

Chairperson: Supervisor Willie Johnson, Jr.
Clerk: Linda K. Durham, 278-4225
Research Analyst: Rick Ceschin, 278-5003

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, April 9, 2009 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

PRESENT: Supervisors Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7

SCHEDULED ITEMS:

1. 09-150 From the County Executive, appointing Mr. Henry Hamilton to serve on the Milwaukee County Ethics Board for a term expiring February 28, 2014.

APPEARANCE(S):

Sherry Hill, County Executive's Office
Henry Hamilton, Appointee

MOTION BY: (RICE) Approve. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

2. 09-149 From the County Executive, appointing Mr. Christian Bryan Flores to serve on the Milwaukee County Ethics Board for a term expiring February 28, 2015. Mr. Flores is replacing Brother Bob Smith whose term expired on February 28, 2009.

APPEARANCE(S):

Sherry Hill, County Executive's Office
Christian Bryan Flores, Appointee

MOTION BY: (RICE) Approve. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

3. 09-143 A resolution by Supervisor Coggs, in support of modifying state judicial districts to achieve better ethnic diversity of elected circuit court judges. **(Also to the Committee on Intergovernmental Relations)**

APPEARANCE(S):

Chief Judge Jeffrey Kremers

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (DE BRUIN) Approve.

MOTION BY: (CESARZ) Refer to Corporation Counsel for a written legal opinion and consultation with the Chief Judge and report back at the next cycle.

Discussion ensued with questions and comments relative to the motion requesting a written legal opinion from Corporation Counsel.

Chief Judge Kremers advised that he has not read this resolution, but indicated that there was a lawsuit filed a number of years ago with the same goal in mind as this resolution and that lawsuit was rejected by the federal court, with respect to the notion of carving out sub-districts in a county for electing judges, for a variety of reasons.

Supervisor De Bruin withdrew her motion to approve.

Vote on the referral to Corporation Counsel: 7-0

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

4. 08-85 An adopted resolution directed the Director of Audits to provide follow-up reports on
(a)(d) the Audit of the Sheriff's Electronic Medical Records. **(Also to the Committee on Finance and Audit)**

APPEARANCE(S):

Jerry Heer, Director of Audits

Mr. Heer reviewed the subject report.

Questions and comments ensued.

Supervisor De Bruin requested a report back at the next cycle from Dennis John, with input from the appropriate departments, as to what the timeline will be for developing policy guidelines. She also requested further information as to what he intends to do for the 2010 budget as far as replacing the Sheriff's Electronic Medical system and how those two affect each other.

MOTION BY: (BRODERICK) Receive and place on file. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) – 7
NOES: 0

SCHEDULED ITEMS (CONTINUED):

5. 09-151 From Inspector, Office of the Sheriff, requesting authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant (JAG) funds for Federal Fiscal Year 2009 and approval of the Joint Spending Plan with local jurisdictions to combat violent crime.

APPEARANCE(S):

Inspector Kevin Carr, Sheriff's Office
Molly Pahl, Sheriff's Office

Inspector Carr reviewed the subject report.

Questions and comments ensued relative to the process by which the municipalities in the report were identified.

Supervisor Jursik requested an e-mail from either of the inspectors as to whom the city of St. Francis should contact to make sure that they have not been improperly eliminated from receiving any of these funds.

Inspector Carr advised that the grant requires that the County Executive and the Mayor (all the Mayors receiving funds) sign the grant application. If the City and County fail to come to an agreement, nobody gets any money. He advised that it is in everybody's best interest to come to a fair agreement based on a reasonable assessment of needs.

Supervisor De Bruin indicated that she would like to see someone from the County Executive's Office or the County Executive himself appear on this item when it comes back to the Committee.

Considerable discussion continued, with questions and comments relative to the City of Milwaukee.

MOTION BY: (DE BRUIN) Layover to the call of the Chair. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) – 7

NOES: 0

6. 09-37 From Inspector, Office of the Sheriff submitting an informational status report on the
(a) operations and programming at the House of Correction (HOC). **(Also to the Committees on Finance and Audit and Personnel)**

APPEARANCE(S):

Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office

SCHEDULED ITEMS (CONTINUED):

Inspector Carr provided an overview of a letter written by Dr. Jeffrey A. Schwartz regarding the quarterly report from Inspectors Carr and Schmidt relative to the merger of the Sheriff's Office and the House of Correction (HOC).

Discussion ensued at length, with questions and comments.

Supervisor Sanfelippo requested a report from the Sheriff's Office regarding a fiscal analysis of the Farm and Fish Hatchery and its cost to operate, prior to budget time.

Supervisor De Bruin stated that the report submitted by Inspectors Carr and Schmidt is very well written and is the most comprehensive report she has received as a policy maker, regardless of any Sheriff, in her 17 years on the Board.

Committee members commended Inspectors Carr and Schmidt, as well as the Sheriff, on the progress made thus far relative to the merger.

Supervisor Broderick requested, as part of the analysis requested by Supervisor Sanfelippo, that the Audit Department assess the value of the Farm & Fish Hatchery and quantify those values in monetary terms.

Jerry Heer advised the Committee that he could have the reports available for the July cycle.

MOTION BY: (SANFELIPPO) Receive and place on file. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) – 7

NOES: 0

7. 09-160 From Clerk of Circuit Court, requesting authorization to negotiate and sign professional service contracts with Credit Management Control for collection of unpaid fines and forfeitures for a three-year period, beginning May 1, 2009 through April 30, 2012.

APPEARANCE(S):

John Barrett, Clerk of Circuit Court/Director of Court Services
Deborah Bachun, Court Services

Mr. Barrett reviewed the subject report.

