

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

DATE: NOVEMBER 7, 2022

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
LARA VENDOLA-MESSER – SHERIFF'S
MARY ANNE MUELLER – CORPORATION COUNSEL
CHERYL BREHMER – CORONER'S
TOM EGAN – COUNTY SUPERVISOR
JULIE BARTHELS – COUNTY CLERK'S
JOHN JORGENSEN – BRANCH 5
TARA BERRY – CLERK OF COURTS
MIKE NORTON – COUNTY SUPERVISOR

1. Call to order.

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

2. Consideration of Minutes of October 3, 2022 meeting.

A motion to approve the October 3, 2022 minutes was made by Supervisor Eisen, seconded by Supervisor Defferding. Carried 5-0.

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

Chairman Stafford reminded everyone about the two public comment sections and one being for agenda items and one for non-agenda items.

4. Public comments on agenda items.

Supervisor Egan spoke in regards to item #7 in regards to Rule 18.8 of the Winnebago County Board of Supervisors to permit a Standing Committee or Citizen Involved Commission, Board or Committee to vote remotely on a limited basis except for any meeting involving the Winnebago County Board of Supervisors. Supervisor Egan stated Land Conservation Committee is the only one that might have concerns about this item. Supervisor Egan also spoke about item #12 in regards to Section 6.1 of the Rules of the Winnebago County Board of Supervisors to amend the section devoted to prayer. Supervisor Egan stated he hopes that this item is just about the prayer and not about the person saying the prayer. He thinks the prayer should remain and it is ultimately up to him who reads the prayer.

5. **Communications shared by Committee Members**

Supervisor Floam stated on November 15th it is county government night at the Herd game and encouraged everyone to attend.

Chairman Stafford commented that the move of the Judiciary meetings to the first Monday of each month will affect tonight's voted on items due to the way the meetings land this month. Tonight's items won't be able to go to the board until December

6. **Consideration/Vote: Budget Transfer for \$3200.00; Transfer of money from automobile allowance to motor fuel. With the addition of another county vehicle, there has been an increase in charges for fuel and a decrease of employees turning in mileage reimbursement forms - Coroner Office – Cheryl Brehmer**

Cheryl Brehmer asked for a budget transfer of \$3200.00 from automobile allowance to motor fuel. She stated the cost would be going to fuel for the vehicle versus employee mileage reimbursement.

A motion to approve the budget transfer of \$3200.00 from automobile allowance to motor fuel was made by Supervisor Defferding, seconded by Supervisor Hanson. Carried 5-0.

7. **Consideration/Vote: Resolution: Create Rule 18.8 of the Winnebago County Board of Supervisors to permit a Standing Committee or Citizen Involved Commission, Board, or Committee to vote remotely on a limited basis except for any meeting involving the Winnebago County Board of Supervisors (e.g., Organizational, Business, Budget, Special Orders)**

Chairman Stafford stated this resolution was introduced by Supervisor Norton and Supervisor Farrey and it went to the Judiciary committee and it was not voted on at that time. It then went to the full board and it did not pass. There were some comments made by the board that made Chairman Stafford want to re-evaluate the rule. In the Roberts Rules 2020 Edition 12 it speaks to rules pertaining to remote meetings. Chairman Stafford then went to Corporation Counsel for their opinion. They stated if the new resolution is too similarly worded to the old resolution then it is not able to be brought to the board since the previous resolution has already been voted down.

Mary Anne Mueller of Corporation Counsel referred to the county board rules and specifically pointed out Rule 12.5 which states "If an amendment or substitute is lost, another substantially the same shall not be entertained." She also referred to Rule 12.7 that states "When a motion or question has once been determined, any member with the prevailing side if he or she was present and voted may move for reconsideration of the vote, but such motion shall be made and acted upon at the same or next succeeding adjourned (business) meeting and shall not thereafter be made except by unanimous vote." Mary Anne then stated since this failed in September and there was an intervening meeting with the board in October it is untimely.

It was asked if the proposed resolution submitted was the same as what was presented. Mary Anne stated that she believes it is the same but Chairman Stafford thought it was different. After consulting with other members of the committee, they too believed the resolutions were the same. Corporation Counsel did not think it should be brought forward again.

