

**SUSAN T. ERTMER
Winnebago County Clerk
112 Otter Avenue, P.O. Box 2806
Oshkosh, WI 54903-2806
(920) 232-3430**

NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING

NAME OF COMMISSION,
BOARD OR COMMITTEE:

JUDICIARY & PUBLIC SAFETY COMMITTEE
** (SEE BELOW) **

TIME OF MEETING:

6:00 pm

DATE OF MEETING:

Monday, January 9, 2023

PLACE OF MEETING:

Winnebago County Sheriff's Office
Richard Meyer Community Resource Room,
First Floor
4311 Jackson Street, Oshkosh

To join this Zoom Meeting via video, use this link:

<https://us02web.zoom.us/j/83718685608?pwd=TIBYYTRxR3NHVYk2ZFVBSVlyRUpOQT09>

Meeting ID: 837 1868 5608 Passcode – JPS010923

To join this meeting by telephone (312) 626-6799 and enter the Meeting ID: 837 1868 5608

Passcode 310450994

SUBJECT MATTER OF THE MEETING

1. Call to order.
2. Consideration of Minutes of December 5, 2022 meeting.
3. Chair comments on meeting and agenda organization by Supervisor Stafford.
4. Public comments on agenda items.
5. Communications shared by Committee Members
6. Discussion: Process of tracking and reporting per diem payments and approval of excess payments for County Board Supervisors – County Clerk Office
7. District Attorney Office Update – Eric Sparr
8. Consideration/Vote: Resolution - Fee Increase for Parent Education Course – Clerk of Courts – Tara Berry
9. Consideration/Vote: Resolution - Establishing a new fee schedule for mediation and custody study fees – Clerk of Courts – Tara Berry
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
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

12. Discussion: Acquiring Funds from ARPA or Opioid Settlement for TruNarc units for law enforcement – County Board Supervisor Hanson
13. Sheriff's Report
14. Public comments on non-agenda items but within jurisdiction of committee
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

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk.
Phone Number: (920) 232-3430

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

DATE: DECEMBER 5, 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
TODD CHRISTOPHERSON – SHERIFF'S
DAVE MACK – SHERIFF'S
ROSS JOHNSON – SHERIFF'S
QIAUNA ROSS – SHERIFF'S
LARA VENDOLA-MESSER – SHERIFF'S
MIKE SEWALL – SHERIFF'S
MICHAEL COLLARD – COUNTY ADMINISTRATION
CHERYL BREHMER – CORONER
MARY ANNE MUELLER – CORPORATION COUNSEL
ADAM DORN – GIS
ERIC SPARR – DISTRICT ATTORNEY
JON DOEMEL – COUNTY EXECUTIVE
JONATHAN KRAUSE – CITIZEN
KAY HORAN – COUNTY SUPERVISOR
MIKE NORTON – COUNTY SUPERVISOR
CHRIS ALLEN - CITIZEN

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 November 7, 2022 meeting.

A motion to approve the November 7, 2022 minutes was made by Supervisor Floam, seconded by Supervisor Eisen. Carried 5-0

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

Chairman Stafford again reminded everyone of the two different public comment sections and their purpose.

4. Public comments on agenda items.

None

5. Communications shared by Committee Members

Supervisor Defferding spoke about the number of committees Winnebago County has and reached out to others inquiring about possibly doing committee rightsizing in the near future. He also spoke about attending the upcoming Wisconsin Counties Association meeting in February in Washington DC in which he will be in attendance.

Supervisor Eisen offered his congratulations to Supervisor Floam on his recent engagement.

Supervisor Hanson thanked everyone at the Sheriff's Office for the tour he had today and it answered a lot of questions he had and said it was very insightful.

6. District Attorney Office Update – Eric Sparr

District Attorney Sparr discussed office updates to include recent jury trials and upcoming jury trials for various cases. District Attorney Sparr stated last week they had 5 individuals graduate from the Drug Court program. He encouraged everyone to attend a future graduation ceremony for Drug Court as it shows the success of the program and how it impacts individuals lives. District Attorney Sparr spoke about his staffing shortages and stated there has been no change since the last time he spoke with the committee.

7. Consideration/Vote: Discuss the increase for the cremation permit fee from \$150 to \$160 – Coroner/Medical Examiner's Office – Cheryl Brehmer

Cheryl Brehmer spoke about increasing the cremation fee from \$150 to \$160. This fee has not been increased since 2012. It was recently discovered that the cremation fee is able to be increased yearly. She found surrounding counties already raise them on a yearly basis and she would like Winnebago County to be in line with surrounding counties cremation permit fees.

A motion to approve the increase for the cremation permit fee from \$150 to \$160 was made by Chairman Stafford, seconded by Supervisor Defferding. Carried 5-0.

8. Consideration/Vote: CIP Project Presentation: Subscriber unit radios – Sheriff John Matz

Captain Lara Vendola-Messer gave a presentation on the Subscriber Unit project for the radios. The radios are used by every public safety agency throughout Winnebago County. The radios have a 7-10 year life span and are now due to be replaced. There are currently 80 mobile radios, 325 portable radios and 12 consolettes that need to be replaced. Additional costs would be for programming the radios, installing the mobiles in the squads, accessories like earpieces, etc., and bank chargers. In 2023, the cost would be \$2,426,129.00 which is an increase of \$325,000 since fall of 2021.

This item is for discussion only, no vote.

9. Consideration/Vote: CIP Project Presentation: Comm Center Consoles – Sheriff John Matz

Captain Lara Vendola-Messer gave a presentation on the Comm Center Consoles. Winnebago County Sheriff's Office is the only entity that takes 911 phone calls for the entire county. The Winnebago County Comm Center takes over 175,000 phone calls a year. Console workstations must be ergonomic and suitable for 24/7/365 use. Current consoles are obsolete and were top of the line consoles in 2003 when originally purchased. Current consoles currently support 7 monitors but the number of monitors will increase due to the amount of work the dispatchers have to do. There are currently 9 comm center consoles in the 911 center and all 9 need to be replaced. Rough estimate is \$28,000 per console. CIP request total is \$260,000.

This item is for discussion only, no vote.

10. Consideration/Vote: CIP Project Presentation: Jail Wiring and camera – Sheriff John Matz

Lieutenant Ross Johnson gave a presentation regarding the jail wiring and camera system. Currently there are 101 cameras throughout the facility and 4 different types of cameras. All of the cameras run out of the master control area within the jail and are constantly monitored by staff. The cameras protect the county from liability and protects the staff and inmates. If the cameras fail, they must replace those cameras with staff. The camera system is currently being operated by Avigilon 6 software which is no longer supported. The new camera system would be supported by Avigilon 8. CIP project includes replacing all of the end of life wiring and other components. It would add 13 cameras and 12 additional cameras for the most vulnerable inmates. In 2022, there has been \$18,000 spent in repairs. The wiring upgrade would be \$275,000. They would need to add 13 cameras which would be an additional \$75,000 bringing the total to \$350,000. There has been a 15% increase in price each year.

This item is for discussion only, no vote.

11. Consideration/Vote: Resolution - Authorize the Sheriff's Office to accept a \$3,200 WEM HS Alert Swat equipment grant – Sheriff John Matz

Sheriff Matz spoke about the grant and stated the equipment is for the SWAT team. All of the equipment could be used by any surrounding agency if requested. The Sheriff's Office will purchase two tripods, camouflage tripod covers, high magnification monocular or spotting scope, laser range finder, and polarized lens caps with the grant money.

A motion to authorize the Sheriff's Office to accept a \$3,200 WEM HS Alert Swat equipment grant was made by Chairman Stafford, seconded Supervisor Floam. Carried 5-0.

12. Consideration/Vote: Resolution – Amending the Table of Organization for the Sheriff's Office – Sheriff John Matz

Sheriff Matz is asking to eliminate the full-time Crime Analyst & Internet Crimes Investigator position and replace it with a full time Detective Lieutenant position which would oversee a Special Victims Unit. The elimination of the position and adding another position is an increase in labor of \$9,252, which will be absorbed in the Sheriff's Office existing budget.

