

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

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Tuesday, June 15, 2010 – 1:30 P.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

PRESENT: Supervisors De Bruin, Broderick, Jursik, Larson, Sanfelippo and Johnson (Chair) – 6

EXCUSED: Supervisor Cesarz - 1

SCHEDULED ITEMS:

APPOINTMENT – 1

1. 10-212 From the County Executive, appointing Dr. Brian Peterson to the position of Medical Examiner for Milwaukee County.

APPEARANCE(S)

Chairman Lee Holloway, County Board
Supervisor Marina Dimitrijevic (4th District)
Kelly Rindfleish, County Executive's Office
Dr. Brian Peterson, Appointee

Mr. Rindfleish provided brief comments.

Questions and comments ensued.

Dr. Peterson provided comments and answers to questions raised by the Committee.

MOTION BY: (LARSON) Approve.

Chairman Holloway pointed out that Dr. Peterson does not reside in Milwaukee County. He asked if Dr. Peterson had any intention to move to Milwaukee County.

Supervisor Dimitrijevic thanked Chairman Holloway for bringing Dr. Peterson's residence information to the attention of the Supervisors.

Dr. Peterson commented that he doesn't have any intention at this time to move to Milwaukee County; however he advised that if residency becomes an issue, he would address it.

SCHEDULED ITEMS (CONTINUED):

Vote on the motion to approve: 6-0

AYES: De Bruin, Broderick, Jursik, Larson, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz – 1

RESOLUTION(S) - 3

2. 10-232 A resolution by Supervisors Holloway, Mayo, West, Sanfelippo and Coggs, censuring Milwaukee County Supervisor Lynne De Bruin for breaching a confidence by making public certain comments that were made in a closed session meeting of a County Board standing committee.

APPEARANCE(S):

Chairman Lee Holloway, County Board

Supervisor John Weishan (16th District)

Supervisor Peggy West (12th District)

Supervisor Marina Dimitrijevic (4th District)

Bob Andrews, Deputy Corporation Counsel

Chairman Holloway provided comments relative to the subject resolution and explained its intent. He advised that he has great concerns relative to the ability for Committees to go into closed session.

MOTION BY: (LARSON) Refer to Corporation Counsel for a written legal opinion incorporating what the procedure is for censuring; if censuring is a proper function for this body and the cause for the censure. Also address what Corporation Council advised Supervisor De Bruin to do.

Considerable discussion ensued with comments provided by Supervisors, Wieshan West and Dimitrijevic.

Supervisor De Bruin provided comments as to why she did what she did. She advised that this is the first time she has spoken to her County Board colleagues about this matter.

Mr. Andrews advised that censure would be proper to consider.

Vote on the motion to refer to Corporation Counsel: 3-3

AYES: Jursik, Larson and Johnson (Chair) – 3

NOES: De Bruin, Broderick and Sanfelippo – 3

EXCUSED: Cesarz – 1

Motion failed.

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (BRODERICK) Deny the resolution. (Vote 3-3)

AYES: De Bruin, Broderick and Larson – 3

NOES: Jursik, Sanfelippo and Johnson – 3

EXCUSED: Cesarz – 1

This item will go to the Board without a recommendation, due to a tie vote.

3. 10-202 A resolution by Supervisor Jursik, amending Chapter 56.30(6) of the Milwaukee County Code of General Ordinances to require that all contracts executed by Milwaukee County prohibit the contractor from undertaking class actions against Milwaukee County on any matter other than enforcement of the subject contract. **(5/13/2010 Referred to Corporation Counsel, Risk Management and Procurement)**

APPEARANCE(S):

Bob Andrews, Deputy Corporation Counsel

Tom Cannon, Legal Aid Society of Milwaukee

Supervisor Jursik provided comments relative to the subject resolution and the Legal Opinion from Corporation Counsel.

Considerable discussion ensued, with questions and comments.

Mr. Cannon commented that the proposed ordinance would be ineffective and that the Legal Aid Society would challenge it in court if it is enacted.

MOTION BY: (JURSIK) Layover to the call of the Chair. (Vote 6-0)

AYES: De Bruin, Broderick, Jursik, Larson, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz - 1

4. 09-475 A resolution by Supervisors Rice and Cesarz, creating a Redistricting Commission to be responsible for the independent drafting of Supervisory Districts following the 2010 United States Census. **(4/8/2010 Referred to Corporation Counsel and County Board staff)**

MOTION BY: (BRODERICK) Layover to the next cycle. (Vote 6-0)

AYES: De Bruin, Broderick, Jursik, Larson, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz - 1

SCHEDULED ITEMS (CONTINUED):

CHIEF JUDGE – 1

5. 10-221 From the Chief Judge, requesting authorization to receive additional grant funds in the amount of \$24,000 from the Office of Justice Assistance and to extend Justice 2000's 2009 Assess, Inform and Measure Program contract to June 30, 2010 to a total amount not to exceed \$265,982. **(Also to the Committee on Finance and Audit)**

APPEARANCE(S):

Holly Szablewski, Court Services

MOTION BY: (BRODERICK) Approve. (Vote 6-0)

AYES: De Bruin, Broderick, Jursik, Larson, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz – 1

This item was taken out of order.

