

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, September 16, 2010 – 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

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

*Supervisor Larson was not present at the time of the roll call, however, he appeared shortly thereafter.

SCHEDULED ITEMS:

APPOINTMENT - 1

1. 10-313 From County Executive, appointing Jack Takerian, Director of the Department of Transportation and Public Works, to serve on the Milwaukee County Local Emergency Planning Committee as the County Public Works representative.

APPEARANCE(S):

Bob Nenno, County Executive's Office

Jack Takarian, Director, Department of Transportation & Public Works (DTPW)

Mr. Nenno provided comments relative to the subject appointment.

Questions and comments ensued.

Supervisor De Bruin requested that Mr. Takerian look into emergency planning as it pertains to people with special needs. She would like an update on information as to what specific plans are in place via the County if there is an emergency.

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

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

NOES: 0

EXCUSED: Larson – 1

SCHEDULED ITEMS (CONTINUED):

ORDINANCE – 1

2. 10-258 Ordinance by Supervisor Rice, amending Chapter 9, Code of Ethics of the Milwaukee County Code of General Ordinances, as it relates to confidential information, privileged communications and information acquired in meetings convened in closed session. **(7/15/10: Referred to Corporation Counsel)**

APPEARANCE(S):

Supervisor Joseph Rice, 6th District
Bob Andrews, Deputy Corporation Counsel

Supervisor Rice provided comments relative to the subject ordinance.

MOTION BY: (SANFELIPPO) Approve the following amendment:

AMEND Section 1 of the proposed ordinance, beginning on line 11, as follows:

9.02 Definitions

- (14) "Privileged information" means information obtained under government authority which has not become a part of the body of public information, including but not limited to information that has been acquired in a meeting convened in closed session under the provisions of Wis. Stats. 19.85, or information contained in a communication distributed in a closed session meeting that is labeled as privileged or confidential.

AMEND Section 2 of the proposed ordinance, beginning on line 152, as follows:

9.05 Standards of Conduct

(3) Violation of this section may be addressed by the use of such remedies as are currently available by law, including but not limited to, an investigation request or verified complaint may be filed as provided in Section 9.09(4) of this chapter, and shall be processed and disposed in accordance with the procedures contained herein.

- (4) No action authorized under subsection (3) above may be taken against a person, nor shall it be deemed a violation of this section, if:
- a. The disclosure of privileged information is part of a confidential inquiry or complaint to a district attorney concerning a perceived violation of law, including the disclosure of facts to a district attorney that are necessary to establish the illegality of an action taken by a public official or the potential illegality of an action if that action were to be taken by a public official;

SCHEDULED ITEMS (CONTINUED):

- b. The disclosure of privileged information is part of a legal proceeding or judicial action; or
- c. The County Board adopts a resolution authorizing the release of privileged information.

Questions and comments ensued relative to the amendment.

The Committee suggested that this item be temporarily laid over so that Corporation Counsel could address legal questions/concerns raised by the Committee.

The Committee requested that Corporation Counsel address the following: disclosure of confidential information being considered as classified information; who decides what is confidential and the legal impact of this legislation once it is adopted.

Supervisor Larson expressed his concern relative to having recorded notes in closed session meetings as to what actually happened.

Supervisor De Bruin commented that when the report from Corporation Counsel comes back to the Committee, she would like it to include a statement that clearly defines what is acceptable material for closed session.

MOTION BY: (JURSIK) Layover for one month.

Supervisor Jursik advised that she would like to see closed sessions recorded, documents kept and all of those documents kept in the possession of Corporation Counsel and no one else.

Supervisor Larson suggested that the Committee put their concerns/questions in writing and forward to Corporation Counsel for their report back.

Vote on the layover motion: 7-0

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

– 7

NOES: 0

REGISTER OF DEEDS – 1

- 3. 10-307 From the Director of Register of Deeds, requesting authorization to create a Land Information Council and also to transfer positions funded by retained recording fees from the Department of Transportation and Public Works to the Register of Deeds (County designated Land Information Office).

APPEARANCE(S):

John LaFave, Register of Deeds

Mr. LaFave reviewed the subject report.

SCHEDULED ITEMS (CONTINUED):

Questions and comments ensued.

MOTION BY: (BRODERICK) Refer to County Board staff for additional information. (Vote 7-0)

Supervisor De Bruin requested that staff report back on the following: what requirements are under the legislature; why the State made this change; who decides whether contracts are let (County Board of independent constitutional officers?); what staffing model would be in place; conduct an independent analysis of where land information officers should be; what the County Executive is recommending; talk to the Department of Transportation and Public Works and the Register of Deeds to see what kind of options are out there and what the interests are of both departments.

