



Milwaukee County

County Courthouse
901 N. 9th Street, Rm. 201
Milwaukee, WI 53233

Meeting Minutes Judiciary, Safety and General Services Committee

Chairperson: Supervisor Mark Borkowski

Clerk: Janelle Jensen, 278-4225

Research Analyst: Jennifer Collins, 278-5290

Thursday, May 10, 2012

9:00 AM

Room 201B

Call To Order

Present 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

APPOINTMENT - 1

- 1 [12-372](#) From the County Executive, appointing Jim Sullivan to the position of Director of Child Support Enforcement for Milwaukee County.

Attachments: [REPORT](#)
 [ATTACHMENT](#)
 [Audio JUD 05/10/12](#)

Vote: 7-0

APPEARANCES:

Tia Torhorst, Director of Legislative Affairs, County Executive Office

Jim Sullivan, Director, Child Support Services

Chairman Borkowski requested that the Department of Child Support Services appear before the Committee in 4-6 months to provide an informational report highlighting the Department's initiatives.

A motion was made by Supervisor Johnson Jr. to **APPROVE & RECOMMEND FOR ADOPTION** this item. The motion **PREVAILED** by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

RESOLUTION / ORDINANCE - 2

- 2 [12-363](#) A resolution/ordinance to merge the Committees on Finance and Audit and Personnel into a nine-member standing committee with two co-chairpersons to improve the efficiency of legislative oversight and to amend Chapters 1, 17, 32, 33, 46, 56, 57, 73, 79, 80, 201 and 203 of the Milwaukee County General Ordinances to reflect this change.

Sponsors: Cullen, Johnson Jr., Borkowski, Broderick, Jursik, Dimitrijevic, Romo West, Haas, Lipscomb Sr., Schmitt, Taylor, Sanfelippo, Harris, Alexander, Stamper II and Bowen

Attachments: [RESOLUTION/ORDINANCE](#)
 [FISCAL NOTE](#)
 [ATTACHMENT](#)
 [AMENDMENT I](#)
 [Audio JUD 05/10/12](#)

APPEARANCES:
Supervisor David Cullen, District 15
Chairwoman Marina Dimitrijevic
Mark Grady, Deputy Corporation Counsel

Supervisor Schmitt moved to AMEND this item. The Amendment is attached to the file.

Vote 6-1 Noes: Weishan

A motion was made by Supervisor Schmitt to APPROVE AS AMENDED & RECOMMENDED FOR ADOPTION this item. The motion PREVAILED by the following vote:

Aye: 6 - Harris, Schmitt, Johnson Jr., Broderick, Sanfelippo and Borkowski

No: 1 - Weishan

- 3 [12-135](#) A resolution establishing Milwaukee County policy with respect to honoring detainer requests from US Department of Homeland Security - Immigration and Customs Enforcement.

Sponsors: Romo West, Stamper II, Dimitrijevic and Harris

Attachments: [RESOLUTION](#)
 [FISCAL NOTE](#)
 [ATTACHMENT](#)
 [Audio JUD 05/10/12](#)

Vote 4-3 Noes: Schmitt, Sanfelippo, Borkowski

APPEARANCES:

Supervisor Peggy Romo West, District 12
Inspector Edward Bailey, Office of the Sheriff
Deputy Inspector Kevin Nyklewicz, Office of the Sheriff

Supervisor Harris requested to be added as a co-sponsor.

A motion was made by Supervisor Harris to **APPROVE & RECOMMEND FOR ADOPTION** this item. The motion **PREVAILED** by the following vote:

Aye: 4 - Harris, Johnson Jr., Weishan and Broderick

No: 3 - Schmitt, Sanfelippo and Borkowski

CHIEF JUDGE - 4

- 4 [12-289](#) From the Chief Judge, submitting notification of an Emergency Purchase to provide security staffing at the Day Reporting Center. **(To the Committees on Judiciary, Safety and General Services and Finance and Audit) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

Attachments: [REPORT](#)
 [ATTACHMENT](#)
 [Audio JUD 05/10/12](#)

APPEARANCES:

Chief Judge Jeffrey Kremers, First Judicial District
Holly Szablewski, Judicial Review Coordinator
Supervisor Patricia Jursik, District 8

This item was **DISCUSSED WITH NO ACTION TAKEN**

Items 5-7 were taken together

- 5 [12-360](#) From the Chief Judge, requesting authorization to receive and expend \$77,192 in remaining 2011 funds from the State of Wisconsin, Office of Justice Assistance in support of the Universal Screening Program and to amend the 2012 Professional Services Contract with Justice 2000 to allow for the expenditure of these funds.

