

WINNEBAGO COUNTY BOARD OF SUPERVISORS
JUDICIARY & PUBLIC SAFETY COMMITTEE
In person & via Zoom/Telephone

DATE: MAY 1, 2023

TIME: 6:00 P.M.

PLACE: WINNEBAGO COUNTY SHERIFF'S OFFICE
RICHARD MEYER COMMUNITY RESOURCE ROOM
4311 JACKSON STREET, OSHKOSH

PRESENT: BRYAN STAFFORD
JACOB FLOAM
PAUL EISEN
BRIAN DEFFERDING
CONLEY HANSON

ALSO PRESENT: JOHN MATZ – SHERIFF'S
TODD CHRISTOPHERSON – SHERIFF'S
DARIN RICE – SHERIFF'S
QIAUNA ROSS – SHERIFF'S
JULIE BARTHELS – COUNTY CLERK
ETHAN HOLLENBERGER – COUNTY EXECUTIVE ASSISTANT
KAY HORAN – COUNTY SUPERVISOR
STEVEN BINDER – COUNTY SUPERVISOR
RALPH HARRISON – COUNTY SUPERVISOR
JIM WISE – COUNTY SUPERVISOR
MARY ANNE MUELLER – CORPORATION COUNSEL
MELANIE BOELTER – CORPORATION COUNSEL
CHERYL BREHMER – MEDICAL EXAMINER
PAUL KAISER – FINANCE
BETSY ELLENBERGER – COUNTY SUPERVISOR
PATTY FRANCOUR – INFORMATION SYSTEMS
KAREN POWERS – COUNTY SUPERVISOR
KOBY SCHELLENGER – COUNTY SUPERVISOR
BETH G. - CITIZEN

1. Call to order

Chairman Stafford called the meeting to order at 6:00 pm and it was verified that the meeting was properly noticed.

2. Consideration of Minutes of April 3, 2023 meeting

A motion to approve the minutes of the April 3, 2023 meeting was made by Supervisor Floam, seconded by Supervisor Defferding. Carried 5-0

3. Chair comments on meeting and agenda organization by Supervisor Stafford.

Chairman Stafford stated there are a variety of resolutions and other agenda items to speak about tonight. He will call on the item number being discussed and then asked the sponsors of that item to speak about it. Chairman Stafford will then look for a member of the Judiciary Committee to make a motion before speaking about the item in more depth.

4. Public comments within jurisdiction of committee.

Supervisor Powers spoke about item #16, which is in regards to the reading of the Declaration of Independence on July 4, 2023. She stated there was a resolution brought forward to the Judiciary Committee last year and the resolution passed so she was curious as to why this item was being discussed tonight.

5. Communications shared by Committee Members.

Supervisor Floam spoke about the Task Force of Structure Review meeting and discussed a couple of options that were presented at that meeting. A survey will be sent out to the county board members to obtain everyone's input on those options. A similar survey will be sent out to all of the department heads as well. The next Task Force of Structure Review meeting is May 25th, 2023.

Supervisor Defferding discussed his attendance at the Chiefs Justice meeting that was held on Friday, April 21st, 2023. He stated one of the main topics discussed was mental health. He also discussed the upcoming Drug Court Graduation on May 4th, 2023 at 10am and encouraged others to attend.

6. Update from Corporation Counsel – Mary Anne Mueller

Corporation Counsel Mary Anne Mueller shared that since January 2023, they have opened 138 new mental health cases to include emergency detention hearings, third party probable cause hearings, final hearings held after commitment and extension hearings held for commitment. Mary Anne Mueller also discussed guardianship cases. There are 14 open cases for guardianship, which does not include carry over cases from previous years. These processes include full due process hearings, protective placements, emergency protection hearings, guardianship hearings and juvenile guardianships. She also discussed her position with the 980 offenders and the meetings/court hearings that she must attend pertaining to those services.

