

Chairperson: Supervisor Willie Johnson, Jr.  
Clerk: Linda K. Durham, 278-4225  
Research Analyst: Rick Ceschin, 278-5003

## COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, December 3, 2009 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

### MINUTES

**PRESENT:** Supervisors Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**EXCUSED:** Supervisor Cesarz - 1

#### SCHEDULED ITEMS:

1. 09-397 From the Chief Information Officer, IMSD, requesting authorization to grant a conservation easement at the House of Correction, 8885 S. 68<sup>th</sup> Street, Franklin, Wisconsin to the City of Franklin. **(Also to the Committee on Economic and Community Development)**

#### **APPEARANCE(S):**

Greg High, Director, Architecture, Engineering and Environmental Services  
Dave Gugowski,  
Dennis John, Chief Information Officer, IMSD  
Inspector Kevin Carr, Sheriff's Office  
John Schapekahm, Principal Assistant Corporation Counsel

Mr. High provided comments relative to the subject report.

***MOTION BY: (RICE) Approve the resolution with the expectation that issues addressed in the Mr. Schapekahm's memo be incorporated into the process.***

Mr. Schapakahm provided clarity of the language in the BE IT RESOLVED clause of the resolution.

***MOTION BY: (JURSIK) Layover until the next cycle.***

Discussion ensued relative to the layover motion.

#### **Vote on the motion to layover: 5-1**

**AYES:** De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 5

**NOES:** Rice – 1

**EXCUSED:** Cesarz – 1

SCHEDULED ITEMS (CONTINUED):

**MOTION BY: (RICE) Adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the items 21, 22, and 23). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary: (Vote 6-0)**

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**NOES:** 0

**EXCUSED:** Cesarz - 1

The Committee adjourned into closed session at approximately 9:25 a.m. and reconvened back into open session at approximately 10:45 a.m. with the same members present as before.

The Committee took no action on items 21, 22 and 23.

2. 09-445 From the Chief Judge, requesting authorization to enter into a professional services contract with Justice 2000, Inc. for the period of January 1, 2010 through December 31, 2010 for provision of 1.0 FTE Drug Treatment Court Coordinator for the Milwaukee County Drug Treatment Court (MCDTC). **(Also to the Committee on Finance and Audit)**

**APPEARANCE(S):**

Holly Szablewski, Court Services

Ms. Szablewski reviewed the subject report.

Questions and comments ensued.

**MOTION BY: (DE BRUIN) Amend the BE IT RESOLVED clause (BIRC) of the resolution by inserting “at the terms set forth above” after “Justice 2000, Inc.” (Vote 6-0)**

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**NOES:** 0

**EXCUSED:** Cesarz – 1

**MOTION BY: (DE BRUIN) Approve the resolution, as amended: 6-0**

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**NOES:** 0

**EXCUSED:** Cesarz – 1

**SCHEDULED ITEMS (CONTINUED):**

3. 09-438 From the Interim Director of Child Support Enforcement (CSE), requesting authorization to execute extensions of the 2009 Purchase of Service contracts with Maximus, United Migrant Opportunity Services, Inc. (UMOS) and YWCA from January 1, 2010 through March 31, 2010 to provide child support case management services.

**APPEARANCE(S):**

Janet Nelson, Interim Director of CSE

Ms. Nelson reviewed the subject report.

***MOTION BY: (RICE) Approve. (6-0)***

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**NOES:** 0

**EXCUSED:** Cesarz – 1

4. 09-439 From the Interim Director of Child Support Enforcement, requesting authorization to enter into a contract with Racine County Child Support from January 1, 2010 through December 31, 2010 to provide call center child support case management services.

**APPEARANCE(S):**

Janet Nelson, Interim Director of CSE

Ms. Nelson reviewed the subject report.

***MOTION BY: (DE BRUIN) Amend the BIRC of the resolution by inserting “at the terms set forth above” after the word “Support” on line 29. (Vote 6-0)***

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**NOES:** 0

**EXCUSED:** Cesarz – 1

***MOTION BY: (RICE) Approve the resolution, as amended. (Vote 6-0)***

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**NOES:** 0

**EXCUSED:** Cesarz – 1

**SCHEDULED ITEMS (CONTINUED):**

5. 09-440 From the Interim Director of Child Support Enforcement, requesting authorization to accept a grant from the Department of Health and Human Services' Administration of Children and Families in the amount of \$100,000.

**APPEARANCE(S):**

Janet Nelson, Interim Director of CSE

Ms. Nelson reviewed the subject report.

Questions and comments ensued.

