

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

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, September 11, 2008 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

PRESENT: Supervisors Rice, De bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7

Before the Committee took up item 1, Chairman Johnson congratulated Chief Judge Jeffrey Kremers on becoming Chief Judge. Chief Judge Kremers provided brief comments and advised that his Deputy Chief judges are David Hansher and Maxine White.

Corporation Counsel Bill Domina advised that Attorney Lee Jones, from his office, who handles Behavioral Health Division (BHD) cases, will be leaving County government for an assignment in Iraq. Mr. Jones is a Lieutenant Commander with the U.S. Navy and works as an attorney in the Military. He will be serving in Iraq to work with Iraqi detainees. Mr. Domina wished him good luck. Mr. Jones will be gone for several months. Mr. Jones was present and received accolades and a standing ovation from the Committee.

Chairman Johnson presented Supervisor Rice with a County Ethics Leadership award signed by himself and the County Executive for his contribution to the Milwaukee County Code of Ethics.

SCHEDULED ITEMS:

1. 08-298 A resolution/ordinance by Supervisor Johnson, modifying Chapter 56.30(5) of the Milwaukee Code of General Ordinances to require full disclosure regarding potential conflicts from contract administrators and evaluation panel members when awarding or managing a contract. **(7/14/08: Referred to the Committee on Judiciary, Safety and General Services by the County Board)**

APPEARANCE(S):

Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel

Supervisor DeBruin in the Chair.

MOTION BY: (JOHNSON) Approve.

SCHEDULED ITEMS (CONTINUED):

Supervisor Rice offered the following amendment:

- **Contract administrators, ~~and~~ evaluation panel members, department administrators and persons selecting evaluation panel members are required to fully disclose any experience, contact or relationship with bidders that would create a potential conflict, real or perceived, in awarding or managing a contract**

1. AMEND Section 1 of the proposed ordinance, beginning on line 97, as follows:

_____ ~~and~~ department administrators and persons selecting evaluation panel members on forms approved by the Ethics Board

of interest of interest, as defined in Chapter 9 of these ordinances A conflict of interest includes a financial or business relationship or close personal or family relationship with a potential vendor. person selecting the evaluation panel, and the or the administrator's appointing authority who shall forward the disclosure to the Ethics Board with a written request for a determination as to whether the disclosing party should be disqualified from evaluating, selecting or administering the proposed contract The department administrator, or the administrator's appointing authority, shall review the disclosure to determine whether to disqualify the disclosing person from the process. If, in the administrator's opinion, or the opinion of the appointing authority, the disclosure does not justify disqualification, the rationale for making that The of the Ethics Board

MOTION BY: (RICE) Approve the amendment.

Questions and comments ensued relative to the amendment.

Vote on the amendment: 5-2

AYES: Rice, Cesarz, Broderick, Sanfelippo and De Bruin (Chair) - 5

SCHEDULED ITEMS (CONTINUED):

NOES: Johnson and Jursik - 2

MOTION BY: (JOHNSON) Approve, as amended.

AYES: Johnson, Rice, Cesarz, Broderick, Jursik, Sanfelippo and De Bruin (Chair) - 7

NOES: 0

2. 08-319 From the Medical Examiner, requesting to enter into a contract with the Medical College of Wisconsin Affiliated Hospitals (MCWAH) to provide pathology services to the Medical Examiner's Office. **(Also to the Committee on Finance and Audit)**

APPEARANCE(S):

Karen Domalgaski, Medical Examiner's Office

Zelda Ikulumet Okie, M.D.

Bob Andrews, Deputy Corporation Counsel

Ms. Domalgaski reviewed the subject report and provided comments.

MOTION BY: (RICE) Approve.

Questions and comments ensued.

Mr. Andrews answered questions raised by Committee members.

Vote on the motion to approve: 7-0

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) - 7

NOES: 0

3. 08-J-14 From Chief Information Officer, Informational Management Services Division
08-337 (IMSD), informational report regarding the 800 MHz Rebanding Project.
(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)

APPEARANCE(S):

Dennis John, Chief Information Officer, IMSD

Steve Mokrohisky, IMSD

Inspector Kevin Carr, Sheriff's Office

Mr. John advised that two IMSD employees, Leonard Scherer and Mary Reddin, will be retiring after many years of service with Milwaukee County.

Mr. Mokrohisky reviewed the subject report.