Questions and comments ensued.

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (DE BRUIN) Approve. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) – 7

NOES: 0

8. 09-167 From the Chief Judge, requesting authorization to negotiate and sign a professional services contract with Justice 2000, Inc. for the provision of Assess, Inform and Measure services for the period of May 1, 2009 to December 31, 2009.

APPEARANCE(S):

Chief Judge Jeffrey Kremers

Holly Szablewski, Court Services

MOTION BY: (DE BRUIN) Approve.

Questions and comments ensued.

Ms. Szablewski and Chief Judge Kremers provided comments.

Vote on the motion to approve: 7-0

AYES: Rice, De Bruin, Cedarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7

NOES: 0

This item was taken out of order.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

CORPORATION COUNSEL RECOMMENDS PAYMENT/SETTLEMENT OF THE FOLLOWING CLAIMS/LITIGATION (Note: Section 56.08 of the Milwaukee County General Ordinances authorizes the Judiciary Committee to settle all claims when the amount does not exceed \$5,000.00, and the action of the Committee is final and no further County Board action is required.):

9. 09-19 From Principal Assistant Corporation Counsel, recommending approval of payment in the amount of **\$5,000.00** to Dr. Sharleen Leonard in settlement of her lawsuit against Milwaukee County.

APPEARANCE(S):

Bob Andrews, Deputy Corporation Counsel

SCHEDULED ITEMS (CONTINUED):

MOTION BY (RICE) Approve items 9-17 together. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7

NOES: 0

10. 09-19 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$3,127.07** to Christopher Starr in full settlement of all claims arising out of the December 2, 2008 motor vehicle accident.

SEE ACTION UNDER ITEM 9.

11. 09-19 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$2,890.47** to Robert Passow in full settlement of all claims arising out of the December 23, 2008 motor vehicle accident.

SEE ACTION UNDER ITEM 9.

12. 09-19 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$2,100.00** to Dennis Vlahoulis in full settlement of all claims arising out of the December 24, 2008 incident.

SEE ACTION UNDER ITEM 9.

13. 09-19 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$1,828.35** to Christopher Ward in full settlement of all claims arising out of the November 30, 2008 incident.

SEE ACTION UNDER ITEM 9.

14. 09-19 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$1,534.38** to Enterprise Rent-A-Car in settlement of their claim.

SEE ACTION UNDER ITEM 9.

15. 09-19 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$1,132.70** to Georgia Tsiampas in settlement of this claim.

SEE ACTION UNDER ITEM 9.

SCHEDULED ITEMS (CONTINUED):

16. 09-19 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$925.72** to Robert Downward in full settlement of all claims arising out of the December 24, 2008 incident.

SEE ACTION UNDER ITEM 9.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

17. 09-161 From Deputy Corporation Counsel, recommending approval of payment in the amounts of **\$160,000.00** to Dawn Beaudoin, **\$10,000.00** to David Beaudoin and **\$2,000.00** to American Family Insurance to settle in full any and all claims arising out of the January 25, 2005 motor vehicle accident.

SEE ACTION UNDER ITEM 9.

18. 09-119 A report from Corporation Counsel, referred back 3/19/09, recommending approval of **\$55,750.72** in back pay and interest to Ersol Henry and **\$30,798.60** to Terri Lewis (less all applicable federal and state withholdings); and **\$25,000.00** in compensatory damages to each plaintiff; in addition, **\$79,583.43** in attorney fees to Sandra Graf Radtke and **\$9,522.57** to Arthur Heitzer.

APPEARANCE(S):

Bill Domina, Corporation Counsel

The Committee adjourned into closed session at approximately 10:20 a.m. and reconvened back into open session at approximately 10:55 a.m. with the same members present as before.

MOTION BY: (RICE) Amend the BE IT RESOLVED clause as recommended by Corporation Counsel as follows: BE IT RESOLVED, that Milwaukee County approves the payment of \$55,750.72 in back pay and interest to Ersol Henry and \$30,798.60 in back pay and interest to Terri Lewis (less all applicable federal and state withholdings); and each Plaintiff is entitled to ~~\$25,000.00~~ \$32,000.00 in compensatory damages. In addition, ~~\$79,583.43~~ \$72,583.43 in attorney fees will be awarded to Sandra Graff Radtke and \$9,522.57 in attorney fees to Arthur Heitzer. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) – 7

NOES: 0

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (RICE) Approve the resolution, as amended. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) – 7

NOES: 0

19. 08-J-4 From Corporation Counsel, status report on the Mercer pension lawsuit.

The Committee recessed for lunch and reconvened at approximately 1:20 p.m. with the same members present as before, at which time the Committee adjourned into closed session to take up this item and did not reconvene back into open session.

The Committee took no action on this item.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
Jerry Heer, Director of Audits
Chief Judge Jeffrey Kremers
Holly Szeblewski, Court Services
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Molly Pahl, Sheriff's Office
John Barrett, Clerk of Circuit Court/Director of Court Services
Deborah Bachun, Court Services

This meeting was recorded. Committee files contain copies of communications, reports and resolutions, which may be reviewed upon request to the Chief Committee Clerk. The official copy of these minutes, along with the audio recording of this meeting, are available in the County Board Committee Services Division.

Adjourned: 1:25 p.m.

Linda K. Durham

Linda K. Durham, Committee Clerk

DEADLINE

***The next regular meeting of the Judiciary Committee is Thursday, May 7, 2009.
All items for the agenda must be in the Committee Clerk's possession by the end of the
business day on Thursday, April 23, 2009.***

ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities, 278-3932 (voice) or 278-3937 (TTY), upon receipt of this notice.