

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

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, February 15, 2007 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

TAPE No. 3: Side A, #484 to EOT
TAPE No. 3: Side B (Experienced technical difficulties)
TAPE No. 4: Side A, #001 to EOT
TAPE No. 4: Side B (Experienced technical difficulties)
TAPE No. 5: Side A, #001 to EOT
TAPE No. 5: Side B, #001 to EOT
TAPE No. 6: Side A, #001 to #632

PRESENT: Supervisors Rice, De Bruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair)

SCHEDULED ITEMS:

1. 06-475 From the Sheriff, requesting authorization to enter into a contract with Diamond
(a)(a) Drugs to allow the inmate Medical Services Unit to provide necessary drug
treatment to inmates. **(Referred back from 2/1/07 County Board meeting)**
(Tape #6A-#250)

APPEARANCES:

Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Freida Webb, Director, Community Development Business Partners

This item was temporarily laid over.

Inspector Carr and Inspector Schmidt provided comments relative to the subject report.

Questions and comments ensued.

MOTION BY: (DE BRUIN) Refer back to the department directing them to obtain from all vendors their best and final offer.

SCHEDULED ITEMS (CONTINUED):

Considerable discussion ensued regarding the motion.

Vote on the motion by Supervisor DeBruin: 3-4

AYES: DeBruin, Cesarz and Johnson (Chair) – 3

NOES: Rice, Schmitt, Broderick and Devine – 4

Motion failed.

MOTION BY: (BRODERICK) Approve the following amendment: Amend the resolution by inserting the words, “subject to review and approval by the County Board after the first year” in the first BE IT RESOLVED clause, after the word “options” (line 36).

Discussion ensued regarding the amendment.

Vote on the amendment offered by Supervisor Broderick: 7-0

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7

NOES: 0

MOTION BY: (BRODERICK) Approve the resolution, as amended. (Vote 4-3)

AYES: Rice, Schmitt, Broderick and Devine – 4

NOES: DeBruin, Cesarz and Johnson (Chair) – 3

This item was taken out of order.

2. 07-J-5 From the Sheriff, status report on the Electronic Medical Records (EMR) system. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)** (Tape #4A-#563)

This item was temporarily laid over.

APPEARANCES:

Bob Andrews, Deputy Corporation Counsel
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Deputy Debra Burmeister, Sheriff's Office
Ms. Schwiker, Nurse Educator, House of Correction
Mary Reddin, IMSD
Debra Lewis, IMSD
Dawn Gelhof, Project Manager for the EMR Project

SCHEDULED ITEMS (CONTINUED):

Linda Federighe, Wisconsin Federation of Nurses and Health Professionals
Lorraine Schmidt, Wisconsin Federation of Nurses and Health Professionals

Inspector Carr referenced documents provided to the Committee from himself and Dr. Michael Grebner, Medical Director, dated February 14, 2007 and a faxed letter from Dr. Ronald Shansky, Medical Monitor, relative to the current status of the EMR system (a copy of both letters are contained in the subject file). He stated that it is the Sheriff's Office's recommendation, along with Dr. Shanky's and IMSD that, considering the investment and the financial and human resources that went into the EMR system and the progress that has been made thus far, that it is prudent to continue to utilize the current EMR system and work on maximizing it's potential.

Questions and comments ensued at length.

Ms. Reddin provided comments and answered questions raised by Committee members.

Ms. Burmeister provided comments relative to the tier program and addressed questions and concerns raised by Committee members regarding the medication module of the EMR system.

Ms. Schwiker stated that it is her role to support the nurses in the process of learning the modules and working with the existing modules.

Ms. Federighe provided comments and requested that the implementation of the EMR system be stopped.

Ms. Schmidt provided comments and requested that the EMR system be halted until changes have been made and tested by staff before it's implementation. She gave examples of how the EMR system is not presently working.

Committee members expressed concern as to the appropriateness of discussion in open session regarding this item, given the history of past litigation.

Mr. Andrews stated that the information being discussed relative to this item is appropriate and has not crossed the line.

Inspector Carr stated that the Sheriff's Office would meet with all concerned parties to address concerns relative to this item and provide a report to this Committee after their initial meeting, outlining what issues were discussed and what actions will be taken to resolve those issues.

This item was taken out of order.

