

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

DATE: AUGUST 7, 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
SCOTT WOLDT – BRANCH 2
ERIC SPARR – DISTRICT ATTORNEY
KAY HORAN – SUPERVISOR
TOM EGAN – SUPERVISOR
CALEB SCHMIDT – CITIZEN
MARY ANNE MUELLER – CORPORATION COUNSEL
VICTORIA KINDERMAN – CORPORATION COUNSEL
MELANIE BOELTER – CORPORATION COUNSEL
JIM WISE – SUPERVISOR
MORRIS COX – SUPERVISOR
LEXI SCHROEDER – FOX 11
MIKE MOON – FOX 11
KAREN POWERS – SUPERVISOR
STEVEN BINDER – SUPERVISOR
BETSY ELLENBERGER – SUPERVISOR
KOBY SCHELLENGER – SUPERVISOR
BETH G. – CITIZEN
RALPH HARRISON - SUPERVISOR
CHUCK FARREY – SUPERVISOR
SHANAH ZASTERA - SUPERVISOR

1. Call to order.

Chairman Stafford called the meeting to order at 6:00pm and it was verified that the meeting was properly noticed.

2. Consideration of Minutes of July 10, 2023, meeting.

A motion to approve the minutes of the July 10, 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 asked that public comments for items #10 regarding county owned electronic devices, item #11 regarding the Ad Hoc Task Force Per Diem Structure & item #14 regarding the Ad Hoc Committee Structure Review Task Force to be held until those items come up on the agenda. He also stated that item #17 regarding the marijuana ordinance will be moved up on the agenda under item 8 regarding the Sheriff's Report.

4. Public comments within jurisdiction of committee.

Citizen Caleb Schmidt spoke in favor of item #17 which is regarding the Winnebago County Ordinance pertaining to Marijuana and/or Cannabis and THC Paraphernalia.

Supervisor Shanah Zastera gave recognition a local citizen, James Hoffman, who recently passed away. He was a long-term printer out of Oshkosh and a veteran. She also gave her input on road speeds within rural areas staying at 45 mph or more. She spoke about billboards along roadways and her concerns for censoring those that promote cannabis. She also spoke about border drugs and their impact on the country. She stated she would like to be a part of the Sheriff's Office Citizens Academy in the future since this year's class is full. She then read a thank you note from a citizen who had a positive experience with the Sheriff's Office and the positive resources provided to them from ADRC to assist with things in their home life.

5. Communications shared by Committee Members.

Supervisor Defferding spoke about his attendance at the National Counties Association meeting. He also recently attended a Treatment Atlas meeting for those with active addiction.

Supervisor Floam spoke about the last Safe Street meeting he attended. He stated they will be establishing a sub-committee that will help select the next road court judge.

Chairman Stafford spoke about the Winnebago Conflict Resolution Center and the purpose behind the resolution center and the services are that they provide to the community. The conflict resolution center assists with civil cases and small claims cases to help in resolving them before they go through the court system.

6. Update from District Attorney's Office – District Attorney Eric Sparr

District Attorney Eric Sparr gave an update on the most recent cases that are coming up for trial. He also discussed upcoming sentencing. He stated their office currently has one vacancy and they have had multiple applications come in for that position since the prosecutor pay has changed with the state. He touched on the latest officer involved shootings that have occurred over the last several months and the status of those incidents.

7. Update on Overdoses, Suicides and Morgue Process - Medical Examiner's Office – Cheryl Brehmer

Medical Examiner Cheryl Brehmer gave an update on their office. The confirmed overdose deaths are currently at 28 with several still pending. Last year there were 37 total overdoses. The current suicides deaths are at 11 and that number is lower than at this point last year. Cheryl provided an update on the morgue/evidence building stating there were issues being worked out with access points getting the semis to the evidence garage portion of the building. The state denied access off Jackson Street, but they are positive they have figured out a solution with a different access point, so the project is moving forward. The morgue/evidence building should be going out for bid soon.

8. **Sheriff's Report**

Sheriff Matz discussed:

- EAA – 677,000 people attended which is record attendance. The EAA after action report will be presented in September.
- Staffing – Currently there are 7 Correction Deputy vacancies and 2 Dispatch vacancies.
- Contract negotiations with the Deputies Association are currently underway.
- Discussed the July 26th medical event in the jail.
- Jail count is 216.
- Budget proposal will be presented at the next Judiciary meeting.

The committee then moved to item #17.

