

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

DATE: FEBRUARY 6, 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
JULIE BARTHELS – COUNTY CLERK'S
SUE ERTMER – COUNTY CLERK'S
SCOTT WOLDT – BRANCH II
MARY ANNE MUELLER – CORPORATION COUNSEL
JEREMIAH WINCHER – MEG UNIT
CHERYL BREHMER – MEDICAL EXAMINER
NATHAN GUSTAFSON – COUNTY SUPERVISOR
BETSY ELLENBERGER – COUNTY SUPERVISOR
RACHAEL DOWLING – COUNTY SUPERVISOR
KAY HORAN – COUNTY SUPERVISOR
TOM EGAN – COUNTY SUPERVISOR
JON DOEMEL – COUNTY EXECUTIVE
PAT O'BRIEN – SOLID WASTE
LYDIA ANDERSEN – FOX 11
MIKE GARD – FOX 11
WBAY - CITIZEN
JORDAN HANSEN – CITIZEN
SHANAH ZASTERA – COUNTY SUPERVISOR
JOHN RABE – SOLID WASTE

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 January 9, 2023 meeting.

A motion to approve the minutes of the January 9, 2023 meeting was made by Supervisor Floam, seconded by Supervisor Hanson. Carried 5-0.

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

Chairman Stafford explained the two separate public comment sections.

Chairman Stafford also made an announcement that all of the materials and attachments for tonight's meeting will be posted to the county website tomorrow.

4. Public comments on agenda items.

Supervisor Nate Gustafson spoke in regards to agenda item #12 regarding Amending the Code of Ordinance for Winnebago County regarding the possession of marijuana and/or cannabis. He stated at this point it is up to the state legislature to discuss this topic and feels it is premature for the committee to be talking about this at this time. Supervisor Gustafson suggests that the committee should wait until the fall to discuss it after hearing from the state legislature.

Citizen Jordan Hanson spoke in favor of item #12 regarding Amending the Code of Ordinance for Winnebago County regarding the possession of marijuana and/or cannabis. He stated he doesn't think the committee should wait until state legislation decides what to do and he thinks the committee should discuss it now at the county level.

Supervisor Betsy Ellenberger spoke about item #20 regarding an Ad-hoc task force to review committee structure and establish membership beginning with the 2024 term (Resolution 35-042022) & item #21 regarding Considering reforming the per-diem structure for the County Board as a part of the ad-hoc task force on committee structure. She stated she would like to be on the committees so she can assist with the process.

Supervisor Tom Egan spoke about items 20 regarding an Ad-hoc task force to review committee structure and establish membership beginning with the 2024 term (Resolution 35-042022) & 21 regarding Considering reforming the per-diem structure for the County Board as a part of the ad-hoc task force on committee structure. He stated he is in favor of looking into the structure but not in favor of putting the per diems into it.

Supervisor Rachael Dowling spoke in favor of item 12 regarding Amending the Code of Ordinance for Winnebago County regarding the possession of marijuana and/or cannabis and gave some statistics regarding legalization of marijuana.

5. Communications shared by Committee Members. Due to the amount on the agenda, communications will be limited to no more than four minutes per member.

Supervisor Defferding spoke about the January 20th Safe Streets meeting that was held at the courthouse. There were discussions was about extended supervisor and the reform of it in the State of Wisconsin.

6. Consideration/Vote: Year-End Budget overrun adjustment- County Clerk Office – Sue Ertmer

Sue discussed the overrun for rabies tags and animal testing. Sue stated they thought they had it all wrapped up but then they had received a bill from OAHS. There was also not enough money budgeted for lodging for conferences and also not enough budgeted for overtime expenses in relation to some of the meetings running longer than expected.

A motion to approve the year-end budget overrun adjustment was made by Supervisor Floam, seconded by Supervisor Defferding. Carried 5-0

7. Update from Medical Examiner – Cheryl Brehmer

Medical Examiner Cheryl Brehmer gave an overdose update for 2023. As of the end of January, there are 2 pending overdose deaths. Her office has also seen an increase in suicides with those battling mental health issues.