SCHEDULED ITEMS (CONTINUED):

3. 07-J-6 From the District Attorney, an informational report on the structural reorganization of the District Attorney's Office. **(INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)** (Tape #3A-#497)

APPEARANCES:

District Attorney John Chisholm
Jon Reddin, Deputy District Attorney

District Attorney Chisholm provided a power point presentation relative to reorganization of the District Attorney's Office and his vision of where he wants to take the department. He addressed staff make up, major changes, geographical responsibility, General Crimes Division, Violent Crimes Division, Community-based Prosecution Division, alternatives, number of criminal incidents related to homicide charges, active general average of felony cases and gun/drug active cases.

DA Chisholm stated that he would e-mail his presentation to Rick Ceschin for distribution to Committee members.

Questions and comments ensued at length.

DA Chisholm advised that he will provide a follow-up report to the Committee addressing what his overall goals are and how the system will be different than it is today.

Supervisor DeBruin expressed an interest in the potential Mental Health court.

The Committee took no action on this informational report.

4. 06-395 Adopted Budget Amendment 1A042, directing the Chief Judge and Sheriff, to
(a) submit a report regarding a service level agreement for the provision of bailiff personnel and the methodology by which charges for such services shall be charged. **(Laid over 1/18/07) (Also to the Committee on Finance and Audit)**
(Tape #4A-#382)

APPEARANCES:

Inspector Kevin Carr, Sheriff's Office
Bruce Harvey, Courts

Inspector Carr provided comments regarding the current level of staffing and future changes. He stated that, based upon the report from the District Attorney, the Sheriff's Office still has to finalize how the changes will impact their staffing level as it pertains to the courts. The Sheriff's Office is working with the Chief Judge's office and the DA's office regarding staffing levels.

SCHEDULED ITEMS (CONTINUED):

Mr. Harvey addressed cross-charging issues between the Chief Judge's Office and the Sheriff's Office.

Questions and comments ensued.

The Committee took no action on this item.

The Committee may adjourn into closed session under the provisions of Section 110.08(b) of the Milwaukee County Code of General Ordinances for the purpose of discussing the following matter and under the provisions of Section 19.85(1)(g), Wisconsin Statutes in order to confer with legal counsel about litigation in which the county might be involved. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

5. 07-J-7 From Roeschen's Omnicare Pharmacy, an appeal, pursuant to Chapter 110 of the Milwaukee County Code of General Ordinances, regarding the contract award for the inmate pharmacy services contract. (Tape #5A-#734)

APPEARANCES:

Bill Domina, Corporation Counsel
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Deputy Debra Burmeister,
Mark Celebre, R. Ph., Roeschen's Omnicare Pharmacy

After Mr. Celebre was sworn in by Mr. Domina, he provided comments relative to the reasons for the appeal from Roeschen's Omnicare Pharmacy. He referenced his January 25, 2007 letter to Chairman Johnson addressing his concerns relative to the Request for Proposal (RFP) process (a copy of which is contained in the subject file).

Questions and comments ensued.

Inspectors Carr and Schmidt were sworn in by Mr. Domina. They provided comments relative to Roeschen's RFP.

Questions and comments ensued relative to formulary medication, DBE issues and technical components relative to the Roeschen's Omnicare RFP.

Deputy Burmeister was sworn in by Mr. Domina and provided comments.

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (RICE) adjourn into closed session under the provisions of Section 110.08(b) of the Milwaukee County Code of General Ordinances for the purpose of discussing the following matter and under the provisions of Section 19.85(1)(g), Wisconsin Statutes in order to confer with legal counsel about litigation in which the county might be involved. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary: (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

The Committee adjourned into closed session at approximately 12:45 p.m. and reconvened in open session at approximately 1:25 p.m. with the same members present as before.

MOTION BY: (SCHMITT) Deny the appeal from Roeschen's Omnicare based upon the evidence that the Sheriff's Office acted within the scope of its authority in making its determination and DID NOT violate any of the following four points: (1) The department kept within its jurisdiction; (2) The department acted according to law; (3) The action of the department was not arbitrary, oppressive or unreasonable, representing its will and not its judgment; and (4) The evidence was such that the department might reasonably make the determination in question.

Supervisor Rice in the Chair.

Questions and comments continued.

Vote on the motion by Supervisor Schmitt to deny the appeal from Roeschen's Omnicare: 6-1

AYES: DeBruin, Schmitt, Cesarz, Broderick, Devine and Rice (Chair) - 6
NOES: Johnson - 1

This item was taken out of order.