Chairman Stafford stated he wanted to keep this item on the agenda for this exact discussion and to have Corporation Counsel and others help explain the situation at hand. He will pull it off of tonight's agenda for consideration.

8. **Consideration/Vote: Resolution: Amend County Board Rule 6.0 Order of Business to Replace 6.1 (E) "Approval and Correction of Minutes of the Previous Meeting" with a "Consent Calendar"**

Supervisor Eisen presented a concept called a "Consent Agenda" or also called a "Consent Calendar" by Roberts Rules. Supervisor Eisen handed out documentation showing an example of the "Consent Calendar" as well as handed out a copy of the City of Menasha's Common Council agenda to show how they handle their meetings utilizing a Consent Calendar.

A motion to introduce the resolution to amend County Board Rule 6.0 Order of Business to Replace 6.1 (E) "Approval and Correction of Minutes of the Previous Meeting" with a "Consent Calendar" was made by Supervisor Defferding, seconded by Floam.

Supervisor Defferding stated he is familiar with the Consent Calendar and agrees this method can help reduce time for board meetings. He is in favor of this resolution.

Mary Anne Muller of Corporation Counsel stated she has reached out to other Corporation Counsels to include Chippewa County and Marathon County. They use a Consent Calendar. She would need more time to look into it more in depth as to how it works for them.

Chairman Stafford asked Mary Anne if they should post pone this item until next month's meeting so she has time to look into it further. Mary Anne agreed the committee should post pone the item until next month's meeting. Chairman Stafford stated he likes the resolution but wants to make sure it is handled correctly before moving forward with it.

A motion to post pone the vote on the resolution until the December 5th judiciary meeting was made by Chairman Stafford, seconded by Supervisor Floam. Carried 5-0.

9. **Consideration/Vote: Resolution: Ongoing Commitment of the Oath of the Winnebago County Board**

Chairman Stafford wanted to bring it forward to the committee as a way to reinforce the commitment to the oath all county board members have taken.

A motion to introduce the resolution regarding the Ongoing Commitment of the Oath of the Winnebago County Board was made by Supervisor Floam, seconded by Supervisor Hanson.

Supervisor Eisen stated the board voted against it as an amendment. Supervisor Eisen asked if it can be brought forward again as long as it is different from the first amendment that failed at county board. Mary Anne Mueller from Corporation Counsel stated this amendment is different from the previous amendment so the item can be brought back.

Supervisor Floam stated he likes the amendment and supports the resolution. Supervisor Floam would like to take it back to the board as a committee versus an individual board member bringing it forward.

Chairman Stafford stated this is an ongoing commitment and not a static point in time. He thinks it's good to go back continually and commit to the oath as supervisors since they were brought on to do the job by their constituents. Chairman Stafford supports the resolution. Chairman Stafford then read the feedback given by someone else on the board who is asking to removed lines 11 through 20 of the resolution relating to the constitutional amendments.

Supervisor Eisen stated the County Board Supervisor who would like lines 11 through 20 removed was concerned that this resolution only refers to the first 10 amendments to the constitution and that they want the resolution to refer to all amendments to the constitution.

Supervisor Floam made a motion to amend line 11 to read, "WHEREAS, twenty-seven amendments have been added overtime to the United States Constitution".

A motion to amend line 11 to read "WHEREAS, the amendments to the United States Constitution" removing the words "the Bill of Rights added the first ten" and removing the words "in order to", was made by Supervisor Eisen, seconded by Chairman Stafford. Carried 5-0.

A motion to approve the final passage for line 11 as amended to read, "WHEREAS, the amendments to the United States Constitution" was made by Supervisor Floam, seconded by Defferding. Carried 5-0.

10. Consideration/Vote: Resolution: Amend Section 9.0 "Definitions" of the Rules of the Winnebago County Board of Supervisors by revising the Definition of "Session" (Rule 9.9) and "Special Orders of Business Meeting" (Rule 9.10) and Creating the Definition of "Regular Business Meeting" and "Remote Member"

Chairman Stafford stated there are a lot of opportunities for improvement of the definitions and they need to be updated. Chairman Stafford stated some of the definitions have not been updated per Roberts Rule of Order. He asked that the committee pay particular attention to the wording of "session" and why it is being discussed.