Supervisor Hanson asked Mary Anne Mueller about her position regarding open records requests that come in to the county. He stated he is specifically inquiring about the retention of social media posts and other open record requests. He asked that Mary Anne Mueller come to the next Judiciary meeting and speak on that as an agenda item. Patty Francour of the I.T. Department spoke saying all social media posts are retained by the I.T. Department.

7. Update from Medical Examiner's Office and Fentanyl Overdoses – Cheryl Brehmer

Medical Examiner Cheryl Brehmer discussed the latest number of overdose deaths so far this year. As of end of April, 11 are confirmed overdoses, 10 of the 11 overdoses included Fentanyl. There are 6 pending overdose cases that are waiting on the toxicology report. 4 of the 6 pending have had positive urine screens containing Fentanyl. The drug Xylazine, which is a large animal tranquilizer, is also being found within drugs causing overdoses as well.

8. Sheriff's Report

Sheriff Matz discussed the following topics:

*Budget variances

*Lieutenant Rice gave a TruNarc equipment demonstration

*Discussed the Fraud School that was presented to the Department Heads. More classes will be available in the future for anyone who would like to attend.

*Sheriff's Office will be holding their Annual Awards Ceremony on May 16th at the Convention Center at 11am.

*The 2023 Citizens Academy is starting in August. They meet weekly until mid-November.

*Discussed the Priority Based Budget process they are going through this year.

*Milwaukee asked for the Sheriff's Office participation in the DNC. It is unclear at this time if the Sheriff's Office will be sending deputies down for this event.

*The current jail count is 210

9. Consideration/Vote: Ordinance – Invoking the Authority of Wis. Stat. 59.10(1) for Winnebago County to Become a Self-Organized County

Supervisor Wise spoke about the Per Diem Task Force and stated this item had passed by a committee vote of 7-0. The per diem is the only item being looked into for Winnebago County becoming a self-organized county.

A motion to discuss Invoking the Authority of Wis. Stat. 59.10(1) for Winnebago County to Become a Self-Organized County was made by Supervisor Floam, seconded by Supervisor Defferding.

Supervisor Defferding stated he is in support of the ordinance. He stated it gives the county the ability to have more say on the per diem structure.

Supervisor Eisen questioned the authority of the Per Diem Task Force to initiate a resolution to make Winnebago County Self Organized. He then discussed a salary structure versus a per diem structure.

Corporation Counsel Mary Anne Mueller discussed line 25 of the resolution. She suggested instead of it being 0.00 of the General Code that it might be good to put it as 1.00 self-organizing or 1.11 self-organizing during the recodification.

Supervisor Floam called the question, seconded by Supervisor Defferding.

A motion to approve the Ordinance – Invoking the Authority of Wis. Stat. 59.10(1) for Winnebago County to Become a Self-Organized County was made by Chairman Stafford, seconded by Supervisor Defferding. Carried 4-1. Supervisor Eisen voted against the ordinance.

10. Discussion: Amend Rule 6.0, Order of Business. Item E in our current process should be L.

Corporation Counsel Mary Anne Mueller and County Clerk Julie Barthels spoke about the Order of Business order compared to county board agenda order. Julie pointed out that some of the letters of order on the county board agenda do not jive with the letters of order within the rule book. Julie stated she would like to re-order the agendas to make the most sense with the rule book.

Supervisor Eisen discussed the Consent Agenda and Roberts Rules. He suggested making changes to everything per the Order of Business so they do not have to go back and forth making continuous changes. Chairman Stafford agreed with Supervisor Eisen and stated we need to make sure if we do it, we do it right so they don't have to keep going back and making changes.