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)
 [Audio JUD 05/10/12](#)

Vote 7-0

APPEARANCES:

Chief Judge Jeffrey Kremers, First Judicial District
Holly Szablewski, Judicial Review Coordinator
Joseph Ellwanger, MICAH

A motion was made by Supervisor Schmitt to APPROVE & RECOMMEND FOR ADOPTION this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

- 6 [12-361](#) From the Chief Judge, requesting authorization to receive and expend \$113,172 in remaining 2010-2011 grant funds from the State of Wisconsin, Office of Justice Assistance in support of the Assess, Inform and Measure (AIM) Program and to extend the Professional Services Contract with Justice 2000 to allow for the expenditure of these funds.

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)
 [Audio JUD 05/10/12](#)

Vote 7-0

APPEARANCES:

Chief Judge Jeffrey Kremers, First Judicial District
Holly Szablewski, Judicial Review Coordinator
Joseph Ellwanger, MICAH

A motion was made by Supervisor Schmitt to APPROVE & RECOMMEND FOR ADOPTION this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

- 7 [12-362](#) From the Chief Judge, requesting authorization to receive and expend \$51,315 in remaining 2009-2011 grant funds from the State of Wisconsin, Office of Justice Assistance in support of the Treatment Alternatives and Diversion (TAD) Program and to amend the 2012 Professional Services Contract with Justice 2000 to allow for the expenditure of these funds.

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)
 [Audio JUD 05/10/12](#)

Vote 7-0

APPEARANCES:

Chief Judge Jeffrey Kremers, First Judicial District
Holly Szablewski, Judicial Review Coordinator
Joseph Ellwanger, MICAH

A motion was made by Supervisor Schmitt to APPROVE & RECOMMEND FOR ADOPTION this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

ELECTION COMMISSION - 1

- 8 [12-402](#) From the Election Commission Administrator, submitting an informational report addressing concerns expressed by Supervisors Jursik and Lipscomb regarding ballot issues affecting the April 3, 2012 Spring Election and action plan and budgeting for upcoming Recall and Fall elections. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

Attachments: [REPORT](#)
 [ATTACHMENT](#)
 [Audio JUD 05/10/12](#)

APPEARANCES:

Lisa C. Weiner, Administrator, Milwaukee County Election Commission
Supervisor Patricia Jursik, District 8
Supervisor Theo Lipscomb, Sr., District 1
Russell Van Gompel, Manager and Village Clerk, Village of Brown Deer
Mark Grady, Deputy Corporation Counsel

Supervisor Sanfelippo requested an action plan including what corrective steps will be taken in the future, to be provided by the Milwaukee County Election Commission.

Supervisor Jursik requested information on the procurement process between the Milwaukee County Election Commission and the Procurement Division, to be provided by the Milwaukee County Election Commission.

Supervisor Broderick requested information pertaining to whether any federal or state laws were violated, as a result of outdated and useless materials being provided to the new vendor by a previous ballot vendor, to be provided by the Office of Corporation Counsel.

Chairman Borkowski requested that all municipal clerks be contacted and given the opportunity to submit their questions and any concerns prior to the June meeting cycle, to be coordinated by County Board staff.

Supervisor Harris requested that a representative from the Procurement Division be present at the June meeting cycle.

A motion was made by Supervisor Sanfelippo to LAY OVER FOR ONE MEETING this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

SHERIFF - 3

- 9 [12-365](#) From the Office of the Sheriff, requesting that the Milwaukee County Board of Supervisors provide outside legal counsel, at County expense, to represent the Office of the Sheriff in all future legal matters.

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)
 [Audio JUD 05/10/12](#)

TO REJECT Vote 5-2: Noes: Sanfelippo, Borkowski

APPEARANCES:

Attorney Michael Whitcomb, Whitcomb Law LLC
Inspector Edward Bailey, Office of the Sheriff
Kimberly Walker, Corporation Counsel
Mark Grady, Deputy Corporation Counsel

A motion was made by Supervisor Weishan to DENY & RECOMMEND FOR REJECTION this item. The motion PREVAILED by the following vote:

Aye: 5 - Harris, Schmitt, Johnson Jr., Weishan and Broderick

No: 2 - Sanfelippo and Borkowski

- 10 [12-78](#) From the Office of the Sheriff, requesting authorization to execute a Professional Services Contract with Century Link Correctional Communication Services for the provision of inmate phone service at the County Correctional Facilities. **(02/02/12: Referred by the Board)**