Current Crime Analyst & Internet Crimes Investigator Michael Sewall gave a presentation on his current role with the ICAC investigations at the Sheriff's Office and outlined the success of his position and the importance of his position within the department.

A motion to amend to the Table of Organization for the Sheriff's Office was made by Supervisor Floam, seconded by Supervisor Eisen. Carried 5-0.

13. Sheriff's Report

Sheriff Matz discussed the last COVID outbreak in the jail.

Sheriff Matz stated there are currently 13 inmates participating in the Vivitrol program.

Sheriff Matz stated there are 4 retirements upcoming at the Sheriff's Office and 3 interns starting internships with the Sheriff's Office after the new year.

Sheriff Matz turned it over to questions regarding NG911. Captain Lara Vendola-Messer and Adam Dorn from GIS answered questions the committee had regarding the NG911 system.

14. 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"

Chairman Stafford brought this back and asked for more information from Corporation Counsel before moving forward with this resolution.

Mary Anne Mueller of Corporation Counsel provided a handout regarding Consent Calendars. Mary Anne reviewed the handouts with the committee members and explained how other counties currently use the Consent Calendar for their meetings. She stated a Consent Calendar is used to group agenda items under one umbrella. It would be the Chair that decides what would be included with the Consent Calendar. Before the adoption of the agenda, you can request items be pulled off of the Consent Calendar.

Chairman Stafford asked how to go about presenting this idea to the full board. Supervisor Defferding suggested bringing it up at the Special Orders meeting in January. Mary Anne stated she thinks it is a good idea to present this to the full board at the Special Orders meeting in January.

Supervisor Eisen asked Chairman Stafford to bring it up during the December county board meeting and also mention the Special Orders meeting in January to allow for all county board members to do their research on Consent Calendars before the Special Orders meeting. Chairman Stafford agreed with this idea.

A motion 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" with approval today to be put on the January County Board agenda was made by Supervisor Defferding, seconded Supervisor Floam. Carried 5-0.

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

None

16. Next Meeting Date: Monday, January 9, 2023 at 6:00 pm

- **Deadline for agenda items due *Thursday, December 22, 2022*. Please forward those requests to Chairman Bryan Stafford for approval. Thank you.**

17. Adjourn

A motion to adjourn at 8:26 p.m. was made by Supervisor Floam, seconded by Supervisor Hanson. Carried 5-0.

Respectfully Submitted:

Kimberly Delcore
Winnebago County Sheriff's Office

WINNEBAGO COUNTY BOARD OF SUPERVISORS

Per Diem, Mileage, Expenses



Per Diems, Mileage and Expenses

- Each Board Member shall be responsible for completing their expense sheet for per diems, mileage and other expenses.
- Such expense sheets must be submitted to the County Clerk's office, no later than the first Sunday of said month.
The sheets can be hand delivered or e-mailed to
CountyClerk@winnebagocountywi.gov.
- An electronic version of the Expense Sheet is available from the County Clerk's office. Please contact them if interested at 920-232-3430.

County Board and Committee Meetings

- County Board Business and Special Orders meetings count as a Full Day. (\$75.00)
- Committee meetings can be full days or half days.
- Half Day – One or more meetings totaling 4 hours or less (\$50.00)
- Full Day – Over 4 hours (\$75.00)
- Only one per diem for each day of service as a County Board Supervisor can be claimed. Two meetings totaling under 4 hours would constitute a half day. Two meetings over 4 hours would constitute a full day.
- All Board members shall be paid by electronic funds transfer unless the Board member provides a signed affidavit to the County Clerk that he or she does not own or possess a bank account so as to allow such electronic payment.

Name & Address		Winnebago County Supervisor's				Winnebago County Supervisor's									
Julie Barthels		Per Diem Report				Expense Report									
815 Jackson Street						Month		January		Year		2018			
Oshkosh, WI 54902		Per Diem				Expenses									
County Board or Committee Assignments		Date	Half Day	Full Day	Total Per Diem	Auto Miles	Rate	Lodging:	Meals			Description of Misc	Misc Exp.	Total Expense	
							0.545	Paid Receipts	Non-taxable	Taxable					
									Breakfast	Lunch	Dinner	Meals			
1	County Board	1/20/18			\$66.00	\$66.00	7	\$3.82						\$3.82	
2	Legislative	1/26/18		\$44.00	44.00	15	8.18							8.18	
3					-	-	-							-	
4					-	-	-							-	
5					-	-	-							-	
6					-	-	-							-	
7					-	-	-							-	
8					-	-	-							-	
9					-	-	-							-	
10					-	-	-							-	
11					-	-	-							-	
12					-	-	-							-	
13					-	-	-							-	
14					-	-	-							-	
		Totals		\$44.00	\$66.00	\$110.00	22	\$11.99	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11.99
Unassigned or Other Meetings		Date	Half Day	Full Day	Total Per Diem	Auto Miles	Rate	Lodging:	Meals			Description of Misc	Misc Exp.	Total Expense	
									Non-taxable	Taxable					
15						\$0.00		\$0.00						\$0.00	
16					-	-	-							-	
17					-	-	-							-	
18					-	-	-							-	
19					-	-	-							-	
20					-	-	-							-	
21					-	-	-							-	
22					-	-	-							-	
23					-	-	-							-	
		Totals		\$0.00	\$0.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		Grand Total		\$44.00	\$66.00	\$110.00	22	\$11.99	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11.99
												Less: Expense Advance	\$0.00		
												Net Amount	\$11.99		
Explanatory Remarks:															
I certify that this travel is in compliance with the Winnebago County Travel Policy															
County Board Chairman:		Certify the above is true and correct:				Certify the above is true and correct:									
		Julie Barthels				1/1/2018 Julie Barthels						1/1/2018			
Signature		Date				Signature						Date			

SAMPLE

Assigned or Un-Assigned Meetings

- Supervisors are assigned to Committees, Commissions and Boards. Any County Board Member may attend, without voting privileges, any open or closed meeting of any County Board Committee, Board or Commission. The County Board Chairman can fill in for missing members at any meeting and has voting rights. In the absence of the County Board Chairman, the Vice-Chairman has the ability to vote.
- If you are a member of a Committee, Commission or Board, the meeting is considered assigned. If you are not a member of that Committee, Commission or Board, the meeting is considered un-assigned.
- In Winnebago County, Supervisors are limited to 30 days for service on committees, commissions or boards per year. If in excess of 30 days, it must be approved by the County Board. §59.13(2)(b)

Seminars and Conferences

- Advance approval is required for attendance at meetings, conferences or educational seminars.
- Supervisors need to complete a “Request to Attend Conference, Convention or Seminar” form to attend such meetings. This forms needs to be approved and signed by the County Board Chairman.
- A completed registration form for the conference or convention should be included with the “Request to Attend” form.

Request to Attend Form

REQUEST TO ATTEND
CONFERENCE, CONVENTION OR SEMINAR

Name of Supervisor: _____ Spouse/guest: _____

Name of conference, convention or seminar: _____

Date of event: _____ Location of event: _____

Registration cost: _____ Overnight accommodations required? Yes No

Date of Arrival _____ Date of Departure _____

Supervisor's Signature _____

I approve this supervisor's attendance at this event.

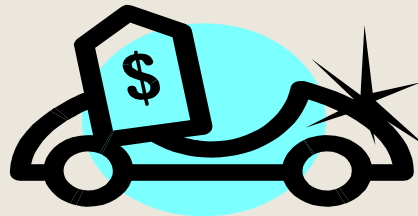
County Board Chairman _____

Registration submitted by County Clerk's Office on: _____

Registration cancelled at request of supervisor on: _____

Mileage Reimbursements & Insurance Requirements

- The maximum state mileage reimbursement rate is “.625” cents per mile effective **Jan. 1 to Dec. 31, 2022**.
- Supervisors are reimbursed for mileage to attend meetings. You will be reimbursed for round trip.
- If operating a privately-owned motor vehicle, Supervisors are required to provide proof of insurance. Minimum Automobile Liability Insurance Requirements: \$100,000.00 for each person for bodily injury; \$300,000.00 for each occurrence for bodily injury; \$50,000.00 for each occurrence for property damage.
- A Vehicle Usage Agreement needs to be filed with the Winnebago County Finance Department before any mileage reimbursements will be paid.