17. **Consideration/Vote: Ordinance – Amend Winnebago County General Code Sections 9.17(4) and 9.18(4) relating to the Possession of Marijuana and/or Cannabis and THC Paraphernalia – Supervisor Brian Defferding**

Supervisor Defferding provided information and data regarding Marijuana, Cannabis and THC Paraphernalia within different cities and counties within Wisconsin. He stated he understands everyone else's concerns regarding the ordinance and he's open to amending it to however anyone wishes. He feels government comes from the ground up and believes the state follows the counties, but it doesn't mean that the county can't move forward with the ordinance.

Supervisor Hanson stated he doesn't know if the state of Wisconsin will move forward with deciding what to do with the legalization or not of marijuana, but the state needs to decide soon.

District Attorney Sparr gave background information on this topic. He stated there are local levels as well as federal and state violations. His office deals with it on a state level and prosecutions are different in every circumstance. This ordinance would not change what the District Attorney Office does when handling marijuana and THC cases. In 2022, there were 240 tickets for marijuana and paraphernalia.

Sheriff Matz stated there is a movement at the state level coming this fall for medical marijuana. He talked about the ordinance citation and the cost, which the county does not control what the cost is for those citations. The ordinance would not change for municipalities and the forfeiture amounts are different. Sheriff Matz stated the state needs to decide what to do first and then see how it impacts things and move forward from there.

Supervisor Eisen moved to postpone the ordinance to be presented at the next Judiciary meeting, so he has time to review it in more depth after hearing everything that was stated by the Sheriff, as well as the District Attorney's Office. There was no second on the motion.

Chairman Stafford said he feels the same way as Supervisor Eisen with needing more time to review the materials because of the pros and cons of all different aspects of it.

Supervisor Floam stated he thinks they should wait on the ordinance to see what the state is going to do but if they want to vote on it tonight then they can vote on it tonight. Supervisor Defferding stated he would like to vote on it tonight.

A motion to amend the ordinance of Winnebago County General Code Sections 9.17(4) and 9.18(4) relating to the Possession of Marijuana and/or Cannabis and THC Paraphernalia was made by Supervisor Defferding, seconded by Chairman Stafford. Failed 1-1-3 (Nay: Stafford Abstained: Stafford, Hanson, Eisen, Floam)

9. **Consideration/Vote: Resolution – Amend Section 8.0 "Written Agenda" of the Rules of the Winnebago County Board of Supervisors by Amending Rule 8.5**

Supervisor Eisen stated this rule is not necessary as everything is posted online for those who want to access it. This would also create more work for the County Clerk's Office.

A motion to approve the resolution to amend Section 8.0 "Written Agenda" of the Rules of the Winnebago County Board of Supervisors by Amending Rule 8.5 was made by Supervisor Hanson, seconded by Supervisor Defferding. Carried 4-1 (Nay: Supervisor Eisen)

10. **Consideration/Vote: Resolution – Amend Section 0.0 (Role of the County Board Supervisor) of the Rules of the Winnebago County Board of Supervisors to Add Section 0.4 Addressing the Use of Winnebago County Owned Electronic Devices by Winnebago County Board Supervisors and Outlining Consequences for Misuse of Such Electronic Devices – Supervisor Kay Horan**

Supervisor Horan stated this resolution has been refined since the first time it was brought forward. There were 9 other counties that provided their device agreements and those were included with the agenda packet. With all the information she has received, the resolution in front of everyone tonight is the final resolution.

Supervisor Eisen stated this is a contract that all of the supervisors sign when they come on board and it should not be a rule.

A motion to approve the resolution to amend Section 0.0 (Role of the County Board Supervisor) of the Rules of the Winnebago County Board of Supervisors to Add Section 0.4 Addressing the Use of Winnebago County Owned Electronic Devices by Winnebago County Board Supervisors and Outlining Consequences for Misuse of Such Electronic Devices was made by Chairman Stafford, seconded by Supervisor Floam. Carried 4-1. (Nay: Supervisor Eisen)

11. **Modified Final Report Presentation – Ad Hoc Task Force on the Per Diem Structure – Supervisor Jim Wise (Chair may elect to limit the discussion to a specific amount of time and will allow public comments during discussion.)**

Supervisor Wise and Supervisor Ellenberger provided an update on the Per Diem Structure report addressing the questions and suggested changes from the last Judiciary meeting. After reviewing all the documentation against the first report presented, there were no changes to the conclusion of the report that was presented.

Supervisor Eisen stated he would like all the options to be presented to the county board. The options would include: Increasing per diem? Straight Salary? Combine Salary and Per Diem? Supervisor Ellenberger stated they did look at all three of those options and this was the result of those options.