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)
 [REVISED REPORT](#)
 [REVISED RESOLUTION](#)
 [REVISED FISCAL NOTE](#)
 [CB Resolution](#)
 [Audio J 01/19/12](#)
 [Audio JUD 03/01/12](#)
 [REPORT \(DA\)](#)
 [ATTACHMENT \(DA\)](#)
 [REPORT \(Co Board Staff\)](#)
 [Audio JUD 05/10/12](#)

Vote 7-0

APPEARANCES:

Inspector Richard Schmidt, Office of the Sheriff
Jon Priebe, Fiscal Administrator, Office of the Sheriff
Captain Debra Burmeister, Office of the Sheriff

A motion was made by Supervisor Sanfelippo to APPROVE & RECOMMEND FOR ADOPTION this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

- 11 [12-373](#) From the Office of the Sheriff, requesting authorization to grant a leave of absence for Captain Nancy Evans from the Classified to the Unclassified Service, in accordance with Wisconsin State Statute 59.26(1) and in conformity with County Ordinances. **(Referred to the Committees on Judiciary, Safety, and General Services and Personnel.)**

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)

This item was WITHDRAWN FROM COMMITTEE by the Chairman prior to the start of the meeting.

HEALTH AND HUMAN SERVICES - 1

- 12 [12-258](#) **2012 Budget Amendment 1A049:** From the Director, Department of Health and Human Services (DHHS), submitting an informational report providing an update on the study group activities regarding the possible transfer of management of inmate mental health and health care services to DHHS. **(To the Committees on Judiciary, Safety and General Services and Health and Human Needs.) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

Attachments: [REPORT](#)
 [Audio JUD 03/01/12](#)
 [Audio HHN 03/07/12](#)
 [MAY REPORT](#)
 [Audio JUD 05/10/12](#)

APPEARANCES:

Hector Colon, Director, Department of Health and Human Services
Dr. Paula Lucey, Director, Behavioral Health Division
Inspector Richard Schmidt, Office of the Sheriff

This item was DISCUSSED WITH NO ACTION TAKEN

CORPORATION COUNSEL - 10

- 13 [12-106](#) From Corporation Counsel, a resolution to create a process by which resolutions, ordinances or reports are formally referred to the Office of Corporation Counsel for legal opinion. **(01/19/12: Laid over to the March cycle)**

Attachments: [RESOLUTION](#)
 [Audio 01/19/12](#)
 [Audio JUD 05/10/12](#)

Vote 7-0

APPEARANCE:

Supervisor Theo Lipscomb, Sr., District 1

This item was taken out of order.

A motion was made by Supervisor Harris to **APPROVE & RECOMMEND FOR ADOPTION** this item. The motion **PREVAILED** by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

Corporation Counsel Recommends Payment/Settlement of the Following Claims/Litigation

Note: Section 59.52 (12) of the Wisconsin Statutes and section 1.11 (c)(4)(2) of the Milwaukee County General Ordinances authorizes the Judiciary Committee to settle all claims when the amount does not exceed \$10,000.00, and the action of the Committee is final and no further County Board action is required.

- 14** [12-325](#) From Corporation Counsel, requesting authorization to settle a claim filed by Lynn Marek (Secura) not to exceed the amount of \$1,024.82 for damages to her vehicle.

Attachments: [REPORT](#)
 [REVISED REPORT](#)
 [Audio JUD 05/10/12](#)

APPEARANCE:
Mark Grady, Deputy Corporation Counsel

A revised report for \$914.34 was distributed and adopted by the Committee.

A motion was made by Supervisor Broderick to APPROVE BY THE JUDICIARY COMMITTEE the revised report. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and
 Borkowski

Items 15-17 were taken together

- 15** [12-326](#) From Corporation Counsel, requesting authorization to settle a claim filed by Christine Johnson not to exceed the amount of \$2,200 for damages to her vehicle.

Attachments: [REPORT](#)
 [Audio JUD 05/10/12](#)

A motion was made by Supervisor Broderick to APPROVE BY THE JUDICIARY COMMITTEE this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and
 Borkowski

- 16 [12-327](#) From Corporation Counsel, requesting authorization to settle a claim filed by Gary Wojnowski not to exceed the amount of \$1,218.62 for damages to his vehicle.