Lodging

- The County Clerk's office makes reservations for lodging for Supervisors to attend Conferences.
- The County will pay for rooms only. No reimbursement for incidentals such as movies, telephone calls, etc.
- Lodging costs will not be reimbursed for any site within 50 miles of the Winnebago County Courthouse unless approved in advance by the County Board Chairman.
- Porter services are reimbursable expenses under the County Ordinances.



Meals

- The following schedule consists of maximum reimbursable expenses for meals:
 - \$10.00 Breakfast
 - \$12.00 Lunch
 - \$23.00 Supper
- These are the allowable amounts that Winnebago County will reimburse for meals including tips. Meal costs that exceed these amounts may be approved by the authorizing agent provided they are reasonable for the location of the meeting. Submission of meal receipts is required for all meals.
- Persons attending meetings, conferences, or educational seminars that extend for a full day or a partial day may claim necessary meal expenses per meal as set forth herein. No reimbursement shall be claimed for meals that could have reasonably been consumed prior to departure or following return.



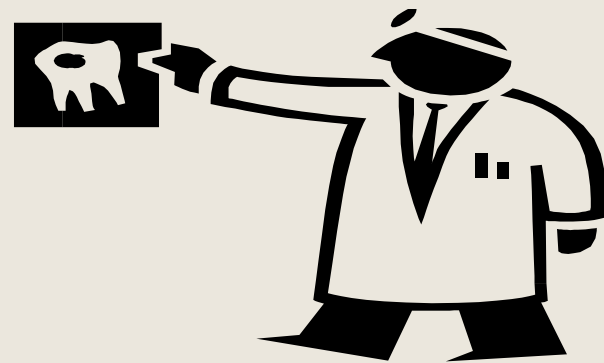
Miscellaneous Expenses

- Miscellaneous expenses would include the following:
Parking Expense, Baggage Claim, Tips, etc.
- Receipts are required to be reimbursed for these expenses.
- Tips (other than meal tips), alcoholic beverages, barber or beautician costs, in-room movies, health club fees and all sundry items not specifically addressed in the County Ordinance book are not reimbursable.



Health Insurance and Dental Insurance

- Upon payment of premiums, Health and Dental Insurance is available for all Supervisors.
- Please contact the Human Resources – Benefit Specialist for more information.



Questions

- If you have any questions, please do not hesitate to contact the County Clerk's office or the County Board Chairman.
- Please keep current with your per diem sheets. One sheet per month.



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RESOLUTION: Increase the fee to attend the Parent Education Program Partners in Parenting from \$10 per parent to \$20 per parent

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, Wis. Stat. 767.401 provides that a court may require any parent involved in an action affecting the family or in an action to determine paternity of a child to attend an educational course that addresses the effects of a dissolution of marriage on the child, child development, family dynamics, parenting skills and co-parenting skills; and

WHEREAS, Winnebago County Local Court Rule 3.20 requires all parents ordered to participate in custody mediation to participate in the Parent Education Program offered by the Office of Family Court Services and all parents who are parties to a paternity action to attend the Parent Education Program; and

WHEREAS, participation in parent education programming and mediation helps to reduce the caseload in the family court system and reduces litigation overall; and

WHEREAS, since 2010, the Office of Family Court Services and the Child Support Office shared responsibility for administering the parent education course; and

WHEREAS, in August 2021, the Child Support Office relinquished all involvement in the parent education course, and the Office of Family Court Services now provides all preparation, administration and teaching of the twice monthly offered program; and

WHEREAS, the expense involved with the course is not covered by the current fee of \$10 per parent, which has not been reviewed or increased since 2001; and

WHEREAS, raising the fee charged to parents for attending the course from \$10 to \$20 will put Winnebago County in line with other, similarly situated counties, will cover the cost of staff salary for time spent providing this service, and will generate additional revenue to improve the product provided to the parents.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the fee to attend the Parent Education Program Partners in Parenting, offered by the Office of Family Court Services to parents involved in the family court system, be increased from \$10 per parent to \$20 per parent.

Fiscal Note: No budget transfer is required. The proposed fee change would increase revenue to the County by an amount which will vary from year to year, estimated to average approximately \$2,450 per year.

Respectfully submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Committee Vote: _____

Respectfully submitted by:
PERSONNEL & FINANCE COMMITTEE

Committee Vote: _____

Vote Required for Passage: **Majority of Members Present**

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Approved by the Winnebago County Executive this ____ day of _____, 2022.

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Jonathan D. Doemel
Winnebago County Executive

DATE: *December 8, 2022*

FROM: *Jill Burchardt, Manager Family Court Services/Tara Berry, Clerk of Court*

RE: *Fee Increase for Parent Education Course*

General Description:

Family Court Services is requesting an increase in the fee charged for parents to attend the parent education program, Partners in Parenting, offered by the office of Family Court Services to parents involved in the family court system, from \$10 to \$20 per parent.

Action Requested:

Motion to approve a resolution to increase the fee to attend the parent education program to \$20 per parent.

Procedural Steps:

(Show each level of committee and board approval needed, with meeting dates.)

Committee of Jurisdiction: JPS

Meeting date: January, 9 2023

Action taken: _____

Vote: _____

Other Committee: P&F

Meeting date: February 8, 2023

Action taken: _____

Vote: _____

County Board

Meeting date: February 2023 TBD

Background:

Last fee increase for attendance at the parent education program was approximately 2001. A motion to raise the fee from \$10 to \$20 was made at a judge's meeting and unanimously approved in October 2022.

Pursuant to Wis. Stat. 767.401, a court may require any parent involved in an action affecting the family or in an action to determine paternity of a child to attend an educational course that addresses the effects of a dissolution of marriage on the child, child development, family dynamics, parenting skills and co-parenting skills. Pursuant to Winnebago County Local Court Rule 3.20, all parents ordered to participate in custody mediation are required to participate in the parent education program offered by the Office of Family Court Services and all parents who are parties to a paternity action are required to attend the parent education program. Participation in parent education programming and mediation helps to reduce the case load in the family court system and reduces litigation overall.

Since 2010, the office of Family Court Services and the Child Support office shared responsibility for administering the parent education course. The child support office prepared/sent all court orders and prepared all informational packets for the paternity cases. The office of Family Court Services prepared all material for mediation clients, taught all classes (offered twice monthly) and prepared all invoices for all parents. The course fee of \$10/parent was collected and kept by the office of Family Court Services for all parents that attended, primarily to cover the cost of teaching the course and for the larger administrative load related to collection of fees.

In August 2021, the child support office relinquished all involvement in the parent education course, and the office of Family Court Services now provides all preparation, administration and teaching of the

twice monthly offered program. The expense involved with the course is not covered by the current fee of \$10/hour.

Policy Discussion:

- Average attendance (5-year average) is 245 parents every year, with a current total potential revenue of \$2,450
- The average salary of a mediator is \$33/hour. Support staff salary is currently \$18/hour.
- One mediator spends 4 hours each course between set up, teaching, and clean-up of class. Support staff spends approximately 2 hours each course preparing folders for course participants, checking clients into class, invoicing and data entry. Total salary expended per class is \$168.
- A course folder is provided to the parents that includes supplemental material that is paid for out of our current budget. This expense has increased, as the office of Family Court Services has assumed this expense in full in 2021. The budget for 2023 was prepared prior to this request, and does not include the amount needed to cover increase expense in office supplies. The 2022 budget for office supplies is already over, and this overage will continue into 2023 unless costs are recovered through a fee increase.
- Average parent attendance per class 10 people. At current rate of \$10/parent, we are not covering salary/expenses.
- At \$20/parent, costs would be covered, and surplus gained could result in providing parents more information in their resource folders.