8. Update on Morgue Project – Cheryl Brehmer and Mike Elder

County Executive Jon Doemel spoke on behalf of Facilities Director Mike Elder and stated there is not much of an update on the project. Right now, there is no definitive timeline but they are moving as fast as they can. The architects are only 70% completed and nothing has been sent out for bid yet. The architects understand the budget is 1.5 million but discussions will be had about additional money that might be needed. Medical Examiner Brehmer stated she has already figured overages into her 2023 budget.

9. 980 Sex Offender Housing Project Update – Jon Doemel and Mike Elder

County Executive Jon Doemel stated the 980 housing project is out for bid. The project went from 11 microunits to 8 microunits with one offender asking for release that was granted. The state has been updated on the housing project status with Winnebago County. The fine penalty to the county is \$1,100 per day per person if the county doesn't have housing for them. Once they have housing, the amount of time a person is within the microunit is up to their sentence.

The individuals who live in the microunits are only allowed out of the home with supervision which is based on their rules upon release. They are monitored by a probation agent as well as a bracelet so they can be tracked.

Supervisor Hanson asked if the county could put out a press release about the understanding of the 980 process and that it's the responsibility of the county to provide the housing for these offenders. County Executive Jon Doemel stated he could make that happen so the community is aware of the steps that need to happen. They also need to understand that the county is responsible for the housing of these individuals and also explain why these individuals have to be placed back within Winnebago County.

10. Consideration/Vote: Authorizing Winnebago County to enter into Opioid Settlement Agreements with CVS, Walgreens, Walmart, Teva and Allergan – Corporation Counsel – Mary Anne Mueller

Corporation Counsel Mary Anne Mueller discussed various settlements with distributors of opioid relief. Winnebago County received over 1 million for those settlements. There are currently settlements with the pharmacies. Mary Anne Mueller is asking the committee to agree that Winnebago County could be a participating agency in the settlement agreements. The agreements also contain injunction relief for opioid use to include Narcan. This settlement agreement could produce revenue to the county with an estimated annual revenue of \$167,000-\$315,000 per year over a 10-year period. All of the money must go into a separate opioid abatement account.

A motion to approve authorizing Winnebago County to enter into Opioid Settlement Agreements with CVS, Walgreens, Walmart, Teva and Allergan was made by Chairman Stafford, seconded by Supervisor Defferding. Carried 5-0.

11. Update from Corporation Counsel – Mary Anne Mueller

Corporation Counsel Mary Anne Mueller discussed the recodification. The first phase is complete. She stated they should receive the proof back by mid-April. The next stage is meeting with all 27 department heads again, and the chairman of each committee, to go through the proofs. That stage is anticipated to take 60-90 days landing around mid-July. The proof will then

go back to the vendor and they should receive a new one back by October 2023 and have it wrapped up by November or December 2023.

Mary Anne stated she went to her first APRA meeting and will be attending all of those meetings in place of the Director of Administration, Mike Collard, going forward. She reviewed upcoming staffing changes within the Corporation Counsels office and also discussed the influx of large records requests that have come in to various county departments.

12. Consideration/Vote: Ordinance – Amend the Code of Ordinance for Winnebago County regarding the possession of marijuana and/or cannabis – Supervisor Brian Defferding

Supervisor Defferding introduced the ordinance. He stated he would like all of the supervisors to get on board with the upcoming changes regarding the possession of marijuana and/or cannabis becoming legalized. He would like changes to start in Winnebago County and stated the State Legislator just stated they are looking at the legalization of it. The reduction of penalties regarding the possession of marijuana is already taking place in surrounding counties/cities and he is asking that Winnebago County start moving towards those changes as well.

A motion to discuss the amendment to the Code of Ordinance for Winnebago County regarding the possession of marijuana and/or cannabis was made by Supervisor Defferding, seconded by Chairman Stafford.

Supervisor Floam stated he agreed on the substance of the resolution as far as for medical marijuana but stated he would like to wait for the state to come back with a decision before moving forward with an agreement in Winnebago County. He stated if the committee hasn't heard back from the state by August, that the committee should then look at this but until the state reaches an agreement, Supervisor Floam moves to temporarily postponing the ordinance changes.