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (BRODERICK) Receive and place and on file. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) - 7
NOES: 0

4. 07-379 (a) Adopted 2008 Budget Amendment 1A067 directed that the County Executive and the Superintendent of the House of Correction shall provide written monthly briefings through October 2008 for the Committee on Judiciary, Safety and General Services on the ongoing development and implementation of the Global Positioning Surveillance (GPS) home detention program. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Superintendent Ronald Malone, House of Correction
Molly Pahl, Fiscal Operations Manager

Superintendent Malone reviewed the subject report.

Questions and comments ensued.

Supervisor De Bruin requested that HOC staff pass on to the pilot group her concerns about them considering to seek the recommendation of the Community Justice Council (CJC) to request the recall of County Board File No. 01-47. She requested some follow-up information from Corporation Counsel if that becomes an issue.

The Committee took no action on this informational report.

5. 07-368 (a)(e) An adopted Resolution by Supervisors Borkowski, De Bruin, Cesarz, Quindel, Schmitt, Johnson and Rice authorizing and directing the Director, Department of Administrative Services – Division of Human Resources, and the Superintendent, House of Correction, to prepare and submit a supplemental action plan for enhanced recruitment, retention, and respite efforts for public safety positions at the House of Correction. **(Also to the Committees on Finance and Audit and Personnel) (Monthly status reports due on the implementation of Audit recommendations.) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Jerry Heer, Director, Department of Audits
Superintendent Ronald Malone, HOC

SCHEDULED ITEMS (CONTINUED):

Mr. Heer reviewed the subject report.

Supervisor De Bruin requested that the report for the next cycle be geared toward whether or not there are implications for the 2009 budget that need to be addressed from both perspectives (Audit and HOC).

Questions and comments ensued.

MOTION BY: (JURSIK) Receive and Place on File. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) - 7

NOES: 0

6. 08-85 From the Director of Audits, an Audit of the Office of the Sheriff Electronic Medical
(a)(b) Records System, dated February, 2008. **(Also to the Committee on Finance and Audit) (Six-month status report due). (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEAREANCE(S):

Jerry Heer, Director, Department of Audits

Inspector Kevin Carr, Sheriff's Office

Dennis John, Chief Information Officer, IMSD

Rick Ceschin, County Board Research Analyst

Mr. Heer reviewed the subject report.

After asking if the House of Correction (HOC) and the Community Corrections Center (CCC) will be using the electronic medical records system, Supervisor Jursik expressed concerns relative to the way in which medications, including psychotropic meds, are being dispensed at the CCC. She advised that they are being dispensed by Correctional Officers, which she sees as a potential liability to the County. This issue needs to be addressed as soon as possible.

Inspector Carr advised that he was unaware that Correctional Officers were dispensing medication at the CCC and shared Supervisor Jursik's concerns. He will discuss this with the Sheriff as soon as he gets back to the office and hopefully, the situation can be addressed with staffing solutions to provide nurses to dispense the medications at the CCC.

Questions and comments ensued.

SCHEDULED ITEMS (CONTINUED):

Supervisor De Bruin stated that there needs to be an emergency order declared by the Sheriff that medications are dispensed only by those who are legally allowed to administer the medications.

Mr. Ceschin advised that staff would get clarification on how medication is being dispensed at the CCC.

Supervisor De Bruin requested that some budgetary prep work be presented to this Committee in time for budget preparations as to what the cost would be if the EMR system were scrapped.

The following individuals provided comments relative to the EMR system:

Barbara Kelsey, Wisconsin Federation of Nurses

Lorrie Schmidt, Wisconsin Federation of Nurses

Beth Werve, President, AFSCME Local 645

Mr. John provided clarification to some comments made by Ms. Schmidt.

Supervisor Jursik requested a report back from Inspector Carr at the next Committee meeting regarding medication dispensation at the CCC and HOC.

Supervisor De Bruin indicated that she would like to know about the dispensing of medication at the CCC as soon as possible and would like to see the problem corrected within a couple of days and any other related problems.

MOTION BY: (SANFELIPPO) Receive and place on file. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) - 7

NOES: 0

7. 07-320 (a)(b) An adopted resolution directed the Director of Audit to provide a follow-up report on the Audit of Jury Selection Process in the Milwaukee County Circuit Court System and that Corporation Counsel provide a report back addressing the jurisdictional issues and the Federal courts jury issue. **(Also to the Committee on Finance and Audit) (Six-month status report due on the progress in achieving the goal of jury pools that are reflective of the community.) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

APPEARANCE(S):

Jerry Heer, Director of Audits

John Barrett, Clerk of Circuit Court, Combined Court Related Operations

Mr. Heer advised that the matter that was referred to Corporation Counsel was resolved in a prior meeting. He would just be reporting on the status of ensuring

SCHEDULED ITEMS (CONTINUED):

that the pools of jurors are as diverse as possible and reflective of the community make-up.