Every county provides a different option for the required parent education course. Some nearby counties that have a Family Court Services office and offer similar, in-person programs proctored by the office of Family Court Services staff or by a local agency (ie: UW Extension staff):

Outagamie County \$10 (approved to increase to \$20 beginning in March 2023)

Fond du Lac County \$40/parent

Calumet County \$20/parent

Dane County \$40/parent

Dodge County \$20/parent

Other counties that offer mediation through contact workers or through their Department of Human Services offices typically require parents to attend a course on-line (ie: Children in the Middle, Children in Between). These on-line courses are \$40 to \$60/parent.

- These courses are not specific to Wisconsin nor are they specific to Winnebago County process and procedure.
- These courses were previewed by the staff at Family Court Services during COVID shutdowns, and were rejected as options due to the length, the inclusion of financial discussions (which are left out of current programming as this is not covered in mediation with our office) and due to the cost associated with them.

Raising the fee charged to parents for attending the course from \$10 to \$20 will put this county in-line with other, similarly situated counties, will cover the cost of staff salary for time spend providing this service and will generate additional revenue to improve the product provided to the parents.

Attachments:

N/A

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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

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, Wis. Stat. § 814.615 provides the parameters for mediation and custody study fees, and allows for a county to establish a fee schedule to recover its reasonable costs of providing services in lieu of these fees; and

WHEREAS, a fee schedule for mediation or custody study fees was last addressed circa 2001; and

WHEREAS, the departmental cost of conducting a custody study is not covered by the current fee structure; and

WHEREAS, establishment of a new, simplified fee schedule would be beneficial for both mediators and clients; and

WHEREAS, the Winnebago County Circuit Court Judges unanimously approved the proposed increase for custody study fees in December 2022.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby sets the Family Court Services mediation fee at the existing rate of \$150 per parent.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby increases custody study fees to \$50 per hour and increases the up-front retainer payment fee for a custody study to \$525 per parent.

Fiscal Note: No budget transfer is required. The proposed fee change would increase revenue to the County by an amount which will vary from year to year, estimated to average approximately \$2,000 per year.

Respectfully submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Committee Vote: _____

Respectfully submitted by:
PERSONNEL & FINANCE COMMITTEE

Committee Vote: _____

Vote Required for Passage: _____

Approved by the Winnebago County Executive this _____ day of _____, 2023.

Jonathan D. Doemel
Winnebago County Executive

DATE: *December 21, 2022*

FROM: *Jill Burchardt, Manager Family Court Services/Tara Berry, Clerk of Courts*

RE: *Establishing a new fee schedule for mediation and custody study fees*

General Description:

Family Court Services is requesting to establish a new fee schedule for mediation and custody study fees and to increase the fees specifically for custody studies.

Action Requested:

Motion to approve a resolution to establish a new fee schedule for mediation and custody study fees, specifically to set mediation fees at the existing amount of \$150/parent, to increase custody study fees to \$50/hour and to increase the up-front retainer fee payment to \$525/parent.

Procedural Steps:

Committee of Jurisdiction: JPS

Action taken: _____

Other Committee: P&F

Action taken: _____

County Board

Meeting date: January, 9 2023

Vote: _____

Meeting date: February 8, 2023

Vote: _____

Meeting date: February 2023 TBD

Background:

The last time that a fee schedule for mediation or custody study fees was addressed was in approximately 2001. No information is available from prior FCS Directors/Managers to review regarding the prior fee schedule, nor can the fee schedule that was established be located.

Pursuant to Wis. Stat. 814.615, the county shall collect no fee for the first mediation session, a single fee of \$200 for mediation provided after the first session, regardless of the number of sessions held, and \$300 for a custody study. In lieu of these fees, a county may establish a fee schedule to recover its reasonable costs of providing services.

FCS is not requesting any change to the mediation fee, which is currently set at \$150/parent when the parents go beyond one session. The first mediation session is free of charge.

Custody evaluation fees currently require a parent to pay a \$400 retainer fee at the outset of the evaluation process. Work conducted during the study process is billed to a parent at the rate of \$40/hour. At the conclusion of the study process, the parents then owe for any amount that is above the \$400 initial retainer fee paid. If the custody study team provides less than 10 hours of work, a refund is issued to the parent of the unused portion of the retainer fee. Parents are also billed for the cost of obtaining any records.

At present, the departmental cost of conducting a custody study is not covered by the current fee structure.

Given that the prior fee schedule is unable to be located, and the FCS office is clearly working under the terms of an alternate fee schedule, a review of current costs and establishment of a new fee schedule

that can be located and referenced would be beneficial. The judges unanimously approved the proposed increase in custody study fees in December 2022.

Policy Discussion:

The number of custody studies that are conducted by FCS is variable from one year to the next and this number is wholly dependent upon the number of court referrals that are made. A survey of the past five years shows, on average, that 16 studies are completed and submitted yearly.

FCS has five sources of revenue: a percentage of marriage license fees, a percentage of family court filing fees, a contract to provide mediation services to Waushara County, mediation and custody study fees. Study fees are projected to bring in \$15,000 yearly, which represents 15% of the total revenues projected.

In a regular year, wherein the court referrals are near the average of 16 studies in a calendar year, revenues collected will exceed projections and the actual revenue collected can provide an additional \$10,000. Despite this, the salary and expenses of conducting a study are not covered by the current fee structure.

Custody studies are conducted by a team of two mediators. Both mediators are present for all in-person appointments, including home visits. The primary mediator is responsible for maintaining the file, record reviews and writing the report. The administrative associate assists and provides work on each file. Mediators routinely collaborate prior to and after appointments, when records are being reviewed and during the writing of the report. It is difficult to pinpoint exactly how much time is spent on these activities, as they vary greatly depending upon the case.

Conducting a survey of billing statements for studies completed in the past five years, 17 hours on average is spent on in-person interviews (two mediators) and 25 hours on records review/drafting the report (one mediator).

Average mediator salary is \$34/hour. Average administrative assistant II pay rate is \$20.50. Calculations arrived at by averaging out minimum and maximum salary for the positions.

- Present fee structure at current \$40/hour rate results in collection of a total fee of \$1680
- If billing based on a two-tier approach (one mediator vs. two mediator), this results in collection of a total fee of \$2006 (\$68x17 and \$34x25)
- Proposed billing at a set rate for all work—similar to what occurs now—at a rate of \$50 results in collection of a total fee of \$2,100

FCS proposes a simple, across the board fee of \$50/hour. This results in a minimal increase from what a two-tier billing approach would be (\$94), however, this slight overage would offset the administrative associate's salary, costs associated with printing documents, which can be voluminous, and offset some costs incurred when the mediation team collaborates outside of interviews. This simple billing system remains easy to track, manage and follow, for both mediators and clients.

Custody study fees are split equally between the parents, resulting in a bill to each parent of \$1050. The retainer fee increase to \$525 represents one-half of this amount.

Attachments:

- Wisconsin Statute 814.615 regarding fees
- Winnebago County 2022 Compensation Schedules for Mediator and Administrative Associate II
- Proposed Draft Fee Schedule
- Tables regarding past 5 years of custody studies completed

814.615 Fees for mediation and studies.

(1)

(a) Except as provided under sub. (2), for family court services provided under s. 767.405 a county shall collect the following fees:

1. For the first mediation session conducted upon referral under s. 767.405 (5), no fee.
2. For all mediation provided after the first session mediation described under subd. 1., a single fee of \$200, regardless of the number of mediation sessions held.
3. For a study under s. 767.405 (14), a fee of \$300.

(b) The county shall determine when and how to collect the fees under par. (a). Subject to sub. (3), the county shall reduce the fees in accordance with the parties' ability to pay or provide the services without payment of the fees if both parties are unable to pay.

