

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, October 21, 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

SCHEDULED ITEMS:

ORDINANCE - 1

1. 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. **(9/16/10: Laid over for one month and referred to Corporation Counsel for additional information)**

APPEARANCE(S):

Supervisor Joseph Rice, 6th District
Mark Grady, Principal Assistant Corporation Counsel

Supervisor Rice reviewed the subject ordinance and requested the Committee's approval.

MOTION BY: (SANFELIPPO) Approve the following amendment:

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

SCHEDULED ITEMS (CONTINUED):

- 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;
- 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 relative to the amendment and the subject ordinance.

Vote on the amendment: 7-0

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

– 7

NOES: 0

MOTION BY: (SANFELIPPO) Approve, as amended.

Considerable discussion ensued relative to the report from Corporation Counsel not addressing some of the concerns raised by the Committee at the September meeting. The Committee expressed the same concerns and asked again that they be addressed by Corporation Counsel in a written report. Concerns raised included information pertaining to keeping notes in closed session and a statement that clearly defines what is acceptable material for closed session.

Supervisors Jursik and Larson requested that Corporation Counsel provide a legal opinion regarding keeping/recording notes in closed session. Supervisor De Bruin requested that the report from Corporation Counsel contain a clear and specific definition of what is allowable information to be discussed in closed session.

Discussion ensued relative to temporarily laying over this item. So that staff can draft an amendment.

Mr. Grady advised the Committee that the County Board could make an amendment to Chapter 1 relative to recording closed sessions.

Supervisor Larson directed County Board staff to work with Corporation Counsel to draft recommendations as to how to amend Chapter I to address recording of closed sessions and report back to this Committee.

MOTION BY: (JURSIK) Layover until after the budget.

Questions and comments ensued relative to the layover motion.

SCHEDULED ITEMS (CONTINUED):

Vote on the layover motion: 5-2

AYES: De Bruin, Broderick, Jursik, Larson and Johnson (Chair) – 5

NOES: Cesarz and Sanfelippo – 2

CHIEF JUDGE – 1

2. 10-371 From the Chief Judge, requesting authorization to receive additional grant funds in the amount of \$16,986 from the State Department of Transportation for services provided by Wisconsin Community Services WCS in the Repeat Intoxicated Driver Intervention Program and to modify WCS's Repeat Intoxicated Driver Intervention Program contract to reflect total 2010 expenditures not to exceed \$490,872.

APPEARANCE(S):

Jim Smith, Chief Deputy Clerk, Court Services

Debbie Bachun, Fiscal Manager, Court Services

Ms. Bachun 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

ETHICS BOARD – 1

3. 10-J-6 From the Executive Director/Secretary, Ethics Board, informational Status report on
10-387 the Ethics Education Program. **(Also to be considered by the Committee on Finance and Audit) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Veronica Robinson, Executive Director/Secretary, Ethics Board

Ms. Robinson reviewed the subject report.

Supervisor Broderick complemented Ms. Robinson on her cost saving initiatives.

Questions and comments ensued.

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

SCHEDULED ITEMS (CONTINUED):

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

ELECTION COMMISSION – 1

4. 10-278 (a)(a) An adopted resolution, 7/29/10, by Supervisors Dimitrijevic, Lipscomb, Harris, Jursik, Weishan, Larson, Broderick, Rice, De Bruin and Cesarz authorizing and directing the Manager, Election Commission, to place campaign finance reports on the internet and to research the technology necessary so that candidates and County elected officials may file reports directly on-line. **(Informational report from the Administrator, Election Commission, regarding Election Commission Electronic Campaign Finance Reporting) (Also to be considered by the Committee on Finance and Audit) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Lisa Catlin Weiner, Administrator, Election Commission
Suzette Emmer, Deputy Administrator, Election Commission

Ms. Weiner reviewed the subject report.

Questions and comments ensued.

Supervisor De Bruin requested that Ms. Weiner contact the Information Management Services Division (IMSD) to find out what they think their timeline would be as to when this might be completed.

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

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

REGISTER OF DEEDS – 1

5. 10-J-5 From the Director, Register of Deeds, informational report regarding recording of documents in the order received **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

John LaFave, Register of Deeds

Mr. LaFave reviewed the subject report.

Questions and comments ensued.

SCHEDULED ITEMS (CONTINUED):

Supervisor De Bruin requested that this item be referred to Corporation Counsel for review and recommendation relative to the direction to take regarding recording documents in the Register of Deeds Office. She requested that Corporation Counsel contact Waukesha and Kenosha counties to find out what procedure they follow relative to recording documents.

There being no objection, since this is an informational item, it was so ordered.

CHILD SUPPORT ENFORCEMENT – 1

6. 10-368 From the Director, Department of Child Support Enforcement, requesting authorization to extend acceptance of a federal social improvement project grant and extend its contract for professional services related to the grant from September 1, 2010 through August 31, 2010.

