

**RICHLAND COUNTY LAW ENFORCEMENT AND JUDICIARY COMMITTEE
MEETING
Friday, January 10, 2014**

The Richland County Board of Supervisors Law Enforcement and Judiciary Committee met on Friday, January 10, 2014 at 8:30am in the County Board Room of the Richland County Court House in Richland Center, Wisconsin.

LEJC Committee members present at the meeting were: Committee Chair Gaylord Deets and Committee members Fred Clary, Paul Kinney, Richard Rasmussen and Don Seep. Present from the Richland County Sheriff's Department were Sheriff Darrell Berglin, Chief Deputy Tom Hougan, Lt. Bob Frank and Sgt. Rita McCarthy for a portion of the meeting. Also present for the meeting or a portion of the meeting were Richland County Clerk of Court Stacy Kleist, Richland County Corporation Counsel Ben Southwick, Richland County Richland County Register in Probate/Probate Registrar Sandy McNamer and Personnel and Finance Committee members Robert "Bob" Bellman and Robert "Bob" Holets. Richland County District Attorney Jennifer Harper also joined the meeting in progress.

Agenda Item #1: Call to Order: Committee Chair Gaylord Deets called the meeting to order at 8:30am.

Agenda Item #2: Read and Approve Notice of Posting for January 10, 2014 LEJC Meeting: Committee chair Deets confirmed with Sheriff Berglin that the meeting was properly posted. Upon receiving confirmation, motion by Don Seep to approve the notice of posting. 2nd to this motion by Richard Rasmussen. Motion passed.

Agenda Item #3: Read and Approve the Agenda for January 10, 2014 LEJC Meeting: Motion by Fred Clary to approve the amended agenda with 14 agenda items listed. 2nd to this motion by Richard Rasmussen. Motion carried, amended agenda approved.

Agenda Item #4: Read and Approve Minutes of the December 13, 2013 LEJC Meeting: Motion by Gaylord Deets to approve the minutes of the December 13, 2013 LEJC meeting. 2nd to this motion by Don Seep. Motion passed, minutes accepted.

Agenda Item #5: Review of Corporation Counsel's job description: Gaylord Deets advised that he is not happy with this agenda item being placed on the agenda without his knowledge. He advised that he felt it is courtesy that the committee chair knows what agenda items are on the meeting agenda. Fred

Clary said that he also has no idea how the matter got on the LEJC agenda but this matter has already been an agenda item on the county's Rules and Resolutions Committee meeting. Bob Holets addressed the committee and apologized saying he was told this was the committee in charge of the county's corporation counsel. Discussion regarding the role of the county's corporation counsel and their role to the county board chair. Richland County Corporation Counsel Ben Southwick addressed the committee and advised that his job description is a county ordinance that was originally passed in 1976 and then amended from time to time after that. Atty. Southwick said that he felt the matter of his job description and his activities were properly referred to the county's Rules and Resolution Committee. Don Seep asked if there were any rules that prohibit what has already been done. Southwick said, no, the county board has the right to set policy issues and it is his role to offer advice to the county board on the legal issues he is asked about. Holets advised that he feels the committee chairs should be handling issues that are presently going to the county board chair. Southwick replied that that County board chair is really the leader of the county board. Discussion whether that leadership is limited to county board meetings or extends to the every-day operations of the county. Atty. Southwick then said he offers legal advice to the county board chair and committees of the county board they can take his advice or not take his advice. Don Seep asks if there is a list or record of problems that have occurred with the advice or role of the corporation counsel. Holets said yes, one specific incident regarding the child support office recently when an employee changed their mind on retiring. Holets said the committee was in favor of bringing the person back into employment but the matter was referred to the county board chair not the committee. Holets said he didn't think the board chair should over-rule a committee decision. Southwick said he was asked for a legal opinion and that he did a possible amendment for the rules and resolutions committee since there was precedence at DHHS regarding this same issue. He said he e-mailed the county board chair and the employee involved. He advised that after this, County Clerk Vic Vlasak said the current employee handbook said he couldn't issue a pay check to this employee. Fred Clary said that it was at this point due to the potentially serious nature of the situation, the Finance and Personnel committee became involved. Fred Clary said he felt this committee was getting away from the agenda item listed on the agenda, that being the job description of the Corporation Counsel. Richard Rasmussen asked where it says the county board chair has the authority to make decisions instead of a county committee. Clary said he didn't know if that was true or not true but if the committee chairs want to take on that legal responsibility they had better know all the rules because committee chairs would then become responsible for those decisions made and they will be legally and personally liable for those decisions. If those decision are not correct the county board could not back the action taken. Bob Holets said that the county board chair does make decisions and some board members don't know about them. Ben Southwick said that he has always referred his legal decisions and liability matters to the county board chair because that's what he has always been told

to do and that is what he has done for many, many years. If that is going to change he needs to be notified. Fred Clary said that probably over the years the county board chair has worked closely with the Corporation Counsel to handle these matters to protect the county from liability. Bob Holets said that he thinks it is wrong that one person has information over any other county board member. At this point Fred Clary said that the matter of the Corporation Counsel's job description and how he interacts with the county board chair or each of the committees or their chairs needs to be handled by the Rules and Resolutions Committee. At this point a motion was made by Don Seep to refer this matter to the county's Rules and Resolution Committee. 2nd to this motion by Fred Clary. Motion passed, Committee Chair Gaylord Deets declared the matter to be referred to Rules and Resolutions.