(2) In lieu of the fee under sub. (1)(a) 2. or 3., a county may establish a fee schedule to recover its reasonable costs of providing family court services under s. 767.405. A fee schedule established under this subsection may apply in lieu of the fee under sub. (1)(a) 2. or 3. or both, and shall require no fee for the first mediation session conducted upon referral under s. 767.405 (5); provide for payment for any other services based on the parties' ability to pay; and take into account the fees the county collects under s. 814.61 (1)(b) and (7)(b). Fees shall be based on services actually provided. The county may not collect a single fee applicable without regard to the number of sessions or services provided. Subject to sub. (3), the county shall provide family court services to the parties even if both parties are unable to pay.

(3) The court or a circuit court commissioner shall direct either or both parties to pay any applicable fee under this section. If either or both parties are unable to pay, the court shall grant a separate judgment for the amount of the fees in favor of the county and against the party or parties responsible for the fees.

(4) The county treasurer shall deposit fees collected under this section in a separate account for the exclusive purpose of providing mediation services and studies under s. 767.405.

History: 1987 a. 355; 1991 a. 269; 2001 a. 61; 2005 a. 443 ss. 264, 265.

NOTE: 1987 Wis. Act 355 contains explanatory notes.

Fees for Mediation and Custody Study

1. For a mediation referred under Wis. Stat. 767.405(5):
 - a. For the first mediation session conducted upon a referral, no fee shall be charged.
 - b. For all mediation provided after the first mediation session, a single fee of \$150 assessed to each parent, regardless of the number of mediation sessions held.
2. For a custody study referred under Wis. Stat. 767.405(14):
 - a. An initial retainer fee of \$525 assessed to each parent.
 - b. An hourly billing rate of \$50 per hour to be assessed for all services provided. Unearned portions of the retainer fee will be returned upon completion and submission of the custody study. Amounts in excess of the retainer fee will be billed upon the completion and submission of the custody study.
 - c. Parents shall be assessed the cost to obtain records from third-party, collateral sources when such records are deemed necessary for the completion of the custody study.
3. Parents that incur fees for mediation or custody study services may apply to have the fee waived by returning an application to the office of Family Court Services as follows:
 - a. For mediation services provided pursuant to paragraph 1, within two weeks of the date the mediation file is closed.
 - b. For custody study services provided pursuant to paragraph 2, within 30 days of the court order referring the matter for study.
 - c. A separate waiver application must be submitted for each service.

	2018	
CLIENT (15)	INTERVIEW TIME	DRAFTING TIME
BIRDER	14.5 HOURS	16.5 HOURS
CLOUGH	19.5 HOURS	43.5 HOURS
EWENS	16.5 HOURS	19 HOURS
GRAHAM	12.5 HOURS	25 HOURS
GRIFFIN	18 HOURS	26.5 HOURS
HEIDEMAN	15 HOURS	17 HOURS
HUGHES	22.25 HOURS	26 HOURS
KNAGGS	17.5 HOURS	22.5 HOURS
LLOYD	10 HOURS	34 HOURS
RAYMOND	12.5 HOURS	21 HOURS
ROSENBERG	13.5 HOURS	21 HOURS
RUSCH	12.5 HOURS	20 HOURS
SIMS	18 HOURS	29 HOURS
STAERKEL	17 HOURS	32 HOURS
STAERKEL (UPDATE)	6.5 HOURS	15 HOURS
AVERAGE HOURS SPENT	15 HOURS (15.0)	23 HOURS (23.1)

	2019	
CLIENT (16)	INTERVIEW TIME	DRAFTING TIME
BANCROFT	17 HOURS	34 HOURS
BANJAK	8.5 HOURS	9.5 HOURS
BANJAK (UPDATE)	11.75 HOURS	9.0 HOURS
BOTTENSEK	16.5 HOURS	36 HOURS
BRAUN	11.75 HOURS	21 HOURS
BUSKAGER	19 HOURS	19 HOURS
CLOUGH	15.5 HOURS	18.5 HOURS
DOTY	15 HOURS	27 HOURS
FOSS, D	20.5 HOURS	41 HOURS
HAWKINS	22.5 HOURS	35.5 HOURS
HOOYMAN	14.75 HOURS	27 HOURS
JOHANNES	12.50 HOURS	19 HOURS
MOORE	10.5 HOURS	14 HOURS
POPE	18.5 HOURS	29 HOURS
RIOS	8.5 HOURS	11.5 HOURS
VILLALOBOS	16.25 HOURS	22 HOURS
AVERAGE HOURS SPENT	15 HOURS (14.9)	23 HOURS (23.3)

	2020	
CLIENT	INTERVIEW TIME	DRAFTING TIME
DOMKOWSKI	13 HOURS	17.5 HOURS
HIMES	18.5 HOURS	45 HOURS
HOLM	14 HOURS	23 HOURS
SPRUILL	16 HOURS	27 HOURS
AVERAGE HOURS SPENT	15 HOURS (15.3)	28 HOURS (28.1)

	2021	
CLIENT (17)	INTERVIEW TIME	DRAFTING TIME
BAHR	24 HOURS	28 HOURS
CLOUGH (UPDATE)	9.75 HOURS	14 HOURS
DOMKOWSKI (UPDATE)	7.5 HOURS	12.5 HOURS
DRIER	22 HOURS	40.5 OURS
FETT	24.5 HOURS	28 HOURS
FLYNN	22 HOURS	27.5 HOURS
FOSS-DENT	16.5 HOURS	39 HOURS
FOSS	17 HOURS	26 HOURS
GANT	21.5 HOURS	24 HOURS
KEEHAN	16.5 HOURS	19.5 HOURS
LEIBY	10.75 HOURS	14 HOURS
MURPHY	18 HOURS	33.5 HOURS
STREBE	20.25 HOURS	31 HOURS
WEYERS	19 HOURS	28 HOURS
WILLIAMS	19 HOURS	25.5 HOURS
AVERAGE HOURS SPENT	18 HOURS (17.8)	26 HOURS (26.0)

	2022	
CLIENT (9)	INTERVIEW TIME	DRAFTING TIME
BAIN	19.5 HOURS	23 HOURS
DENSON	25 HOURS	30 HOURS
ECKSTEIN	19 HOURS	32 HOURS
HODGES	19 HOURS	25.5 HOURS
MEYER	18 HOURS	20.5 HOURS
PIPKORN	16.5 HOURS	14.5 HOURS
RAYBURN	19 HOURS	20 HOURS
SULLIVAN	29.5 HOURS	20 HOURS
VANG	20 HOURS	28 HOURS
AVERAGE TIME SPENT	21 HOURS (20.6)	24 HOURS (23.7)

5-YEAR AVERAGES

INTERVIEW TIME: 17 HOURS (16.8)

DRAFTING TIME: 25 HOURS (24.8)

Grade	Current Title	Dept	Minimum	Top of Range A	Control Point Top of Range B	Top of Range C	Top of Range D
24							
	Grade 24 - Hourly						
24	Grade 24 - Salaried		\$28,63	\$30,07	\$31,57	\$35,31	\$39,50
24	Maintenance & Operations Manager	Airport	\$59,557	\$62,535	\$65,660	\$73,462	\$82,189
24	Office Supervisor	Child Support					
24	Family Court Services Mediator	Circuit Courts					
24	Chief Deputy Clerk of Courts	Clerk of Courts					
24	Chief Deputy Coroner	Coroner					
24	Diversion Program Coordinator	District Attorney					
24	Office Supervisor	District Attorney					
24	HVAC Specialist	Facilities					
24	Master Electrician	Facilities					
24	Plumber	Facilities					
24	Purchasing Manager	Finance					
24	Office Supervisor	Highway					
24	Highway Maintenance Supervisor	Highway					
24	Traffic Operations Supervisor	Highway					
24	Human Resource Advisor	Human Resources					
24	Risk Manager	Human Resources					
24	Office Supervisor	Human Services - AD					
24	Special Projects Coordinator	Human Services - AD					
24	Case Manager - Lead	Human Services - BH					
24	Psychiatric Nurse	Human Services - BH					
24	Qualified Therapist - In Training	Human Services - BH					
24	Youth CCS Lead Specialist	Human Services - BH					
24	Systems Analyst	Information Systems					
24	Food and Nutrition Services Manager	Park View Health Center					