Attachments: [REPORT](#)
 [REVISED REPORT](#)
 [Audio JUD 05/10/12](#)

A motion was made by Supervisor Broderick to APPROVE BY THE JUDICIARY COMMITTEE this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

- 17 [12-328](#) From Corporation Counsel, requesting authorization to settle a claim filed by Tom Matthews not to exceed the amount of \$1,213.34 for damages to his vehicle.

Attachments: [REPORT](#)
 [Audio JUD 05/10/12](#)

A motion was made by Supervisor Broderick to APPROVE BY THE JUDICIARY COMMITTEE this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

- 18 [12-330](#) From Corporation Counsel, recommending payment in the amount of \$600 in forfeitures and \$6,921.80 in attorney fees and costs to The Wisconsin Institute for Law and Liberty in settlement of State of Wisconsin ex rel. Rice v. Milwaukee County Board of Supervisors, Case No. 11-CV-009399.

Attachments: [REPORT](#)
 [Audio JUD 05/10/12](#)

APPEARANCES:

Roy Williams, Principal Assistant Corporation Counsel
Mark Grady, Deputy Corporation Counsel

This item was approved in Committee with a legal opinion due on board day indicating who is responsible for paying the forfeitures under Wisconsin State Statute 19.96.

A motion was made by Supervisor Johnson Jr. to APPROVE BY THE JUDICIARY COMMITTEE this item. The motion PREVAILED by the following vote:

Aye: 6 - Harris, Schmitt, Johnson Jr., Weishan, Broderick and Borkowski

No: 1 - Sanfelippo

Claims amounting to more than \$10,000.

Items 19 & 20 were taken together

- 19** [12-329](#) From Corporation Counsel, recommending payment in the amount of \$35,000 to the Law Offices of Mark A. Sweet, for attorney fees incurred in the MILES and MECA layoff and recall litigation, Case No. 11-CV-015472.

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)
 [Audio JUD 05/10/12](#)

Vote 7-0

A motion was made by Supervisor Weishan to APPROVE & RECOMMEND FOR ADOPTION this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

- 20** [12-332](#) From Corporation Counsel, recommending payment in the amount of \$27,500 to MacGillis, Wiemer, LLC for attorneys' fees incurred on behalf of Roy M. Felber, MDSA and Philip Wentzel in settlement of Roy M. Felber, et al v. Milwaukee County, et al, Case No. 11-CV-1296.

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)
 [Audio JUD 05/10/12](#)

Vote 7-0

A motion was made by Supervisor Weishan to APPROVE & RECOMMEND FOR ADOPTION this item. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

(CLOSED SESSION):

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:

A motion was made by Supervisor Harris to ENTER INTO CLOSED SESSION for items 21 and 22. The motion PREVAILED by the following vote:

Aye: 7 - Harris, Schmitt, Johnson Jr., Weishan, Broderick, Sanfelippo and Borkowski

21 [12-311](#)

From Corporation Counsel, requesting authorization to file an appeal in the matter of Milwaukee County v. Wisconsin Employment Relations Commission (WERC) and American Federation of State, County and Municipal Employees (AFSCME), Case No. 11-CV-12137.

(04/16/12: Referred by the Board)

Attachments: [REPORT](#)
 [RESOLUTION](#)
 [FISCAL NOTE](#)
 [SUBSTITUTE FISCAL NOTE](#)
 [Audio JUD 03/14/12](#)
 [CB Resolution](#)
 [Audio JUD 05/10/12](#)

A motion was made by Supervisor Broderick to LAY OVER FOR ONE MEETING this item. The motion PREVAILED by the following vote:

Aye: 5 - Schmitt, Weishan, Broderick, Sanfelippo and Borkowski

No: 2 - Harris and Johnson Jr.

22 [12-39](#)

From Corporation Counsel, providing a status update on pending litigation. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

Attachments: [MARCH UPDATE \(JS&GS\)](#)
 [MARCH UPDATE \(PER\)](#)
 [Audio JUD 03/01/12](#)
 [Audio PER 03/09/12](#)
 [MAY UPDATE \(JS&GS & PER\)](#)

This item was DISCUSSED WITH NO ACTION TAKEN

Adjournment

Length of meeting: 9:04 a.m. to 1:24 p.m.

The Committee was in Closed Session from 12:33 p.m. to 1:22 p.m. The Committee reconvened into Open Session at 1:22 p.m., a roll call was taken and all members were present.

Adjourned,

Janelle M. Jensen
Committee Clerk
Committee on Judiciary, Safety and General Services

Deadline for the next meeting:

The next regular meeting for this Committee is June 14, 2012. All items must be in the Committee Clerk's possession by the end of the business day on May 31, 2012.