Mr. Barrett answered questions relative to the minority make-up of the current lists from which jurors are selected.

Discussion ensued regarding the lack of parking for jurors.

MOTION BY: (DE BRUIN) Receive and place on file. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) - 7
NOES: 0

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. 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.):*

8. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$4,104.82** in full settlement to Paul Sweeney.

MOTION BY: (RICE) Approve items 8-17, as recommended by Corporation Counsel. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) - 7
NOES: 0

9. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$3,423.31** in full settlement to Kifah Musa.

SEE ACTION UNDER ITEM 8.

10. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$2,410.16** in full settlement to Ryon Migacz..

SEE ACTION UNDER ITEM 8.

SCHEDULED ITEMS (CONTINUED):

11. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$1,970.58** in full settlement to Travelers Home Insurance in behalf of David Schneider.

SEE ACTION UNDER ITEM 8.

12. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$1,686.80** in full settlement to the Wisconsin Department of Transportation.

SEE ACTION UNDER ITEM 8.

13. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$1,550.15** in full settlement to We Energies.

SEE ACTION UNDER ITEM 8.

14. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$1,278.02** in full settlement to Stephen Geimer.

SEE ACTION UNDER ITEM 8.

15. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$958.43** in full settlement to Andrea Lewis.

SEE ACTION UNDER ITEM 8.

16. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$769.23** in full settlement to the Wisconsin Department of Transportation.

SEE ACTION UNDER ITEM 8.

17. 08-18 From Deputy Corporation Counsel, requesting approval for payment of **\$550.34** in full settlement to Debra Metzfeld.

SEE ACTION UNDER ITEM 8.

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 the following matters. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

18. 08-324 From Deputy Corporation Counsel, requesting approval for payment of **\$30,000** in full settlement to the Estate of Luscheena Watts.

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 items 18-23. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary.

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) - 7
NOES: 0

The Committee adjourned into closed session at approximately 11:40 a.m. and reconvened back into open session at approximately 12:44 p.m. with the same members present as before.

MOTION BY: (RICE) Approve items 18, 19 and 23. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo, Johnson (Chair) - 7
NOES: 0

19. 08-269 From Liberty Mutual, submitting a claim under their subrogation rights of their insured, Diane Olroyd for reimbursement of payment made for alleged damages sustained to vehicle when involved in an accident with a Milwaukee County snowplow on February 8, 2008. **(Corporation Counsel recommends payment in the amount of \$7,278.55)**

SEE ACTION UNDER ITEM 18.

20. 08-J-4 From Corporation Counsel, status report on the Mercer pension lawsuit.

The Committee took no action on this item.

21. 08-J-12 From Corporation Counsel, report on police diversion at the Behavioral Health Division.

The Committee took no action on this item.

22. 08-J-13 From Corporation Counsel, report on the decision of the Seventh Circuit Court of Appeals in Ersol Henry and Terry Lewis v. Milwaukee County.

The Committee took no action on this item.

SCHEDULED ITEMS (CONTINUED):

23. 08-328 From Principal Assistant Corporation Counsel, requesting approval of payments of \$9,300.00 to Alisa Turner Butler and \$500.00 to her attorney, James Hall, in full settlement of her disability and retaliatory discrimination claims currently pending before the Equal Rights Division.

SEE ACTION UNDER ITEM 18.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
Karen Domagalski, Medical Examiner's Office
Jerry Heer, Director of Audits
Inspector Kevin Carr, Sheriff's Office
Ronald Malone, Superintendent, House of Correction
Dennis John, Chief Information Officer, IMSD
Molly Pahl, Fiscal Operations Manager, HOC
John Barrett, Clerk of Circuit Court, Combined Court Related Operations

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: 12:45 p.m.

Linda K. Durham

Linda K. Durham, Committee Clerk

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.

DEADLINE

The next regular meeting of the Judiciary Committee is Thursday, October 23, 2008. All items for the agenda must be in the Committee Clerk's possession by the end of the business day on Thursday, October 9, 2008.