

WINNEBAGO COUNTY BOARD OF SUPERVISORS
JUDICIARY & PUBLIC SAFETY COMMITTEE
In person & via Zoom/Telephone

DATE: JANUARY 9, 2023

TIME: 6:00 P.M.

PLACE: WINNEBAGO COUNTY SHERIFF'S OFFICE
RICHARD MEYER COMMUNITY RESOURCE ROOM
4311 JACKSON STREET, OSHKOSH

PRESENT: BRYAN STAFFORD
JACOB FLOAM
PAUL EISEN
BRIAN DEFFERDING
CONLEY HANSON

ALSO PRESENT: JOHN MATZ – SHERIFF'S
TODD CHRISTOPHERSON – SHERIFF'S
TARA BERRY – CLERK OF COURTS
JILL BURCHARDT – CLERK OF COURTS
MARY ANNE MUELLER – CORPORATION COUNSEL
TERESA BASILIERE – BRANCH 1
JULIE BARTHELS – COUNTY CLERK'S
ERIC SPARR – DISTRICT ATTORNEY
RACHAEL DOWLING – COUNTY SUPERVISOR
BETH G. - CITIZEN

1. Call to order.

Chairman Stafford called the meeting to order at 6:02pm and it was verified that the meeting was properly noticed.

2. Consideration of Minutes of December 5, 2022 meeting.

A motion to approve the December 5, 2022 was made by Supervisor Floam, seconded by Supervisor Hanson.

Supervisor Eisen brought forward the adjusted minutes that showed the correct numbering from the December 5th minutes.

A motion to approve the adjusted December 5th, 2022 minutes was made by Supervisor Floam, seconded by Supervisor Defferding. Carried 5-0.

3. Chair comments on meeting and agenda organization by Supervisor Stafford.

Chairman Stafford wanted to remind everyone about the two different public comment sections on the agenda and their purpose. Chairman Stafford also stated the Consent Calendar agenda item will be further discussed at the February Judiciary meeting.

4. Public comments on agenda items.

Judge Teresa Basiliere discussed the resolution regarding raising Winnebago County Bailiff pay to \$100 per day and adding the Bailiff position to the Winnebago County Unclassified Positions Pay Schedule. She stated it was unanimously voted on by the judges. She is asking for the committees support on the resolution.

Supervisor Rachael Dowling spoke on the resolution regarding the Authorization of the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Legalization and Decriminalization of Cannabis in the State of Wisconsin. She spoke in favor of the resolution.

5. Communications shared by Committee Members

Supervisor Eisen spoke in regards to a Wheeler Report article that he has received in the mail. This was an article published on January 6th regarding Michael Schraa commenting on being an advocate on criminal justice reform and introduced a bill 6560 for community re-entry centers.

Supervisor Defferding spoke about the upcoming Safe Streets meeting being held on January 20th at 12pm at the Winnebago County Courthouse. He will be bringing forward for discussion the extended supervision policies as well as speaking about community service, specifically the Day by Day Warming Shelter.

Supervisor Hanson spoke about today being National Law Enforcement Appreciation Day and stated that he is grateful for all law enforcement officers.

6. Discussion: Process of tracking and reporting per diem payments and approval of excess payments for County Board Supervisors – County Clerk Office

Chairman Stafford shared this item is for discussion only and is to discuss how they can make the process more streamlined and efficient.

Julie Barthels from County Clerk's Office spoke about the last 5 years of data she handed out to the committee regarding per diems. Julie stated the PowerPoint presentation included with today's agenda should have been presented to the new board members when they came on so they could understand the process for submitting per diem payments but it wasn't presented so there are a lot of questions on this item. Chairman Stafford would like the presentation given to the full board since there are so many new members. Supervisor Floam agreed that the presentation should be given to the board, possibly in Spring.

Mary Anne Mueller of Corporation Counsel referenced Ordinance 1.12 which speaks about mileage and per diem and they are going to have to go to the board for clean-up. She also brought up Wisconsin Statutes 59.13(2) which states, "Except as provided under sub. (3), committee members shall receive such compensation for their services as the board allows, not exceeding the per diem and mileage allowed to members of the board and the committee members shall receive such compensation, mileage and reimbursement for other expenses as the board allows for their attendance at any school, institute or meeting which the board directs them to attend. No supervisor shall be allowed pay for committee service while the board is in session, nor for mileage except in connection with services performed within the time limited under this subsection. The number of days for which compensation and mileage may be paid a committee member in any year, except members of committees appointed to have charge of the erection of any county building, and except as otherwise provided by law, are limited".