11. Consideration/Vote: Resolution – Amend Section 0.0 (Role of the County Board Supervisor) of the Rules of the Winnebago County Board of Supervisors to Add Section 0.4 Addressing the Use of Winnebago County Owned Electronic Devices by Winnebago County Board Supervisors and Outlining Consequences for Misuse of Such Electronic Devices – Supervisor Kay Horan

Supervisor Horan spoke about the papers she signed when coming onto the County Board. She stated one of the papers was regarding the use of county owned electronics that are issued to

each county board member. She would like documentation placed into the rule book that outlines for everyone what the expectations are of the county board supervisors when it comes to the use of county owned electronic devices. The devices are to be used strictly for county use only and the rule would also outline the reprimand for misuse of the electronic devices.

A motion to discuss the Resolution to Amend Section 0.0 (Role of the County Board Supervisor) of the Rules of the Winnebago County Board of Supervisors to Add Section 0.4 Addressing the Use of Winnebago County Owned Electronic Devices by Winnebago County Board Supervisors and Outlining Consequences for Misuse of Such Electronic Devices was made by Supervisor Floam, seconded by Supervisor Hanson.

Supervisor Eisen stated the resolution is too lengthy and needs to be shortened. He handed out his recommended revision to the county board members. This reads as follows: "0.4 An electronic device is issued to each County Board Supervisor to participate in County Board meetings, receive County Board correspondence, and research and communicate in performing County Board duties. Unethical or illegal use will result in reprimand, censure, or expulsion from the County Board of Supervisors."

Supervisor Hanson stated he likes what Supervisor Eisen presented, however he likes the version presented by Supervisor Horan better. He specifically likes lines 30-34 and lines 40-42.

Supervisor Floam suggested striking lines 23-49 and replacing those lines with the revised recommendation from Supervisor Eisen. He stated the resolution would then cover all of the bases. He reiterated that after striking lines 23-28, Supervisor Eisen's recommendation would then be inserted after line 22.

Chairman Stafford also agreed with Supervisor Eisen's recommendation on the revision and with Supervisor Floam's revision of striking lines 23-49 and inserting Supervisor Eisen's recommendation.

A motion to approve the Resolution to Amend Section 0.0 (Role of the County Board Supervisor) of the Rules of the Winnebago County Board of Supervisors to Add Section 0.4 Addressing the Use of Winnebago County Owned Electronic Devices by Winnebago County Board Supervisors and Outlining Consequences for Misuse of Such Electronic Devices with the recommendation of striking lines 23-49 and inserting Supervisor Eisen's recommendation starting on line 22 to read "0.4 An electronic device is issued to each County Board Supervisor to participate in County Board meetings, receive County Board correspondence, and research and communicate in performing County Board duties. Unethical or illegal use will result in reprimand, censure, or expulsion from the County Board of Supervisors." was made by Chairman Stafford, seconded by Supervisor Floam. Carried 5-0.

12. Consideration/Vote: Resolution – Amend Section 8.0 "Written Agenda" of the Rules of the Winnebago County Board of Supervisors by Creating Rule 8.35 and Amending Rule 8.5 – Supervisor Conley Hanson

A motion to discuss the Resolution to Amend Section 8.0 "Written Agenda" of the Rules of the Winnebago County Board of Supervisors by Creating Rule 8.35 and Amending Rule 8.5 was made by Supervisor Hanson, seconded by Supervisor Floam.

Supervisor Hanson stated residents have come to him and tell him when they look at the calendar posted on the internet, sometimes the information is not available. The purpose is to increase public awareness and alleviate some of the work by the County Clerk's office. There should be a firm deadline of when things should be submitted. Supervisor Hanson wants the

deadlines to be firm and if items are submitted after the deadline, it should automatically go to the next months meeting.

Supervisor Floam asked County Clerk Julie Barthels how this would affect the County Clerk's office. Julie stated her office puts out a call for items and feels it would be helpful for the new staff member in her office, who will be putting the agendas together, to have everyone run on the same time frame and time tables.

Supervisor Hanson asked to pull this item from the agenda and bring it back to the next Judiciary meeting with more revisions since he now had the opportunity to speak with Julie of the County Clerk's office and obtain her recommendations to the resolution.