***(MOTION BY: (DE BRUIN) Approve. (Vote 6-0)***

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**NOES:** 0

**EXCUSED:** Cesarz – 1

6. 09-441 From the Interim Director of Child Support Enforcement, requesting to enter into a contract with Policy Studies, Inc. for professional services related to CSE's Special Improvement Project "Ensuring Timely Child Support Services for Foster Care Cases" from December 1, 2009 through August 31, 2010.

**APPEARANCE(S):**

Janet Nelson, Interim Director of CSE

Ms. Nelson reviewed the subject report.

***MOTION BY: (RICE) Approve.***

Supervisor De Bruin expressed concerns relative to why there wasn't a Request for Proposal (RFP) done.

Discussion ensued, with questions and comments relative to Policy Studies, Inc. (PSI) and the DOT/DBE Participation Recommendation Form.

The Committee requested quarterly reports regarding PSI's progress.

***MOTION BY: (DE BRUIN) Amend the BIRC of the resolution by inserting "at the terms set forth above" after "Policy Studies, Inc." on line 36. (Vote 6-0)***

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

**NOES:** 0

**EXCUSED:** Cesarz – 1

**SCHEDULED ITEMS (CONTINUED):**

***MOTION BY: (RICE) Approve the resolution, as amended. (Vote 6-0)***

***AYES:*** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

***NOES:*** 0

***EXCUSED:*** Cesarz – 1

**The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:**

**CORPORATION COUNSEL RECOMMENDS PAYMENT/SETTLEMENT OF THE FOLLOWING CLAIMS/LITIGATION (Note: Section 56.08 of the Milwaukee County General Ordinances authorizes the Judiciary Committee to settle all claims when the amount does not exceed \$5,000.00, and the action of the Committee is final and no further County Board action is required.):**

7. 09-18 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$5,000.00** to Larry Miller in full settlement of all claims arising out of the January 2007 incident in the County Jail.

***APPEARANCE(S):***

Bob Andrews, Deputy Corporation Counsel

***MOTION BY: (RICE) Approve items 7-13 together. (Vote 6-0)***

***AYES:*** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 6

***NOES:*** 0

***EXCUSED:*** Cesarz – 1

8. 09-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$1,671.63** to Issac Merritt in full settlement of his claim.

**SEE ACTION UNDER ITEM 7.**

9. 09-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$1,614.88** to Gilles Frozen Custard in full settlement of this claim.

**SEE ACTION UNDER ITEM 7.**

10. 09-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$1,012.97** to Kevin Abendroth in full settlement of his claim.

**SEE ACTION UNDER ITEM 7.**

**SCHEDULED ITEMS (CONTINUED):**

11. 09-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$889.63** to Don Ragsdale in full settlement of his claim.

**SEE ACTION UNDER ITEM 7.**

12. 09-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$881.76** to Petra Hernandez in full settlement of her claim.

**SEE ACTION UNDER ITEM 7.**

13. 09-18 From Deputy Corporation Counsel, recommending payment in the amount of **\$838.31** to Sentry Insurance for the repair of the vehicle owned by Gary Knueppel.

**SEE ACTION UNDER ITEM 7.**

**The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:**

14. 09-446 From Corporation Counsel, requesting authorization to continue to retain O'Neil , Cannon, Hollman, DeJong, S.C. to represent the Milwaukee County Board of Supervisors in connection with *Milwaukee District Council 48 v. Milwaukee County et al.*, and pay the reasonable and necessary fees for that representation, at a rate not to exceed \$325.00 per hour, which fees may exceed the sum of \$50,000, but shall not exceed the sum of \$100,000.

**APPEARANCE(S):**

Bill Domina, Corporation Counsel

***MOTION BY: (RICE) Adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to items 14 and 24. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary: (Vote 6-0)***

The Committee adjourned into closed session at approximately 11:40 a.m. and reconvened back into open session at approximately 12:10 p.m. with the same members present as before.

SCHEDULED ITEMS (CONTINUED):

**MOTION BY: (BRODERICK) Approve.**

Supervisor Rice expressed concerns relative to the contracting process. He provided his reasons for not supporting this item.

Supervisor Sanfelippo advised that he would be abstaining from voting because O'Neil, Cannon, Hollman, DeJong, S. C. has provided extensive legal work for his businesses and continues to represent immediate family members' businesses at this time.

**Vote on the motion to approve:**

**AYES:** De Bruin, Broderick, Jursik and Johnson (Chair) - 4

**NOES:** Rice - 1

**ABSTENTION:** Sanfelippo - 1

**EXCUSED:** Cesarz - 1

This item was taken out of order. The Committee took no action on item 24.