Agenda Item #6: Clerk of Court Updates: Richland County Clerk of Court Stacy Kleist handed out a detailed written report to the committee titled December 2013. Clerk Kleist reviewed the report with the committee. Fred Clary asked Kleist about estate revenue for 2013. Kleist said it was hard to predict but noted that Estate collections were down for 2013. Clary said that when revenue line items are set during the budget process the finance committee looks at a historical average. Kleist reported that as of January 7, 2014, 98% of the amount allocated for the 2013 budget had been spent and that 2013 revenue had exceeded budget projections by \$46,346.

Agenda Item #9: Probate Office Employee Completed Probation Period: Sandy McNamer, Richland County Register in Probate/Probate Registrar appeared before the committee to advise that Jennifer Lau has completed her 6 month probationary period a couple of months ago and because she had done a very good job McNamer is now recommending Lau be approved to regular status. Motion by Fred Clary to recommend Jennifer Lau be approved to "regular status." Discussion between District Attorney Jennifer Harper and the committee regarding how part time employees are recommended to "regular status." Harper advising the committee that she was told that a part time District Attorney office employee would not gain this approval after 6 months and that it would be a year for the part time employee to gain regular status. Fred Clary said that this is the reason he advocates for a total hours worked criteria in these instances as it is a more fair system of evaluating a probationary promotion. More discussion regarding how regular status is attained by part time employees. After discussion, 2nd to the Clary motion by Gaylord Deets that Jennifer Lau be designated "regular status." Motion passed.

Agenda Item #7: District Attorney Update: District Attorney Jennifer Harper appeared before the committee and advised that given the discussion just completed, she is requesting that part time employee Val Mangion be granted “regular status.” Fred Clary asked Harper if an employee evaluation had been completed. Harper indicated that it had and that Mangion is doing a very good job. Motion by Don Seep that Val Mangion be approved for “regular status.” 2nd by Fred Clary. Motion passed.

DA Harper continued to meet with the committee announcing that as of January 1st the cases in her office are now “paperless.” Harper said that while some paper reports and paper documents still do come into the office her office staff can now scan these electronically to create a paperless file of the case. Harper reports that by going paperless she hopes to show a fairly significant cost savings while at the same time creating electronic records that can be more easily stored for future use. Harper then cautioned the committee about a State of Wisconsin mandated DNA fee that is on the horizon. The DNA fee for a misdemeanor will cost \$200 and a felony will cost \$400. The DNA fee is charged by the court at the time of arrest. Harper said there are still some questions to be answered associated with this issue.

Agenda Item #8: Coroner Updates: Coroner not in attendance, agenda item skipped by committee.

Agenda Item#10: Approve monthly invoices and other Sheriff’s Department Reports: Sheriff Berglin thanked Sgt. McCarthy for her work on the 2013 Jail Population Report that is attached to his monthly blue sheet report. The sheriff then went through the blue sheet report with the committee. After review, Sheriff Berglin discussed the 2013 budget with the committee including the fact that the department will be over budget for 2013 due to workman’s comp assessments, comp time payout decision and an increase in the percentage the county clerk’s office is charging the department for “building maintenance costs.” Don Seep asked about the K-9 vehicle repair from last month. Berglin said that the deputy driving the vehicle hit something in the roadway causing a damage repair bill from Fillback Ford-it was not a mechanical breakdown of the car. Berglin said he stands by the Ford SUV as a very good patrolling squad car, especially in the rural areas.

Review of the bills. Questions on bill #21 the CardScan maintenance contract billed at \$3,610.03 and bill #29 to Shawn’s Auto Repair. After review, motion to pay the bills by Don Seep. 2nd to this motion by Paul Kinney. Motion passed.

Agenda Item #11: Mapping/Radio Updates: Lt. Bob Frank appeared before the board and reported that the new Cazenovia fire siren is now operational and can be activated from the dispatch panel. Frank reported the EMS maps are still not completed due to pending township approvals. Lt Frank

led a discussion regarding the US Cellular data link project to enable the future radio tower network in the county. Lt. Frank reported that the Highway Shop radio interference problem has been solved. Clayton County, Iowa has accepted responsibility for their radio transmissions bleeding into the Richland County Highway radio frequency and at their own expense have re-programmed all their radios to ensure that a proper radio signal exists that does not interfere with the highway shop frequency. Lt. Frank reported that the next radio issue he is working on is why the WRCO generator is causing the county's MARC 2 repeater to activate when it starts up.