OFFICE OF THE SHERIFF – 1

6. 10-231 From the Office of the Sheriff, requesting approval to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds for federal fiscal year 2010.

APPEARANCE(S):

Inspector Kevin Carr, Office of the Sheriff
Molly Pahl, Office of the Sheriff

Inspector Carr provided brief comments.

Questions and comments.

MOTION BY: (LARSON) Approve. (Vote 6-0)

AYES: De Bruin, Broderick, Jursik, Larson, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz – 1

This item was taken out of order.

SCHEDULED ITEMS (CONTINUED):

CORPORATION COUNSEL – 11

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.*):

7. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$5,000.00** to Justin Walls in full settlement of his bodily injury claim.

APPEARANCE(S):

Bob Andrews, Deputy Assistant Corporation Counsel

MOTION BY: (DE BRUIN) Approve Items 7-9 and 11-17. (Vote) 6-0

AYES: De Bruin, Broderick, Jursik, Larson, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz - 1

- 8 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$2,578.38** to Artisan and Truckers Insurance in full settlement of all claims arising out of the December 23, 2009 accident involving James E. Reeve.

SEE ACTION UNDER ITEM 7.

9. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$2,516.94** to Great West Casualty Company to settle in full the property damage claim of arising out of the January 7, 2010 incident.

SEE ACTION UNDER ITEM 7.

10. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$2,000.00** to Patrick Smith to settle his missing property claim.

APPEARANCE(S):

Bob Andrews, Deputy Assistant Corporation Counsel

SCHEDULED ITEMS (CONTINUED):

Mr. Andrews reviewed the subject claim.

Questions and comments ensued.

MOTION BY: (JURSIK) Approve.

AYES: De Bruin, Broderick, Jursik, Larson, Sanfelippo and Johnson (Chair) – 6

NOES: 0

EXCUSED: Cesarz - 1

11. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$1,090.68** to Electric Services of Wisconsin, LLC in full settlement of its claim.

SEE ACTION UNDER ITEM 7.

12. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$987.96** to AFNI Insurance Services to settle in full all claims arising out of the February 10, 2010 incident.

SEE ACTION UNDER ITEM 7.

13. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$870.76** to Freight Runners Express for cleanup of vehicles that were damaged when struck by snow and ice from a County plow at GMIA.

SEE ACTION UNDER ITEM 7.

14. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$584.05** to Heather Blicharz to repair damage to her vehicle which was struck by a sign board at a GMIA parking lot.

SEE ACTION UNDER ITEM 7.

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:

15. 09-479 From Milwaukee Transport Services, Inc. submitting a claim for the alleged damages incurred by a Milwaukee County golf cart. **(Corporation Counsel recommends payment in the amount of \$7,147.01 in full settlement of its claim arising out of the incident on July 16, 2009.)**

SCHEDULED ITEMS (CONTINUED):

SEE ACTION UNDER ITEM 7.

16. 10-138 From Integrity Insurance, submitting a claim under their subrogation rights of their insured, Rouse Trucking for reimbursement of payment made for alleged damages sustained to his automobile as a result of an accident occurring on November 5, 2009 involving a Milwaukee County-owned vehicle. **(Corporation Counsel recommends payment in the amount of \$7,132.63 to Integrity Insurance to settle in full the property damage claim arising out of the December 23, 2009 motor vehicle accident.)**

SEE ACTION UNDER ITEM 7.

17. 09-148 From Laura Cagle, submitting a claim in behalf of TLY, Inc. a/k/a The Learning Years for damages allegedly received due to the early termination of lease agreement by Milwaukee County. **(Corporation Counsel recommends payment in the amount of \$73,000 to TLY, Inc. a/k/a The Learning Years and its attorneys in full settlement of all its claims arising out of Milwaukee County's lease obligations relative to the Roosevelt School premises and in return for a dismissal of its pending lawsuit) (Also to the Committee on Finance and Audit)**

SEE ACTION UNDER ITEM 7.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Bob Andrews, Deputy Assistant Corporation Counsel
Inspector Kevin Carr, Sheriff's Office
Holly Szablewski, 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: 4:30 p.m.

Linda K. Durham

Linda K. Durham, Committee Clerk

DEADLINE

The next regular meeting of the Judiciary Committee is Thursday, July 15, 2010. All items for the agenda must be in the Committee Clerk's possession by the end of the business day on Thursday, July 1, 2010.

ADA accommodation requests should be filed with the Milwaukee County Office for Persons with

SCHEDULED ITEMS (CONTINUED):

Disabilities, 278-3932 (voice) or 278-3937 (TTY), upon receipt of this notice.