12. **Consideration/Vote: Resolution – Amend Winnebago County Rules Section 20.0 to Adopt a Compensation Package to Pay Winnebago County Board Supervisors a Monthly Salary – Ad Hoc Task Force on the Per Diem Structure – Supervisor Jim Wise**

Supervisor Wise and Supervisor Ellenberger introduced the compensation package that was determined by the work of the Ad Hoc Task Force on Per Diem Structure to include going to a monthly salary for the county board supervisors.

Supervisor Defferding stated a lot of time, individuals, and departments went into the research of the resolution and he appreciates the work they did to provide the information in front of them. He wants to make sure that those individuals who want to be a part of the board realize it

can sometimes be a full-time job. All individuals looking to become a board member need to understand the commitment that comes with serving the people and those board members who put in the work deserve to be compensated appropriately.

Supervisor Floam thanked the committee for all the work they did completing this and showing everyone the comparisons of what is out there. He stated he will be supporting the resolution.

Chairman Stafford asked if there was a fiscal impact to the county budget with going to a salary-based structure. He wanted to make sure this didn't impact other areas of the budget. Board members need to understand this position impacts a lot of people and it's an important role.

Supervisor Wise and Supervisor Ellenberger stated the budget would increase to \$252,900 for salary payout and that is for the current committee structure with 13 standing committees.

A motion to approve the resolution to amend Winnebago County Rules Section 20.0 to Adopt a Compensation Package to Pay Winnebago County Board Supervisors a Monthly Salary – Ad Hoc Task Force on the Per Diem Structure was made by Chairman Stafford, seconded by Supervisor Floam. Carried 4-1. (Nay: Supervisor Eisen)

13. Consideration/Vote: Ordinance – Amend Winnebago County General Code Section 1.12 to Adopt a Compensation Package to Pay Winnebago County Board Supervisors a Monthly Salary – Ad Hoc Task Force on the Per Diem Structure – Supervisor Jim Wise

Supervisor Wise and Supervisor Ellenberger introduced the ordinance and answered any questions or comments the committee members had. There was nothing brought forward for discussion.

A motion to approve the ordinance to amend Winnebago County General Code Section 1.12 to Adopt a Compensation Package to Pay Winnebago County Board Supervisors a Monthly Salary – Ad Hoc Task Force on the Per Diem Structure was made by Chairman Stafford, seconded by Supervisor Floam. Carried 4-1 (Nay: Supervisor Eisen)

14. Consideration/Vote: Resolution – Amend Section 23.0 and 23.1 of the Rules of the Winnebago County Board of Supervisors to Create Eight Standing Committees and Major Boards – Ad Hoc Committee Structure Review Task Force – Supervisor Jacob Floam

Supervisor Floam introduced a substitution to the resolution. This is the first amendment to the findings of the Ad Hoc Committee Structure Review Task Force presented. The change made was keeping the Land and Water Committee as a stand-alone committee.

A motion to approve the substitute resolution to Amend Section 23.0 and 23.1 of the Rules of the Winnebago County Board of Supervisors to Create Eight Standing Committees and Major Boards – Ad Hoc Committee Structure Review Task Force was made by Chairman Stafford, seconded by Supervisor Floam. Carried 5-0.

Supervisor Defferding made a motion to move the Aviation Committee under Public Works. There was no second to the motion.

Supervisor Eisen passed out a minority report to the committee members. His recommendation is to not make any changes to the committee structure at this time.

Corporation Counsel Mary Anne Mueller stated that Governor Ever's office just passed Act 32 regarding the Farm Service Agency representative who is currently engaging on the Land and

Water Committee. Due to this change, she recommended changing the wording in the resolution to reflect the current statute. She recommended under the Land Conservation section to have it read: "This Committee consists of 5 County Board Supervisors, one who is a person engaged in an agricultural use as defined in Wisconsin Statute 91.01(2)(a)(1-7), and one citizen member."

A motion to accept the amendment to read: "The committee consists of 5 County Board Supervisors, one who is a person engaged in an agricultural use as defined in Wisconsin Statute 91.01(2)(a)(1-7), and one citizen member was made by Supervisor Floam, seconded by Chairman Stafford. Carried 5-0.

Supervisor Egan thanked both task forces for the work they did researching their topics. Supervisor Egan stated some of the groupings don't make a lot of sense to him. He asked for clarification on the Public Works group, Finance and Administration group and Natural Resources group. He also stated there was nothing regarding Committee on Committees.