A motion to introduce the resolution to amend section 9.0 "Definitions" of the Rules of the Winnebago County Board of Supervisors by revising the Definition of "Session" (Rule 9.9) and "Special Orders of Business Meeting" (Rule 9.10) and Creating the Definition of "Regular Business Meeting" and "Remote Member" was made by Supervisor Floam, seconded by Supervisor Defferding.

Mary Anne Mueller of Corporation Counsel agrees that the definitions need to be addressed but the concern is if they were to adopt "session" it would allow for endless reconsideration at all meetings during the two-year term. Mary Anne stated she reached out to other counties for their definitions and they said a "session" is a two-year term. She reached out to Jake Curtis's firm and they stated the way "session" was drafted, allows defeated legislation to be brought up again and again. The other concern is that resolutions will continue to be brought up endlessly with the current definition without setting a time as currently "session" means two-year term.

Chairman Stafford stated it depends on the motion. Roberts Rules said you need to use a time when postponing. He stated the way it reads right now; the rule doesn't state a time frame of two years or not and wants greater detail for future bodies. The word "session" needs to be defined so it doesn't always align with a two-year time frame.

Chairman Stafford decided to pull the agenda item until more discussion can be conducted on the item.

11. Sheriff's Report

Sheriff Matz discussed bringing forward future CIP projects at next month's meeting.

Sheriff Matz gave an update on the inmate death and stated they are awaiting toxicology and final autopsy.

Sheriff Matz discussed inmate voting and their capabilities to vote while incarcerated.

Sheriff Matz stated the MEG Unit has seized 4 times the amount of Fentanyl this year than any other year.

Sheriff Matz and Captain Vendola-Messer discussed the NG911 project and where the Sheriff's Office is at with the project.

12. Discussion/Possible Vote: Resolution: Amend Section 6.1 (Order of Business) of the Rules of the Winnebago County Board of Supervisors to amend the Section Devoted to Prayer

Chairman Stafford stated this is a discussion only topic to see what the committee has to say and see if it is something the committee would entertain. Chairman Stafford stated this was not about a specific person but instead what can be done to increase participation from the board or removing items to save time. Chairman Stafford recommend a chaplain do the opening prayer versus a county board member.

Supervisor Floam likes the idea but suggested having different board members say the prayer on a rotation type basis to allow for the other board members to participate if they so wish.

Supervisor Eisen asked Supervisor Egan who picks the prayers that are read. Supervisor Egan stated he does not pick the prayer but the individual who reads the prayer picks it. Supervisor Egan stated he is not in favor of it being on a rotation but if it is voted on to have different people doing it, then he would figure it out.

Supervisor Defferding stated they need to remember that everyone practices their own religion and some don't practice it at all and they need to be respectful of that.

Chairman Stafford stated again that he just wanted to pose the question and Supervisor Egan stated he will keep it all in consideration.

13. Discussion: Resolution: Support the State Legislature to Limit Community Supervision and Provide Clear Guidelines on Sanctions for Non-Criminal Violations of Supervision – Supervisor Brian Defferding

Supervisor Defferding attended a meeting in Oshkosh to talk about issues regarding City of Oshkosh and Winnebago County. A Winnebago County citizen brought this forward and that citizen is currently on an extended supervision. A reform is the only way constitutionally that can fix this. Community Supervision is supposed to be an alternative to incarceration. Supervisor Defferding stated he has conferred with the District Attorney, Corporation Counsel and the Sheriff for their opinion and is now bringing it to the committee for their opinion.

The committee members asked that Supervisor Defferding bring forward more information to them about this topic at a future meeting for further discussion.

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

None

15. Next Meeting Date: Monday, December 5, 2022 at 6:00 pm

- **Deadline for agenda items due Monday, November 21, 2022. Please forward those requests to Chairman Bryan Stafford for approval. Thank you.**

16. Adjourn

A motion to adjourn was made at 8:18 p.m. by Supervisor Eisen, seconded by Supervisor Defferding. Carried 5-0.

Respectfully Submitted:

Kimberly Delcore
Winnebago County Sheriff's Office