Mary Anne Muller stated this verbiage needs to be thought about when looking into the per diem payment and approval process.

Supervisor Eisen proposed when excess days are submitted to the board for approval, to have the board deny any access days submitted. Chairman Stafford agreed with this proposal.

Chairman Stafford proposed the data should go to the full board on a quarterly basis to keep on top of the reimbursements. If the data needs to go to the committee at that point it can be deferred back at that point.

7. District Attorney Office Update – Eric Sparr

Eric Sparr gave an update on the District Attorney's Office. He discussed 2 upcoming unique trials that will be starting in January. He also discussed the most recent sentencing. For personnel, he has a retirement coming up in January for an office personnel staff member who has been with the District Attorney's office for a long period of time. There will be a lateral transfer within the District Attorney's Office to fill that position. This will then leave an open office county position within the District Attorney's Office. They still have 2 full time attorney positions open as well.

8. Consideration/Vote: Resolution – Increase the fee to attend the Parent Education Partners in Parenting from \$10 per parent to \$20 per parent – Clerk of Courts – Tara Berry

Tara Berry introduced Jill Burchardt, manager of Family Court Services, to present the resolution. Jill discussed what services her office provides as far as mediation services to families without having to get the courts involved. Parent Education Partners in Parenting provides a roadmap of what to expect during divorce that directly affects children. The class reviews child development, family dynamics, parenting skills and co-parenting skills. It has been over 20 years since the class fee has been increased, which has also in time changed the amount of time and responsibilities that have increased with staff within the Family Court Services department to provide the class to families.

A motion to approve the increase of the fee to attend the Parent Education Partners in Parenting from \$10 per parent to \$20 per parent was made by Chairman Stafford, seconded by Supervisor Defferding. Carried 5-0.

9. Consideration/Vote: Resolution – Establishing a new fee schedule for mediation and custody study fees charged by Family Court Services by setting mediation fees at the existing amount of \$150 per parent, increasing custody study fees to \$50/hour and increasing the up-front retainer fee payment for a custody study to \$525 per parent – Clerk of Courts – Tara Berry

Jill Burchardt, manager of Family Court Services, discussed the fee structure involving mediation and custody study fees. The fees have not been increased in over 20 years but in doing so it would simplify the fee schedule and it would be beneficial for the mediators and clients. With the amount of work involved with the custody studies, the increase fee is minimal considering the amount of time it takes to conduct the studies.

A motion to discuss establishing a new fee schedule for mediation and custody study fees charged by Family Court Services by setting mediation fees at the existing amount of \$150 per parent, increasing custody study fees to \$50/hour and increasing the up-front retainer fee payment for a custody study to \$525 per parent was made by Supervisor Floam, seconded by Supervisor Defferding.

Supervisor Eisen asked Jill to provide a scope of families that utilize their services and what other surrounding counties charge. Jill stated all surrounding counties charge different rates and some charge it upfront before the work will even start on their custody study. She also stated Family Court Services does not charge for every single aspect of the custody study therefore the increase to \$525 is minimal in retrospect to the amount of work is actually put into the study.

A motion to approve establishing a new fee schedule for mediation and custody study fees charged by Family Court Services by setting mediation fees at the existing amount of \$150 per parent, increasing custody study fees to \$50/hour and increasing the up-front retainer fee payment for a custody study to \$525 per parent was made by Supervisor Eisen, seconded by Chairman Stafford. Carried 5-0.

10. Consideration/Vote: Resolution – Raising Winnebago County Bailiff pay to \$100 per day and adding the Bailiff position to the Winnebago County Unclassified Positions Pay Schedule – Clerk of Courts – Tara Berry

Tara Berry spoke about the raise of Bailiff pay to \$100 per day from \$80 per day. Private citizens are used for this role as it does not have to be a deputized individual. There hasn't been an increase in bailiff pay since 2009. In April, the Judges brought up increasing the Bailiff fee at a meeting and it was unanimously voted on that it be increased to \$100 per day from \$80 per day.

A motion to approve raising Winnebago County Bailiff pay to \$100 per day and adding the Bailiff position to the Winnebago County Unclassified Positions Pay Schedule was made by Chairman Stafford, seconded by Supervisor Defferding. Carried 5-0.

11. Consideration/Vote of Referred Resolution 151-122022: Authorize the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Legalization and Decriminalization of Cannabis in the State of Wisconsin

Mary Anne Mueller of Corporation Counsel stated this was referred back to the Legislative Committee this morning. The matter failed and this afternoon, an agenda prep meeting was held for the upcoming County Board meeting for next week. Chairman Egan indicated since this was not being addressed by Judiciary until after the noon deadline, it will not be on the county board agenda for January. Chairman Stafford stated he would still like to proceed with the discussion and vote tonight and get it back to the full board for the February meeting.