Grade	Current Title	Dept	Minimum	Top of Range A	Control Point Top of Range B	Top of Range C	Top of Range D
14			\$16.38	\$17.21	\$18.06	\$20.10	\$22.60
14	Tax Letting Specialist	Planning and Zoning					
14	Records Associate	Register of Deeds					
15			\$17.29	\$18.15	\$19.06	\$21.22	\$23.86
15	Administrative Associate II	Circuit Courts					
15	Administrative Associate II	Clerk of Courts					
15	Administrative Associate II	County Clerk					
15	Facilities Specialist	Facilities					
15	Financial Associate I	Highway					
15	Administrative Associate II	Human Services - BH					
15	C.N.A.	Park View Health Center					
15	Restorative Aide	Park View Health Center					
15	Corrections Financial Associate	Sheriff					
15	Financial Associate I	Sheriff					
15	Financial Associate I	Treasurer					
16			\$17.98	\$19.06	\$20.01	\$22.28	\$24.81
16	Financial Associate II	Child Support					
16	Administrative Associate III	Circuit Courts					
16	Administrative Associate III	Clerk of Courts					
16	Financial Associate II	Clerk of Courts					
16	Jury Clerk	Clerk of Courts					
16	Administrative Associate III	Corporation Counsel					
16	Administrative Associate III	County Clerk					
16	Administrative Associate III	District Attorney					
16	Financial Associate II	Finance					
16	Administrative Associate III	Highway					

Burchardt, Jill

From: Burchardt, Jill
Sent: Monday, December 12, 2022 10:14 AM
To: 'Daniel Bissett'; Basiliere, Teresa; Woldt, Scott; Gibbs, Michael; Keberlein, Bryan; Jorgensen, John
Cc: Krueger, Lisa; Berry, Tara
Subject: RE: MEMO TO JUDGES

Thank you all for your consideration and your very quick action! I certainly appreciate your continued support of the Office of Family Court Services.

Jill Burchardt
Family Court Services Manager
Winnebago County Family Court Services
415 Jackson St., Room 220
Oshkosh, WI 54903
(920)236-4794
(920)303-3189 (fax)

Starting September 1st, 2022 my email will be changing from jburchardt@co.winnebago.wi.us to jburchardt@winnebagoountywi.gov. Please update your address book so messages sent from the new address are not blocked.

From: Daniel Bissett <Daniel.Bissett@WICOURTS.GOV>
Sent: Monday, December 12, 2022 9:42 AM
To: Basiliere, Teresa <teresa.basiliere@wicourts.gov>; Woldt, Scott <scott.woldt@wicourts.gov>; Burchardt, Jill <JBurchardt@winnebagoountywi.gov>; Gibbs, Michael <Michael.Gibbs@wicourts.gov>; Keberlein, Bryan <Bryan.Keberlein@wicourts.gov>; Jorgensen, John <john.jorgensen@wicourts.gov>
Cc: Krueger, Lisa <Lisa.Krueger@wicourts.gov>; Berry, Tara <tara.berry@wicourts.gov>
Subject: RE: MEMO TO JUDGES

I vote to approve motion. Dan

From: Teresa Basiliere <Teresa.Basiliere@WICOURTS.GOV>
Sent: Friday, December 9, 2022 3:22 PM
To: Scott Woldt <Scott.Woldt@WICOURTS.GOV>; 'Burchardt, Jill' <JBurchardt@winnebagoountywi.gov>; Daniel Bissett <Daniel.Bissett@WICOURTS.GOV>; Michael Gibbs <Michael.Gibbs@Wlcourts.gov>; Bryan Keberlein <Bryan.Keberlein@Wlcourts.gov>; John Jorgensen <John.Jorgensen@WICOURTS.GOV>
Cc: Lisa M Krueger <Lisa.Krueger@WICOURTS.GOV>; Tara Berry <Tara.Berry@WICOURTS.GOV>
Subject: Re: MEMO TO JUDGES

I second the motion

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From: Scott Woldt <Scott.Woldt@WICOURTS.GOV>

Sent: Friday, December 9, 2022 3:17:47 PM

To: 'Burchardt, Jill' <JBurchardt@winnebagocountywi.gov>; Teresa Basiliere <Teresa.Basiliere@WICOURTS.GOV>; Daniel Bissett <Daniel.Bissett@WICOURTS.GOV>; Michael Gibbs <Michael.Gibbs@Wicourts.gov>; Bryan Keberlein <Bryan.Keberlein@Wicourts.gov>; John Jorgensen <John.Jorgensen@WICOURTS.GOV>

Cc: Lisa M Krueger <Lisa.Krueger@WICOURTS.GOV>; Tara Berry <Tara.Berry@WICOURTS.GOV>

Subject: RE: MEMO TO JUDGES

I move to raise the Custody Study retainer fee to \$525 and that the hourly billing rate to be raised to \$50 per hour.

From: Burchardt, Jill <JBurchardt@winnebagocountywi.gov>

Sent: Friday, December 9, 2022 2:58 PM

To: Teresa Basiliere <Teresa.Basiliere@WICOURTS.GOV>; Daniel Bissett <Daniel.Bissett@WICOURTS.GOV>; Scott Woldt <Scott.Woldt@WICOURTS.GOV>; Michael Gibbs <Michael.Gibbs@Wicourts.gov>; Bryan Keberlein <Bryan.Keberlein@Wicourts.gov>; John Jorgensen <John.Jorgensen@WICOURTS.GOV>

Cc: Lisa M Krueger <Lisa.Krueger@WICOURTS.GOV>; Tara Berry <Tara.Berry@WICOURTS.GOV>

Subject: [E] MEMO TO JUDGES

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[E] CAUTION: This email originated from outside the Wisconsin Judicial Branch. Do not click links or attachments unless you recognize the sender and know the content is safe. If this email appears suspicious, or is asking you to provide sensitive information, contact the CCAP Call Center for further guidance.

Good Afternoon,

In an effort to streamline the process of requesting a fee increase for custody studies, I'm forwarding to you all just a brief synopsis of what I'm proposing. Normally, I know that this proposal would come in person at a Judge's meeting. However, since the judges meeting was cancelled in December, Tara and I discussed circulating the information to you electronically.

FCS is on the agenda for the 1/9/23 JPS committee meeting to address the fee increase you have already approved for our parent ed course, and we are able to add an agenda item for the study fee increase if it can be submitted prior to 12/22/22.

Tara indicated that you have approved things outside of a formal meeting in the past, and if you are able and willing to consider this proposal and provide electronic approval, we could then pair the fee issues together.

Again, the attached memo is a very brief overview. I can provide the more extensive notes and tables I have that supplement the request. I'm also happy to speak to anyone by phone or in person. This is a bit more involved than the parent ed course fee, so I do completely understand that if you think appearing in person at a judges meeting is a more appropriate avenue. I'd work with Tara then to get on your agenda.

Thank you for your time and attention to this request.

Jill Burchardt

Family Court Services Manager

Winnebago County Family Court Services

415 Jackson St., Room 220

Oshkosh, WI 54903

(920)236-4794

(920)303-3189 (fax)

Starting September 1st, 2022 my email will be changing from jburchardt@co.winnebago.wi.us to

jburchardt@winnebagocountywi.gov. Please update your address book so messages sent from the new address are not blocked.