Agenda Item #12: Inmate Jail Healthcare Program: Sheriff Berglin reported that he continues to investigate how to obtain proper inmate health care that is reasonable and protects the county from liability. The sheriff said that it is still up in the air whether any healthcare program or cost needs to be bid out or not bid out. Sheriff Berglin showed an email message asking that question to Richland County's Corporation Counsel Ben Southwick. Berglin said he is still waiting for the legal decision. Sheriff Berglin then handed out the latest inmate health care program paperwork from ACH. ACH being a private provider of inmate health care and medication. The committee reviewed the document that contained 3 options presented to the sheriff. Also in the document was information regarding other Wisconsin jails that use ACH and an e-mail describing legal liability coverage that ACH carries as the provider for inmate health care. Fred Clary went over some insurance terms with the committee and whether he felt there was the necessary coverage to protect the county. Clary said the e-mail shows 18 million dollars of coverage but that would be for all jails ACH has. Clary said the County's insurance will protect the county and ACH's insurance will protect them. During discussions of the three options Sheriff Berglin said he would like to see something in place by March 1st and that the county should opt out of the mental health services provided by ACH and limit their work to medical inmate health care only. Berglin felt that working with Richland County Department of Health and Human Services would be more cost effective and provide more services than ACH could provide. Discussion of where the money is going to come from to pay for this new inmate health care program. During this portion of the discussion there was debate whether the LEJC could send this matter to the county board or whether the committee should send the matter to finance to find the money to pay for the program. Fred Clary advised that if there was not an answer of funding from LEJC the matter would likely be tabled by finance and personnel. More committee discussions about financing the new inmate health care program.

Sgt. Rita McCarthy addressed the committee and said that she felt the county's liability with the current situation where the volunteer doctor does not come to the jail on a regular basis even when he says he will come and then when he does get to the jail he-limits his work to 3 or 4 inmates when there are more than 30 total inmates in the jail and this is a tremendous liability that

the jail staff should not be involved with. McCarthy advised that the jail staff should not be determining which 3 or 4 inmates will be seen by the doctor so all the others do not get the service. Sheriff Berglin said that ACH promises to see every inmate who is requesting medical care before they leave the jail. Berglin said that the inmate may not get what they want-but at least ACH has evaluated them medically, and the county's liability is covered.

Sheriff Berglin said that his belief is that inmate health care is under his authority and it will not have to be bid out. However, if there is a contract the county board has to approve all contracts so he will need county board approval to give ACH a try. The sheriff said he thinks \$16,000 extra money in the jail budget will cover the program. Fred Clary said the sheriff's estimate is way too conservative, he believes \$30,000 or more will be needed. Discussion that two motions will be needed. One to approve or not approve the ACH proposal and one to send the matter to the Finance and Personnel Committee to figure out how to pay for it. More discussion. After discussion, motion by Don Seep that the LEJC recommend to the county board the ACH proposed option #1 for a period of 1 year, subject to the Finance and Personnel Committee finding the money to pay for it. 2nd to this motion by Paul Kinney. Motion passed.

Motion by Fred Clary that the matter be referred to the Finance and Personnel Committee to find ways to pay for the contract with ACH and option #1 at not more than \$30,000. 2nd to this motion by Don Seep. Motion passed.

Agenda Item #13: Open Squad Car Bids: Chief Deputy Hougan provided the committee with the three bids received and a listing of the patrol squad car specifications. Discussion. When the bids were open by committee chair Gaylord Deets they showed the following bid for each patrol squad car as follows:

Sleepy Hollow, Viroqua, WI: \$26,804 per squad car.
Fillback Ford, Richland Center, WI: \$26,495.81 per squad car.
Ewald Automotive Group, Oconomowoc, WI \$26,486 per squad car.

Discussion by the committee members on the pros and cons of the bids and whether one patrol squad car or two patrol squad cars could be purchased in 2014. After discussion, motion by Fred Clary to purchase 2 patrol squad cars from Fillback Ford as long as the bid meets or exceeds the specifications provided at \$26,495.81 each. 2nd to this motion by Don Seep. Motion passed.

Committee discussion that the changeover cost and the equipment inside the car cost should be reported to the county board and be part of the resolution to the county board when purchasing the cars. More discussion. After discussion, motion by Fred Clary that vehicle cost, the changeover cost and the equipment cost for a total cost be presented in the squad car purchase

resolution to the county board. 2nd to this motion by Don Seep. Motion carried.

Agenda Item #14: Adjourn; Motion by Fred Clary to adjourn until the regular LEJC meeting on Friday, February 14, 2014 at 8:30am. Second to this motion by Don Seep. Motion passed, meeting adjourned.

Minutes Respectfully Submitted by,
Chief Deputy Tom Hougan