Supervisor Cox asked about enterprise operations to include Parkview, Aviation, Solid Waste and Highway. He is concerned that being blended will not work as they all operate differently. He would like all the checks and balances done and the departments looked into more before grouping them together.

Supervisor Eisen discussed his concerns with where the Parkview committee is grouped. He believes that Parkview should be their own stand-alone committee.

A motion to approve the resolution with the amended changes for Section 23.0 and 23.1 of the Rules of the Winnebago County Board of Supervisors to Create Eight Standing Committees and Major Boards by the Ad Hoc Committee Structure Review Task Force was made by Chairman Stafford, seconded by Supervisor Floam. Carried 4-1 (Nay: Supervisor Eisen)

15. Consideration/Vote: Resolution – Create Section 23.2 of the Rules of the Winnebago County Board of Supervisors to make the Legislative Committee a Special Committee – Ad Hoc Committee Structure Review Task Force – Supervisor Jacob Floam

Supervisor Floam presented the resolution to the committee and asked to make an amendment to Line 19 in order to add Land Conservation. Section 23.2 would then read: "The Committee shall be composed of the chair of committees and boards listed in Sections 23.1 of these Rules (Public Works, Judiciary and Public Safety, Finance and Administration, Natural Resources, Health and Human Services, Planning and Zoning, Aviation, Solid Waste Management and Land Conservation) as well as the County Board Chairperson, or the Vice Chairperson in the absence of the County Board Chairman."

A motion to approve the amendment to Line 19 in Section 23.2 by adding Land Conservation was made by Supervisor Floam, seconded by Supervisor Hanson. Carried 5-0.

A motion to approve the amended resolution to Create Section 23.2 of the Rules of the Winnebago County Board of Supervisors to make the Legislative Committee a Special Committee – Ad Hoc Committee Structure Review Task Force was made by Chairman Stafford, seconded by Supervisor Floam. Carried 5-0.

16. Consideration/Vote: Resolution – Amend Section 24 of the Rules of the Winnebago County Board of Supervisors – Ad Hoc Committee Structure Review Task Force – Supervisor Jacob Floam

Supervisor Floam introduced a substitution to the resolution to the committee. This was outlining the change made to making Land Conservation and standalone committee.

Supervisor Floam suggested an amendment to the substitute resolution in section 24.9 regarding Land Conservation Committee. The amendment would be to strike the wording "two citizen members, one who is the Chairperson of the County Farm Service Agency Committee created in 16 USC 590H (b) or other County Farm Service Agency Committee member designated by the Chairperson on the County Farm Service Agency Committee;" and replacing it reflect the Act 32 wording that was previously discussed. This would change it to read: "Land Conservation consists of 5 Winnebago County Board Supervisors and one who is a person engaged in an agricultural use as defined in Wisconsin Statute 91.01(2)(a)(1-7), and one citizen member."

A motion to the amendment to section 24.9 to read: "Land Conservation consists of 5 Winnebago County Board Supervisors and one who is a person engaged in an agricultural use as defined in Wisconsin Statute 91.01(2)(a)(1-7), and one citizen member." was made by Supervisor Floam, seconded by Chairman Stafford. Carried 5-0.

Supervisor Floam then asked to amend the headings for 24.4 Planning and Zoning Committee and 24.6 Health and Human Services Board to be bumped out to the end of the page in order to distinguish the headings.

A motion to amend the headings for sections 24.4 Planning and Zoning Committee and 24.6 Health and Human Services Board to be bumped out to the edge of the page was made by Supervisor Floam, seconded by Chairman Stafford. Carried 5-0.

A motion to approve the amended resolution with the suggested changes for section 24 of the Rules of the Winnebago County Board of Supervisors – Ad Hoc Committee Structure Review Task Force was made by Chairman Stafford, seconded by Supervisor Floam. Carried 4-1 (Nay: Supervisor Eisen)

18. Next Meeting Date: *Monday, September 11, 2023, at 6:00 pm*

- **Deadline for agenda items due *Monday, August 28, 2023.*** Please forward those requests to Chairman Bryan Stafford for approval. Thank you.

19. Adjourn

A motion to adjourn was made at 9:25 pm by Supervisor Defferding, seconded by Supervisor Floam. Carried 5-0.

****This meeting is also being posted as a committee meeting for:**

- Ad-Hoc Task Force on the Per Diem Structure
- Winnebago County Board of Supervisors

Respectfully Submitted:

Kimberly Delcore
Winnebago County Sheriff's Office