Supervisor Jursik added that she would like for staff to also address the following in their report back: Access to information and how would the Register of Deeds registrar interpret a policy as opposed to that being under the purview of the policy makers of the County Board; who would have a right to this land information system – documents and information? make sure that there is free access to information when and where needed and how quickly it can be obtained.

AYES: De Bruin, Cesarz, Broderick, Jursik, Larson, Sanfelippo and Jonson (Chair) – 7

NOES: 0

INFORMATION MANAGEMENT SERVICES DIVISION (IMSD) – 1

4. 10-J-4 From the Interim Chief Informational Officer, IMSD, informational report regarding
10-333 800 MHz rebanding project. **(INFORMATONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Laurie Panella, Acting Chief Information Officer, IMSD
Hugh Morris, IT Director – Business Development
Rich Foscatto, IT Director – Applications

Mr. Foscatto reviewed the subject report.

Questions and comments ensued.

MOTION BY: (DE BRUIN) Receive and Place on File. (Vote 7-0)

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

SCHEDULED ITEMS (CONTINUED):

– 7

NOES: 0

OFFICE OF THE SHERIFF – 2

5. 10-J-3 From Voces de la Frontera, a report related to Milwaukee County Office of the
10-334 Sheriff collaboration with Immigration Enforcement. **(7/15/10: Referred to the Office of the Sheriff for a report back)**

APPEARANCE(S):

Inspector Richard Schmidt, Office of the Sheriff

Inspector Schmidt reviewed the subject report.

Questions and comments ensued.

Considerable discussion ensued as to whether or not the Office of the Sheriff keeps track of people who are turned over to Immigration Customs Enforcement (ICE). The Committee expressed concerns relative to their disappointment regarding the report.

MOTION BY: (JURSIK) Reject the report as non-responsive.

Discussion continued relative to the report not providing relevant information regarding ICE holds and tracking information.

MOTION BY: (CESARZ) Layover to the next cycle, with the understanding that the Committee's concerns be addressed by the Office of the Sheriff in a revised report.

Supervisor Jursik indicated that she would not support the motion to layover but would rather vote on her motion to reject the report as non-responsive.

Supervisor Cesarz withdrew his motion.

Supervisor De Bruin requested that the Sheriff's Office provide clear substantive information as to how many people have been turned over to ICE (those that actually had detainers placed on them). Supervisor Broderick added that he'd like to see information as to how many people have been turned over to ICE over the last 12 months on a month-to-month basis and if that number has increased.

Vote on Supervisor Jursik's motion: 4-3

AYES: De Bruin, Broderick, Jursik and Larson – 4

NOES: Cesarz, Sanfelippo and Johnson (Chair) – 3

SCHEDULED ITEMS (CONTINUED):

6. 10-314 From the Office of the Sheriff, requesting authorization to apply for and accept state and federal homeland security funding that will be made available to Milwaukee County for specific projects.

APPEARANCE(S):

Inspector Richard Schmidt, Office of the Sheriff
Molly Pahl, Office of the Sheriff

Inspector Schmidt reviewed the subject report.

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

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

NOES: 0

CORPORATION COUNSEL- 3

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 **\$2,070.80** to Stanley Saltzberg in settlement of this claim.

APPEARANCE(S):

Bob Andrews, Deputy Corporation Counsel

MOTION BY: (DE BRUIN) Approve items 7, 8 and 9. (Vote 7-0)

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

NOES: 0

SCHEDULED ITEMS (CONTINUED):

8. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$797.56** to Adriana Macias in full settlement of any and all claims arising out of the February 10, 2010 motor vehicle accident.

SEE ACTION UNDER ITEM 7.

9. 10-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$713.70** to Brian Temke in full settlement of this claim.

SEE ACTION UNDER ITEM 7.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Jack Takerian, Director, DTPW
John LaFave, Register of Deeds
Laurie Panella, Acting Chief Information Officer, IMSD
Hugh Morris, IT Director, Business Development, IMSD
Rich Foscatto, IT Director, Applications, IMSD
Inspector Richard Schmidt, Office of the Sheriff
Molly Pahl, Office of the Sheriff
Bob Andrews, Deputy Assistant Corporation Counsel
Inspector Richard Schmidt, Sheriff's Office

This meeting was recorded. Committee files contain copies of the subject reports, communications, resolutions, and ordinances, 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.

Length of meeting: Approximately 9:05 a.m. until 10:30 a.m.

Linda K. Durham

Linda K. Durham, Committee Clerk

DEADLINE

The next regular meeting of the Judiciary Committee is Thursday, October 21, 2010. All items for the agenda must be in the Committee Clerk's possession by the end of the business day on Thursday, October 7, 2010.

SCHEDULED ITEMS (CONTINUED):

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.