SCHEDULED ITEMS (CONTINUED):

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.):

6. 07-124 From Corporation Counsel, requesting authorization to pay the Wisconsin Soccer Association \$305,000 plus cost and interest to satisfy a judgment confirming an arbitration award regarding the soccer complex. **(Also to Committee on Finance and Audit)** (Tape #6A-#563)

APPEARANCES:

Bill Domina, Corporation Counsel

MOTION BY: (DE BRUIN) Approve items 6 and 8 together.

Supervisor Rice requested separate action on item 8.

Supervisor DeBruin withdrew her motion.

Supervisor Cesarz requested information from staff relative to the total cost to the County, what the financing for the entire complex was, what the actual cost to the County is and how long it will take to pay this off.

Questions and comments ensued.

MOTION BY: (SCHMITT) Approve. (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7

NOES: 0

This item was taken out of order.

SCHEDULED ITEMS (CONTINUED):

7. 07-123 From Principal Assistant Corporation Counsel, requesting authorization to pay \$14,000 in full settlement of this lawsuit (\$10,000 represents attorney fees and costs, which will be payable to Cross Law Firm and the balance of \$4,000 will be payable to Sandy Biscontine, which represents wage loss benefits). (Tape #6A-#520)

APPEARANCES:

Bill Domina, Corporation Counsel

Bob Andrews, Deputy Corporation Counsel

Supervisor Rice pointed out that the BE IT RESOLVED clause of the resolution should include the date of February 2004.

Chairman Johnson requested that Corporation Counsel also clarify the \$10,000 vs. \$4,000 in the corrected resolution.

MOTION BY: (RICE) Approve the resolution, with the understanding that Corporation Counsel will correct the resolution. (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7

NOES: 0

This item was taken out of order.

8. 05-162 From Duffey Law Office, S.C., submitting a claim in behalf of Tina Anderson for injuries and damages allegedly sustained when she was a passenger on a Milwaukee County Transit bus that was rear-ended by a Milwaukee County snowplow. **(Corporation Counsel recommends payment in the amount of \$12,983.28 in full settlement of Ms. Anderson's personal injury claims, together with any subrogation claims, all arising out of the motor vehicle accident of April 9, 2003).** (Tape #6A-#605)

APPEARANCES:

Bill Domina, Corporation Counsel

MOTON BY: (DE BRUIN) Approve. (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7

NOES: 0

This item was taken out of order.

SCHEDULED ITEMS (CONTINUED):

9. 06-J-17 From Corporation Counsel, status report on the Mercer pension lawsuit.

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 9 and 10. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary: (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) – 7
NOES: 0

The Committee adjourned into closed session at approximately 2:00 p.m. and reconvened in open session at approximately 2:45 p.m. Supervisor Schmidt was excused.

No action was taken on this item.

10. 06-J-24 From Corporation Counsel, status report regarding compensation issues of deputy
07-129 sheriff's who are canine handlers. **(Corporation Counsel may request that action be taken.) (Also to the Committee on Personnel)** (Tape #6A-#623)

APPEARANCES:

Bill Domina, Corporation Counsel
Mary Ann Grimes, Deputy Corporation Counsel
Greg Gracz, Director, Labor Relations
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office

MOTION BY: (RICE) Approve the resolution for settlement on the terms recommended by Corporation Counsel. (Vote 6-0)

AYES: Rice, DeBruin, Cesarz, Broderick, Devine and Johnson (Chair) – 6
NOES: 0
EXCUSED: Schmitt

SCHEDULED ITEMS (CONTINUED):

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
Bruce Harvey, Courts
Mary Ann Grimes, Deputy Corporation Counsel
Greg Gracz, Director, Labor Relations
Inspector Kevin Carr, Sheriff's Office
Inspector Richard Schmidt, Sheriff's Office
Deputy Debra Burmeister, Sheriff's Office

This meeting was recorded on tape, which is available for audit upon prior request of the Committee Clerk. The foregoing matters were not necessarily considered in agenda order. Committee "green files" contain copies of resolutions, amendments, ordinances, reports and correspondence, etc., which may be reviewed upon request of the Committee Clerk. The official copy of these minutes is available in the County Board office.

Adjourned: 2:45 p.m.

Linda K. Durham

Linda K. Durham, Committee Clerk