RESOLUTION: Raising Winnebago County Bailiff pay to \$100 per day and adding the Bailiff position to the Winnebago County Unclassified Positions Pay Schedule

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, the last increase in Winnebago County Bailiff pay was approved by Resolution No. 114-122008 and went into effect on January 1, 2009; and

WHEREAS, at the Winnebago County Judges' April 19, 2022, meeting, the Winnebago County Judiciary unanimously approved a \$100 per day rate for Bailiff pay; and

WHEREAS, Bailiff schedules are irregular and not a reliable source of income. As a result, applications for Bailiff positions are rare. Currently, the court has not received any applications for a Bailiff position posted three months ago; and

WHEREAS, Bailiffs are essential to the efficient administration of the courtroom. Duties include ensuring that juries remain sequestered during a trial and providing assistance to crime victims and witnesses during court proceedings; and

WHEREAS, the Unclassified Positions Pay Schedule is considered for adjustment annually; and

WHEREAS, adding the Bailiff position to the Unclassified Positions Pay Schedule may alleviate the difficulty in receiving applications for Bailiff positions and help in retaining the current Bailiff pool.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a raise in Bailiff pay to \$100 per day.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Bailiff position be added to the Winnebago County Unclassified Positions Pay Schedule.

Fiscal Note:

Respectfully submitted by:

JUDICIARY & PUBLIC SAFETY COMMITTEE

Committee Vote:

Respectfully submitted by:

PERSONNEL & FINANCE COMMITTEE

Committee Vote:

Vote Required for Passage: **Majority of Members Present**

Approved by the Winnebago County Executive this _____ day of _____, 2022.

Jonathan D. Doemel
Winnebago County Executive

DATE: *December 1, 2022*

FROM: *Winnebago County Circuit Court Judges and Tara Berry, Clerk of Courts*

RE: *Bailiff Pay Increase*

General Description:

Winnebago County Circuit Court Judges and the Clerk of Courts are requesting to raise the bailiff pay to \$100.00 a day. As an unclassified position, we are also requesting to authorize the Bailiff position to be added to the Unclassified Positions Pay Schedule. In the current form, Bailiff pay is addressed by a separate Board resolution.

Action Requested:

Motion to approve resolution to increase bailiff pay to \$100.00 a day, and review yearly as unclassified employee annually in December by P&F.

Procedural Steps:

(Show each level of committee and board approval needed, with meeting dates.)

Committee of Jurisdiction: JPS	Meeting date: January 9, 2023
Action taken: _____	Vote: _____
Other Committee: P&F	Meeting date: February 8, 2023
Action taken: _____	Vote: _____
County Board	Meeting date: February 2023 - TBD

Background:

The last bailiff pay increase was approved by resolution in 2008 and went into effect in 2009, the prior increase was 1999. A motion to increase the Bailiff compensation was made at a judges meeting, and unanimously approved. All other unclassified positions are listed on the Unclassified positions Pay Schedule and considered for adjustment annually. The Bailiff position has been unique in that any adjustments has been done by a stand-alone County Board resolution. Adding the position to the Unclassified Positions Pay Schedule would add consistency in how similar positions are reviewed as well as minimize the chance of not providing a pay adjustment over such a long period of time.

Policy Discussion:

- We seldom get applications for bailiff positions. Currently we have a bailiff position posted, for about 3 months, and we have not received one application. Usually the courts have to do their own recruiting.
- Bailiff schedules are irregular and cannot be a reliable source of income. When the court's calendar is modified, bailiffs are notified by court personnel they are no longer required for the day, and are instructed not to report to work. In which case they are not compensated.
- The courts hire private Citizens for employment as bailiffs, verses the alternative, requiring the Sheriff to provide two deputies.

Supreme Court Rule, SCR 68.07 (1) states:

Two sworn officers should be in each courtroom and court commissioner hearing rooms when court is in session unless the judicial officer expresses otherwise.

This is a huge costs savings for the county. Due to the Courthouse security entrance and roving law enforcement officers, the court agreed to not enforcing this requirement and use civilian bailiffs.

- Bailiffs will usually cover multiple courts (intake, jury, criminal days).
- Civilian bailiffs are essential to the efficient administration of the courtroom.
- The bailiffs make sure that crime victims and witnesses are located for the court and give the proper assistance and information.
- We increased the budget, Bailiff and Matron #51104 by \$10,000 – Total 2023 Budget: \$110,000.00, 10% increase.
- Full regular court day (7.5 hours) - \$10.66 an hour. Jury Trial days can vary from 4-12 hours a day so the court is able to resolve a case as quickly as possible. Each trial requires two bailiffs scheduled to oversee jurors; if a second bailiff is unavailable, a member of staff has to act as the second bailiff. Two bailiffs are required so the jury remains sequestered during the trial.

2019	\$112, 240/80.00	1403 days
2020	\$55,360/80.00	692 days
2021	\$83, 760/80.00	1047 days
2022	\$79, 200/80.00	990 days (as of drafted memo)

Average # of Days Scheduled 1033 days
Budgeted 2023 \$110,000/\$100.00 1100 days

Based on the historical average, there would be no additional funds needed if this resolution is approved.

Oneida County – hourly; 1st year: \$12.78/ 2nd year: \$13.52/ 3rd year: \$14.61

Douglas County – hourly; \$12.00 (pending wage study)

Kenosha County – sessions pay (morning/afternoon) \$37.50 per each session. 9-12/12-5; additional \$5.00 an hour after 5pm

Door County – hourly; \$15.00 (increased in Oct 2021)

Dane County – sworn deputies

Sawyer County – hourly; \$20.00 (trials only)

Marathon County – (Jury Attendants) hourly; \$15.00

Crawford County – hourly; \$15.38

Lafayette County – hourly; \$19.08

Outagamie County – hourly; \$15.00

Attachments:

Copy of Resolution Approving an increase for January of 2009

Jury Survey for Bailiff pay/hours

2022 Jury Survey

Q1. Please identify your county.	Q5. Do you employ civilian jury bailiffs?	Other comments	Q6. If you answered "Yes" to Q5, what is the hourly rate for a new hire?	Q7. If you answered "Yes" to Q5, do your civilian jury bailiffs receive "call off" pay when a trial is removed from the calendar or settles the day of?	Other comments
Dodge	Yes		\$15.00	Yes	Bailiffs are paid per hour they are working.
Bayfield	Yes	Our Jury Bailiffs are members of the Bayfield Co Sheriff's Office Reserves	\$14.61	No	
St Croix	Yes		\$15.15	No	
Kewaunee	Yes		\$10.50	No	
Marinette	Yes		\$100 per day	No	
Ashland	Yes			No	
Florence	Yes		\$15	Yes	
Door	Yes	Since I have been here it has been retired ladies... or semi retired ladies ☺	Our Bailiffs just got an increase 1/1/22 and are paid \$15/hour	No	
Price	No		42.99/85.98 45.27/90.53 49.44/98.87 Half day/Full Day Bailiff, Asst Chief Bailiff, Chief Bailiff		
Portage	Yes			No	

2022 Jury Survey

Manitowoc	Yes		\$13.00/hr	Yes	4 hrs minimum pay (if called in and JT settles or doesn't go)
Sheboygan	No				
Calumet	Yes		\$13.00/hour with a 5 hour guaranteed minimum for bailiffs	Yes	If he reports, he gets 5 hours guaranteed minimum.
Trempealeau	Yes		Jury Bailiff receives \$70.00 for full day plus round trip mileage.		If bailiff's appear they get paid otherwise no.
Polk	Yes		Unsure \$15.00?	No	
Green Lake	Yes	Bailiffs are not considered an employee of the county, but are paid by the county.	Bailiff pay is \$15.00/hour, no mileage	No	
Outagamie	Yes		\$15 for bailiffs	Yes	If settles on the day of trial, the bailiffs receive 4 hours of pay. If it settles the night before, they do not get paid.
Waukesha	Yes		\$17.46	Yes	Minimum of 4 hours if the day of trial.
Sawyer	Yes		20.79	No	