A motion to postpone the amending of the Code of Ordinance for Winnebago County regarding the possession of marijuana and/or cannabis until the August 7th, 2023 Judiciary and Public Safety committee meeting was made by Supervisor Floam, seconded by Supervisor Hanson. Carried 4-1. Supervisor Defferding voted in opposition.

13. Consideration/Vote: Purchasing TruNarc units for law enforcement – Supervisor Conley Hanson

Supervisor Hanson spoke about a recent news article from New Jersey where 11 officers were hospitalized because of Fentanyl exposure. Supervisor Hanson stated for the safety of our officers and the public, he thinks this is something we need to move forward with for the protection of everyone.

A motion to authorize the purchase of one TruNarc handheld narcotic analyzer and two TruNarc solution kits for law enforcement was made by Supervisor Hanson, seconded by Supervisor Floam.

Supervisor Floam spoke in favor of this resolution since opioids are getting stronger and this will allow for everyone who may come into contact with the substance to remain safe.

Supervisor Defferding asked about the overall life span of the devices at which point Sheriff Matz introduced Jeremiah Wincher, who is the project director of the MEG unit. Jeremiah answered questions about the TruNarc handheld device and also showed the committee what they look like and explained the product in more depth. He stated he doesn't have a definitive

number on what the lifespan of the machine would be but stated it does have an option for a 5-year warranty and because of the cost of the equipment, he highly recommends the 5-year warranty.

A motion to approve the purchase of a TruNarc unit for law enforcement was made by Supervisor Hanson, seconded by Supervisor Floam. Carried 5-0.

14. Consideration/Vote: Special Pay Increase for Casual Call Dispatcher – Sheriff John Matz

A motion to introduce a special pay increase for casual call dispatcher was made by Chairman Stafford, seconded by Supervisor Floam.

Sheriff Matz discussed the special pay increase is for a casual call dispatcher, which is a part-time position. He stated the merit pay system did not include this position when calculating raises for county employees.

A motion to approve the Special Pay Increase for Casual Call Dispatcher was made by Supervisor Eisen, seconded by Supervisor Floam. Carried 5-0.

15. Sheriff's Report

Sheriff Matz provided an update regarding the inmate death the jail recently had. He stated the inmate death was ruled a medical issue after autopsy and toxicology reports had been received and reviewed.

Sheriff Matz shared copies of the 2022 Annual Report with the committee and stated the link of the report, as well as the link for the Use of Force report, will be located on the Sheriff's Office website.

Sheriff Matz stated the jail count is 226.

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

None

17. Discussion for input: Create County Board Rule 7.8, Require resolutions and ordinances to be reviewed by committee(s) of jurisdiction. Discussion time may be limited to no more than five minutes.

Supervisor Floam stated this should be a formalized process. There should be something in place with the powers of the committees in order for them to have a say for action within their jurisdiction. Chairman Stafford said there should be discussion at committee level before it comes to before board.

Supervisor Horan spoke about new members not having the education on how to submit resolutions and that there should be a presented process so everyone knows how to go about the presentation of the resolutions.

Corporation Counsel Mary Anne Mueller spoke about rule 7.1 and that the rule would allow individual supervisors to bring resolutions forward currently.

Supervisor Eisen opposes the resolution and shared that the board is not shy about referring a resolution back to a committee.

Supervisor Defferding stated education is important and that they should review this at the board level so all of the supervisors are aware how to go about presenting resolutions.

18. Discussion for input: Amend County Board Rule 18.3, Supervisor Right to Appeal Committee Decision. Chair may elect to limit the discussion to a specific amount of time. Discussion time may be limited to no more than five minutes.

Chairman Stafford asked that item #18 be moved to a different time due to time constraints.

19. Discussion for input: Amend County Board Rule 9, Definitions. Chair may elect to limit the discussion to a specific amount of time. Discussion time may be limited to no more than five minutes.

Chairman Stafford asked that this item be moved to the March Judiciary and Public Safety committee meeting agenda.

20. Discussion/Vote: Ad-hoc task force to review committee structure and establish membership beginning with the 2024 term (Resolution 35-042022).