A motion was made by Chairman Stafford to discuss the authorization of the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Legalization and Decriminalization of Cannabis in the State of Wisconsin, seconded by Supervisor Defferding.

Supervisor Eisen then asked the Chairman what was all stated at the Legislative committee to those who were opposed to this item. Supervisor Defferding and Supervisor Floam brought forward the concerns that other county board supervisors had at that meeting.

Eric Sparr spoke on the item a little as well since he had attended the meeting. He spoke about other items such as Delta 8 and the other forms of Marijuana coming out and explained how law enforcement handles the charging of those as it is difficult to determine if it was the illegal or legal drug they find during incidents. Also, the prosecuting of those is difficult as well without exactly knowing if it was a legal or illegal drug. In the future, there may be a way to determine the legality of the drug via Urine Analysis testing.

Sheriff Matz provided the PowerPoint presentation to the committee that he had presented in the past from the Colorado Sheriff and the experience they have had since Marijuana was legalized out there. Sheriff Matz had also spoken with a representative of the Sheriff's in Michigan, to which they indicated they wished it wasn't legalized from a law enforcement perspective. Sheriff Matz stated they have seen an increase in fatalities in car crashes since the legalization in Michigan.

Supervisor Defferding spoke about the resolution and stated he was the supervisor who introduced this two years ago. He spoke about bringing his idea to the County Board at that time

and it was simply just to ask everyone whether or not if they believe it should be legalized or not. It failed at the Judiciary meeting, Legislative meeting and County Board meeting as well. He stated that County Executive Jon Doemel approves of changing the county code and knows that legislation will be going for legalization of at least medical marijuana in the near future.

Supervisor Floam stated that it failed at legislative committee mostly because of the way it is written as the resolution doesn't give an accurate picture of what it's asking for. It should be more practical. Supervisor Floam doesn't see it as useful right now but could look at it again in the future. Right now, Supervisor Floam does not support the resolution.

Supervisor Hanson also stated he doesn't support the resolution right now but in the future he would like to look at it again.

A motion to approve the authorization of the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Legalization and Decriminalization of Cannabis in the State of Wisconsin was made by Chairman Stafford, seconded by Supervisor Defferding. Failed 1-3 (Nays: Floam, Hanson and Stafford; Abstain: Eisen)

12. Discussion: Acquiring Funds from ARPA or Opioid Settlement for TruNarc units for law enforcement – County Board Supervisor Hanson

Supervisor Hanson spoke about fentanyl and his concern with what the Coroner and Sheriff have been saying about the number of overdoses due to fentanyl. In 2022, there were 35 overdose deaths with 4 pending testing results. Supervisor Hanson wants the road deputies and jail staff to have the TruNarc units for their safety and to help reduce the risk of exposure as it is a deadly drug. The TruNarc units have the option of a 1-year warranty and 5-year warranty.

Sheriff Matz stated TruNarc uses spectrum waves to determine what the drug is without unpacking it to eliminate exposure. The MEG unit currently has one but it's not readily available to patrol or the jail division. If the funds were provided, the Sheriff's Office would ensure that it would be available to both the patrol division and jail division.

13. Sheriff's Report

Sheriff Matz spoke about the promotion of Lieutenant Michael Sewall and the rising Fraud cases. He will be starting a Fraud school that anyone can take to help eliminate fraud in individuals lives.

Sheriff Matz stated the jail count average for 2022 was 218.

Sheriff Matz discussed the weather conditions on Christmas Eve and Christmas Day and that it caused a lot of accidents on the Butte De Morts Bridge with the high winds causing whiteout conditions.

Sheriff Matz stated he has talked with the Police Chiefs in Winnebago County regarding Highway 41 and turning the Winnebago County's jurisdictions of the highway over to their agencies so the Sheriff's Office can concentrate more on the rural areas.

14. Public comments on non-agenda items but within jurisdiction of committee

None

15. Next Meeting Date: Monday, February 6, 2023 at 6:00 pm

- Deadline for agenda items due *Monday, January 23, 2023*. Please forward those requests to Chairman Bryan Stafford for approval. Thank you.

16. Adjourn

A motion to adjourn was made at 8:40 pm by Supervisor Defferding, seconded by Supervisor Floam. Carried 5-0.

Respectfully Submitted:

Kimberly Delcore
Winnebago County Sheriff's Office