2022 Jury Survey

Oneida	Yes	\$13.85	Yes			Yes	No call off pay. However, I did implement rule of 4 hours pay if jury settles day of trial.
Marquette	Yes	We've had the same people for years but anyone coming in would currently make \$14.39/hour and we feed them lunch/dinner.				No	
Burnett	Yes	\$12.00	Yes			No	
Taylor	Yes	\$13.10	Yes			No	
Vernon	Yes	\$11.30	Yes			No	
Adams	Yes	\$12 / hr (jury bailiff)	Yes			No	
Forest	Yes	\$10.00	Yes			No	
Pepin		Our Sheriff's Dept. provides bailiffs and recently hired 2 retired staff for bailiffs when needed. \$19.43					
Green	No	Our Sheriff's Dept provides bailiffs. They are retired law enforcement.	No				
Waupaca	Yes	13.50 but they are on the pay scale	Yes			No	

2022 Jury Survey

Rusk	Yes				Yes	Paid for two hours if trial settles that morning.
Grant	Yes		\$12.50 plus mileage		No	
Crawford	Yes		\$11.15		No	
La Crosse	Yes		\$15.12		No	
	Yes		\$11.62		No	
Shawano	Yes		\$12.50		Yes	Paid 2 hours day of trial only.
Walworth	Yes		\$14		No	
Clark	Yes		\$12.52		No	
Monroe	Yes		\$10 per hour		No	
Fond du Lac	Yes		\$10.00/hr		No	
						Nothing day before trial; 2-hour call in day of trial (or however long they are here)
Eau Claire	Yes		\$13+/hour		No	
Sauk	Yes		\$13/hr		No	
Ozaukee	Yes		\$18.00		No	
Washburn	Yes			18	No	
			\$80.00 a day - Judge's want to increase to \$100.00			
Winnebago	Yes				No	

2022 Jury Survey

Kenosha	Yes	We pay by the session; morning and afternoon. \$75.00/day, \$37.50/half day. Morning is start time (depends on judge) to 12 noon; PM is 12noon until release;Anything after 5 p.m. is an additional \$5/hour	No	They do get paid for the session whether they are here for 5 minutes, or the full session.
Jefferson	No	n/a		n/a
Columbia	Yes	\$40 for 1/2 day, \$70 for full day, \$100 for after 4:30	Yes	They are paid if they come to the courthouse and trial settles.
Dane	No			
Racine	Yes	10.00 per hour but we're requesting an increase to \$14/hour in the 2023 budget	No	They'll be paid for the hours that they come in. They'll typically be in for an hour or so even if the trial falls.
Brown	Yes	18	No	
Douglas	Yes	Currently \$12/hr. Wage study is being done.	Yes	I give 4 hours
Iowa	Yes	In addition to sworn security officers.	No	

2022 Jury Survey

Wood	Yes		\$30 per first four hours, \$9.52 per hour after 4 hours. Effective 10/1/22 it goes to \$50 & \$12	No	Same rate only if they come in and then it settles.
Barron	Yes		\$19.01	No	If the bailiff has reported the day of a jury trial, the bailiff is guaranteed 4 hours of pay.
Rock	No	We have seven full time court attendants.			
Richland	Yes		\$13.18	No	
Chippewa	Yes		\$10.41-\$11.45	Yes	2 hours for removal from calendar and 4 hours settles day of trial.

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114-122008

RESOLUTION: Authorize Increase in Pay for
Winnebago County Bailiffs

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, the responsibility of bailiffs in Winnebago County has substantially increased in the areas of security and administration; and

WHEREAS, bailiffs receive per diem payment without fringe benefits; and

WHEREAS, bailiffs are part-time employees who are not assured any given number of working days per pay period; and

WHEREAS, the bailiffs in the Winnebago County Circuit Court System have not received a pay increase since January 1, 1999;

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that the per diem pay for Winnebago County bailiffs be increased from \$70.00 to ~~\$75.00~~ ^{80.00} per day effective January 1, 2009.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Committee Vote: _____

Vote Requirement for Passage: **Two-thirds of Membership**

FISCAL NOTE:

Wages.....\$7,750 (Using dollars included in the 2009 approved budget)

Approved by the Winnebago County Executive this _____ day of December, 2008.

County Executive

1 151-122022

2
3 **RESOLUTION:** Authorize the Winnebago County Clerk to Publish a Notice of Referendum
4 Regarding the Legalization and Decriminalization of Cannabis in the State of
5 Wisconsin
6

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, legalizing and taxing cannabis could significantly increase state and local revenues; and

9 **WHEREAS**, the amount of time law enforcement spends enforcing existing cannabis laws and ordinances
10 negatively impacts the time available to solve more serious crimes and apprehend more dangerous criminals; and

11 **WHEREAS**, cannabis prohibition makes product quality control and sales regulation impossible, leaving
12 cannabis sellers free to target children as potential customers and to peddle potentially adulterated products; and

13 **WHEREAS**, there are now 19 states and territories where cannabis is legal in the United States of America,
14 11 of the 19 since the start of 2020; and

15 **WHEREAS**, Governor Evers has stated he will put the legalization of marijuana in the next state budget.
16

17 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
18 authorizes Winnebago County to conduct a countywide advisory referendum to appear on ballots during the April
19 2023 general election.
20

21 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that a concise statement of
22 the question be given and shall read as follows:
23

24 **Question: Cannabis Should:**

25 *(Please select one of the alternatives below or your vote will be invalid)*

26 (a) **Be legal for recreational use for adults 21 years of age and older, and legal for medical**
27 **use, taxes and regulated similar to alcohol.**

28
29 (b) **Be legal for medical purposes only.**

30
31 (c) **Remain a criminally illegal drug as provided under current law.**

32
33 (d) **None of the above.**
34

35 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby directs the
36 Winnebago County Corporation Counsel to prepare a Notice of Referendum to be published by the Winnebago
37 County Clerk in accordance with statutory requirements.
38

39 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that this Resolution and the
40 Referendum shall be filed with the Winnebago County Clerk no later than 70 days prior to the election at which the
41 question will appear on the ballot.

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BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to forward a copy of this Resolution to the Winnebago County Corporation Counsel and the Winnebago County Executive in accordance with statutory requirements.

Fiscal Note: The referendum would cause the County to incur costs of about \$1,300 for publication of legal notices.

Respectfully submitted by:
MICHAEL NORTON, District 20
BRIAN DEFFERDING, District 6
STEVEN BINDER, District 13
JULIE GORDON, District 17
DOUG ZELLMER, District 22
RACHAEL DOWLING, District 1

Vote Required for Passage: **Majority of Members Present**

Approved by the Winnebago County Executive this ____ day of _____, 2022.

Jonathan D. Doemel
Winnebago County Executive

VOTE RESULTS

151-122022

Refer to Legislative Committee and JPS Committee

21 YES 12 NO 0 ABSTAIN 3 ABSENT

Passed By Majority Vote

R. Dowling	NAY	S. Binder	NAY	K. Powers	NAY
R. Nichols	NAY	T. Swan	AYE	C. Hanson	AYE
T. Borchart	ABSENT	M. Robinson	AYE	M. Cox	AYE
P. Eisen	AYE	J. Floam	ABSENT	N. Gustafson	AYE
K. Horan	AYE	J. Gordon	NAY	R. Youngquist	AYE
B. Defferding	NAY	J. Ponzer	NAY	C. Farrey	NAY
B. Ellenberger	NAY	J. Belville	AYE	R. Harrison	NAY
J. Wise	AYE	M. Norton	NAY	S. Zastera	AYE
D. Nussbaum	AYE	J. Hinz	AYE	T. Egan	AYE
B. Stafford	AYE	D. Zellmer	AYE	J. Beem	AYE
D. Albrecht	AYE	K. Schellenger	ABSENT	D. Nelson	AYE
M. Gabert	AYE	A. Buck	NAY	H. Miller	AYE



Winnebago County Board of Supervisors - December 20 2022 08:12:35 PM

Winnebago County
December 20, 2022