13. Consideration/Vote: Resolution – Amend Section 24.9(5)(b) of the Rules of the Winnebago County Board of Supervisors to Increase Limit on Contingency Fund Transfers Which May Be Authorized by Personnel & Finance Committee.

Supervisor Binder spoke in regards to the surprise emergencies or situations that come up with building or equipment needs within all of the buildings at any time. He stated that the contingency fund currently only has \$15,000 to cover those unexpected repairs and feels that is not enough money to fix most of the problems that arise.

A motion to discuss the Resolution to Amend Section 24.9(5)(b) of the Rules of the Winnebago County Board of Supervisors to Increase Limit on Contingency Fund Transfers Which May Be Authorized by Personnel & Finance Committee was made by Supervisor Eisen, seconded by Supervisor Floam.

Supervisor Hanson is agreeable to the resolution but suggested to add somewhere within lines 34-37 that the money would be limited to equipment or building repair.

Finance Director Paul Kaiser handed out data regarding contingency fund usage for the last 6 years. There were 50 items in that timeframe that were repaired or replaced with the money in the contingency fund.

Supervisor Eisen called the question for the resolution.

A motion to approve the Resolution to Amend Section 24.9(5)(b) of the Rules of the Winnebago County Board of Supervisors to Increase Limit on Contingency Fund Transfers Which May Be Authorized by Personnel & Finance Committee was made by Chairman Stafford, seconded by Supervisor Floam. Carried 4-1. Supervisor Hanson voted against the resolution.

14. Discussion: Work on rules clarifications/key definitions. Chair may elect to limit the discussion to a specific amount of time.

Chairman Stafford would like to have a discussion on this topic at a future Judiciary meeting as the night was getting late but wanted the committee members to be aware this will be coming back for discussion.

15. Discussion: Department feedback loops for the committee. Chair may elect to limit the discussion to a specific amount of time.

Chairman Stafford asked for a committee prospective on Department feedback and how often they would like to see a Department presenting to the Judiciary meeting.

Supervisor Floam stated he had spoken with a member of Fond du Lac County and they have certain guidelines as to when Departments report and if the Departments do not have anything to report, they send an email that they have nothing to report.

Chairman Stafford asked the committee if there are any departments that haven't been to a Judiciary meeting in a while that they would want to see come to Judiciary to provide an update of their department. Supervisor Defferding stated he would like the DA's office to come back and speak.

16. Discussion: Reading of the Declaration of Independence on July 4, 2023. Chair may elect to limit the discussion to a specific amount of time.

Chairman Stafford wanted to discuss last year's reading of the Declaration of Independence and the last-minute changes that were made the day of the event. The intent of the event is for the Sheriff to read the Declaration of Independence. There were a couple of last-minute changes that individuals wanted to see at the reading and one of them was to have Senator Johnson give a speech. After talking with the Sheriff, the Sheriff didn't think that was a good idea as he felt it would make the event too political and that's not the intent of the day.

Supervisor Eisen would like to invite a Major or a Colonel to give a speech in respect to the 4th of July. This is something that used to be done in the past and he would like to see that come back.

17. Next Meeting Date: Monday, June 5, 2023 at 6:00 pm

- Deadline for agenda items due Monday, May 22, 2023. Please forward those requests to Chairman Bryan Stafford for approval. Thank you.

Materials will be mailed out Friday, May 26, 2023 vs. Tuesday, May 30, 2023 due to Memorial Day Holiday so members will receive materials prior to meeting date.

18. Adjourn

A motion to adjourn was made at 8:55pm by Supervisor Floam, seconded by Chairman Stafford. Carried 5-0.

****This meeting is also being posted as a committee meeting for:**

- **Ad-Hoc Task Force on the Per Diem Structure**
- **Winnebago County Board of Supervisors**

Respectfully Submitted:

Kimberly Delcore
Winnebago County Sheriff's Office