Litem (GAL) fees will remain the same, the original proposal for a 2% raise was taken out by the County Executive. GAL's are paid \$3,232/month. They also pay some out of county GAL's for placements outside the area. Rose asked how there is a reduction in interpreter costs when he sees more interpreters in the courts. Lofgren said that this is one of the levy project accounts and they are sure they will spend more than this and will have to move money at a later date. Supplies were reduced by \$4,000 because Purchasing reported that they are expecting discounts. Statute books are needed next year so this expense increased. Fixed outlay changes according to contract changes. Revenues decrease for Child Support. Interpreter's revenue increases because the more they spend the greater potential for recovery. County Ordinance fines revenue decreased due to the change in the KSD TIU (Traffic Interdiction Unit). Penal fines increased due to collection efforts. Overloads with the State Patrol have increased. Bond default increased and changes because it is judicially controlled. Restitution fees surcharge was increased. They get a small amount for marriage fees and this has gone up. They continue to try to get in contact with people quicker to increase collections. Probate Fees were slightly reduced because more fees are being reduced due to a lower ability to pay. GAL revenue was increased slightly. Court Support Grant increased slightly.

Rose asked if there is anything new in 2005. Lofgren responded that there are no new programs, costs, or employees. Rose asked why there are 2 Court Commissioners listed in 2005, however, 1 in 2004. Lofgren said they changed 2 Family Court Commissioners and 1 Judicial Court Commissioner in 2004 to 1 Family Court Commissioner and 2 Judicial Court Commissioners in 2005.

Acceptance of the Kenosha County Elected Officials 2005 Budget

Motion by: Carey-Mielke

Seconded by: Rose

Approved: unanimously

Bethany Lofgren presented this budget. The office is located at the County Center and preparation of the budget rotates among the different departments that are represented at the office. This year it is the Clerk of Court's turn. The office has 1 full-time and 1 part-time employee. Personnel cost increase is estimated pending clerical contract settlement. Office machines are the maintenance contract changes for fax and copy machine. Office supplies cost is expected to decrease due to discounts. Personnel supplied the Securities bonding increase amount of \$534. Net increase is \$2,632 of which \$2,000 is salaries/benefits. Personnel costs for 2004 were lower because the part-time position was vacant for much of the year. She believes that they may have gone through 3 different people that left the position before the end of the probationary period. There may have been a temporary employee brought in on occasion, however, this was at a lower cost.

Any Other Business Allowed by Law: None

Meeting Adjourned:
Deschler.

8:10 p.m. on motion by Carey-Mielke, seconded by

Respectfully submitted,

Donna L. DeBree