Chairman Stafford stated this item was introduced to the board in April and then referred back to the committee. He stated Supervisor Defferding conducted the workshop and then presented the outcome to the board. Since then it's been in a holding pattern. Chairman Stafford is looking for guidance as far as the resolution.

Supervisor Eisen wanted to know if there is a reason to change what is currently in place. He believes the reduction of the board size is the solution to committee overhaul.

Supervisor Defferding stated this is about right sizing and not downsizing. He stated they should look at the need of each committee and review it every 5 years or so to see if there can be a combining of committees or lack thereof for other committees. The Ad-Hoc task force could conclude if there are the right number of committees currently. Supervisor Defferding wants to make sure the new Ad-Hoc committee can meet soon so they have something in place before 2024.

Supervisor Hanson stated it's important to have the discussion and it may very well come back with no changes. They could find cost savings and better efficiencies so just discussing it would be beneficial.

Supervisor Floam discussed the presentation that was given to the committee recently and discussed the surrounding counties number of committees. Winnebago County has one of the larger number of committees so looking at efficiencies of all the committees would be beneficial.

A motion to consider an Ad-hoc task force to review committee structure and establish membership beginning with the 2024 term (Resolution 35-042022) was made by Chairman Stafford, seconded by Supervisor Defferding.

A motion to make an amendment for it to read "BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the ad hoc Structure Review Task Force for Committee Structure with the 2024 Term shall consist of 5 Winnebago County Board of Supervisors to be appointed by the Winnebago County Board Chair" striking the word "committee" was made by Chairman Stafford, seconded by Supervisor Defferding. Carried 5-0.

A motion to make an amendment to line 3 of the title to replace the "committee" with "Task Force to Review Committee Structure in Winnebago County beginning with the 2024 term" was made by Chairman Stafford, seconded by Supervisor Floam. Carried 5-0.

All in favor of the resolution regarding an Ad-hoc task force to review committee structure and establish membership beginning with the 2024 term (Resolution 35-042022) with the added amendments was made by Chairman Stafford, seconded by Supervisor Floam. Carried 5-0.

21. Discussion/Possible Vote: Consider reforming the per-diem structure for the County Board as a part of the ad-hoc task force on committee structure.

A motion to introduce the consideration of reforming the per-diem structure for the County Board as a part of the ad-hoc task force on committee structure was made by Supervisor Floam, seconded by Supervisor Hanson

Supervisor Floam stated this originally started when he sat down with Jay Curtis last summer and there was discussion about self-organizing as a county. The original idea was to have it mixed in with an Ad-Hoc on-committee structure.

Supervisor Ellenberger stated she saw all of the discrepancies on the per-diem structure. She feels it should be discussed with the committee structure as she sees the two going hand and hand. She stated with the way the voting works, she now understands that it can't be combined. She said after seeing all the excess per-diems, she noticed how it is getting abused.

Corporation Counsel Mary Anne Mueller stated the wording is being look at during the recodification updating and stated it should say "authorized" meetings.

A motion to consider reforming the per-diem structure for the County Board as a part of the ad-hoc task force on committee structure was made by Supervisor Floam, seconded by Supervisor Hanson. Carried 4-1. Eisen voted in opposition.

22. Closed Session:

- a. **Pursuant to Section 19.85(1)(g), Wisconsin Statutes, at this point in the meeting the Board shall consider a motion to convene into closed session for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved as it relates to Snell Road Landfill Notice of Claim for Groundwater Drawdown Event**

The meeting went into closed session at 9:00pm.

23. Return to Open Session and Resume Regular Business

The meeting went back into open session and resumed regular business at 9:17pm.

24. Next Meeting Date: Monday, March 6, 2023 at 6:00 pm

- Deadline for agenda items due *Monday, February 27, 2023*. Please forward those requests to Chairman Bryan Stafford for approval. Thank you.

25. Adjourn

A motion to adjourn was made at 9:19pm by Supervisor Hanson, seconded by Supervisor Defferding. Carried 5-0.

Respectfully Submitted:

Kimberly Delcore
Winnebago County Sheriff's Office