APPEARANCE(S):

Lisa Marks, Director, Child Support Enforcement
Victoria Collins, Child Support Enforcement

Ms. Marks reviewed the subject report.

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

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

NOES: 0

OFFICE OF THE SHERIFF – 3

7. 10-334 Report referred back, 9/30/10, to the Committee on Judiciary, Safety and General Services, recommending adoption of a resolution **REJECTING AS NON-RESPONSIVE**, the report from the Office of the Sheriff regarding Immigration Customs Enforcement (ICE). **(A new report is due)**

APPEARANCE(S):

Inspector Richard Schmidt, Office of the Sheriff

Inspector Schmidt reviewed the subject report. He apologized for misinterpreting what the Committee wanted in his report submitted in September.

MOTION BY: (JURSIK) Withdraw her prior motion to REJECT AS NON-RESPONSIVE the first report from the Office of the Sheriff submitted at the September meeting and RECEIVE AND PLACE ON FILE the report submitted at this meeting. (Vote 7-0)

SCHEDULED ITEMS (CONTINUED):

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

8. 10-364 From the Office of the Sheriff, requesting authorization to apply for and accept State of Wisconsin Department of Health Services grant funding to be used for a Comprehensive STD prevention project in the Milwaukee County Jail in the amount of \$24,533.

APPEARANCE(S):
Inspector Richard Schmidt, Office of the Sheriff
Molly Pahl, Office of the Sheriff

Ms. Pahl reviewed the subject report.

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

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

9. 10-367 From the Office of the Sheriff, requesting authorization to apply for and accept state and federal homeland security funding of \$380,000 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

Ms. Pahl 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

SCHEDULED ITEMS (CONTINUED):

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:

10. 10-372 From Principal Assistant Corporation Counsel, recommending placement of Shannon Chachere-Mindingall into a Clerical Assistant I position in the Clerk of Circuit Court's division, the placement of her name on certification lists for Clerical Assistant 2 positions, excluding the Office of the Sheriff and a payment totaling \$32,500.00. Of this amount, **\$7,500.00** will be paid by the Wisconsin County Mutual Insurance Corporation and **\$25,000.00** will be paid by Milwaukee County in return for a dismissal of the pending discrimination complaint and a release of all employment claims against Milwaukee County.

APPEARANCE(S):

Mark Grady, Principal Assistant Corporation Counsel
Inspector Richard Schmidt, Office of the Sheriff

Mr. Grady reviewed the subject report.

Questions and comments ensued.

Inspector Schmidt commented that the Office of the Sheriff has some reservations about this settlement.

Mr. Grady advised that he has had discussions with the Office of the Sheriff and fully understands the Sheriff's position, however, Corporation Counsel believes that it is in the best interest of the County to settle.

**MOTION BY: (DE BRUIN) Approve Corporation Counsel's recommendation.
(Vote 7-0)**

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

NOES: 0

11. 10-J-6 From Corporation Counsel, an update regarding pending or possible litigation arising from incidents at the Mental Health Complex.

APPEARANCE(S):

Tim Schoewe, Interim Corporation Counsel
Mark Grady, Principal Assistant Corporation Counsel

SCHEDULED ITEMS (CONTINUED):

Mr. Schoewe provided his reason for wanted to go into "closed session" for this item.

MOTION BY: (DE BRUIN) 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 items 11 and 12. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary, (Vote 7-0)

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

NOES: 0

The Committee adjourned into closed session at approximately 11:00 a.m. and reconvened back into open session at approximately 12:20 p.m. with all the same members present as before.

Mr. Chairman advised that there would be a Special Judiciary, Safety and General Services meeting on Thursday, November 4, 2010 at 8:30 a.m. to take up Item 11.

12. 10-J-7 From Corporation Counsel, an update regarding pending or possible litigation from the structural collapse at the O'Donnell Park parking garage.

SEE ACTION UNDER ITEM 11.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Mark Grady, Principal Assistant Corporation Counsel
Tim Schoewe, Interim Corporation Counsel
Jim Smith, Chief Deputy Clerk, Court Services
Debbie Bachun, Fiscal Manager, Court Services
Veronica Robinson, Executive Director/Secretary, Ethics Board
Lisa Catlin Weiner, Administrator, Election Commission
Suzette Emmer, Deputy Administrator, Election Commission
John LaFave, Register of Deeds
Lisa Marks, Director, Child Support Enforcement
Victoria Collins, Child Support Enforcement
Inspector Richard Schmidt, Office of the Sheriff
Molly Pahl, Office of the Sheriff

SCHEDULED ITEMS (CONTINUED):

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 12:22 p.m.

Linda K. Durham

Linda K. Durham, Committee Clerk

DEADLINE

The next regular meeting of the Judiciary Committee is Thursday, December 2, 2010. All items for the agenda must be in the Committee Clerk's possession by the end of the business day on Thursday, November 18, 2010.

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.