15. 09-429 From Thomas Roehl, submitting a claim for the injuries and damages allegedly received when he was involved in an accident with a Milwaukee County Highway truck. **(Corporation Counsel recommends payment in the amount of \$35,474.28 in full settlement of this claim)**

**APPEARANCE(S):**

Bob Andrews, Deputy Corporation Counsel

**MOTION BY: (RICE) Approve items 15-20 together. (Vote 6-0)**

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) - 6

**NOES:** 0

**EXCUSED:** Cesarz - 1

The Committee took a short recess and returned with the same members present as before.

**MOTION BY: (RICE) Approve items 15-20 together. (Vote 6-0)**

**AYES:** Rice, De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) - 6

**NOES:** 0

**EXCUSED:** Cesarz - 1

These items were taken out of order.

**SCHEDULED ITEMS (CONTINUED):**

16. 09-455 From Principal Assistant Corporation Counsel, recommending approval of payment in the amount of **\$21,000.00** to Heather Gagnon and her attorneys in full settlement of all claims arising out of the November 9, 2005 vehicular accident and in return for a dismissal of their pending lawsuit.

**SEE ACTION UNDER ITEM 15.**

17. 09-442 From Deputy Corporation Counsel, recommending approval of payment in the amount of **\$9,118.22** to American Family Insurance in full settlement of the property damage claim arising out of the March 29, 2009 accident.

**SEE ACTION UNDER ITEM 15.**

18. 09-299 From Auto-Owners Insurance, submitting a claim under their subrogation rights of their insured, Forrest and Margaret Bates for reimbursement of payment made for alleged damages sustained when involved in an accident with a Milwaukee County-owned vehicle on March 29, 2009. **(Corporation Counsel recommends payment in the amount of \$9,041.41 in full settlement of this claim)**

**SEE ACTION UNDER ITEM 15.**

19. 09-407 From Gruber Law Office, LLC, submitting a claim in behalf of Omar Peoples for injuries and damages allegedly sustained when involved in an accident with a County-owned vehicle. **(Corporation Counsel recommends payment in the amount of \$8,400.00 to resolve all claims)**

**SEE ACTION UNDER ITEM 15.**

20. 009-319 From Riteway Bus Service, submitting a claim for the alleged damages to vehicle due to an accident with a Milwaukee County vehicle. **(Corporation Counsel recommends payment in the amount of \$6,043.69 in full settlement of this claim)**

**SEE ACTION UNDER ITEM 15.**

21. 09-J-7 From Corporation Counsel, status report regarding the Christensen jail lawsuit.

This item was taken out of order.

**SEE ACTION UNDER ITEM 1.**

This item was taken out of order.

**SCHEDULED ITEMS (CONTINUED):**

22. 09-J-8 From Corporation Counsel, status report on the new lawsuit of TLY against the County.

**SEE ACTION UNDER ITEM 1.**

This item was taken of order.

23. 09-J-9 From Corporation Counsel, report on the status of the lawsuit of Baseman Bros., Inc. regarding services provided at the Franklin Sports Complex.

**SEE ACTION UNDER ITEM 1.**

This item was taken out of order.

24. 09-J-10 From Corporation Counsel, providing an update on the litigation commenced by Milwaukee District Council 48 regarding the 35-hour workweek.

**SEE ACTION UNDER ITEM 14.**

**STAFF PRESENT:** Rick Ceschin, Research Analyst, County Board  
Bill Domina, Corporation Counsel  
Bob Andrews, Deputy Corporation Counsel  
John Shapakahm, Principal Assistant Corporation Counsel  
Greg High, Director, Architecture, Engin. & Environmental Svcs.  
Dennis John, Chief Informational Officer, MSD  
Inspector Kevin Carr, Sheriff's Office  
Holly Szablewski, Court Services  
Janet Nelson, Interim Director, Child Support Enforcement

This meeting was recorded. Committee files contain copies of communications, reports and resolutions, which may be reviewed upon request to the Chief Committee Clerk. The official copy of these minutes, along with the audio recording of this meeting, are available in the County Board Committee Services Division.

Adjourned: 12:20 p.m.

*Linda K. Durham*

**Linda K. Durham, Committee Clerk**

SCHEDULED ITEMS (CONTINUED):

**DEADLINE**

***The next regular meeting of the Judiciary Committee is Thursday, January 21, 2010.  
All items for the agenda must be in the Committee Clerk's possession by the end of the  
business day on Thursday, January 7, 2010.***

*ADA accommodation requests should be filed with the Milwaukee County Office for Persons with  
Disabilities, 278-3932 (voice) or 278-3937 (TTY), upon receipt of this notice.*