

**MINUTES OF THE ONEIDA COUNTY
PUBLIC SAFETY COMMITTEE MEETING
October 20, 2016**

COMMITTEE MEMBERS PRESENT: Ted Cushing, Bob Metropulos, Billy Fried, Mitch Ives, Chairman Mike Timmons

COMMITTEE MEMBERS ABSENT: None

OTHERS PRESENT: Jennifer Allen (Branch II), Medical Examiner Larry Mathein, C. Schaub (Medical Examiner), Denise Briggs (District Attorney's Office), Kathleen Belliveau (Branch I), Brenda Behrle (Clerk of Courts), Brian Desmond (Corporation Counsel).

CALL TO ORDER

Chairman Timmons called the meeting to order at 9:30 a.m. at the Oneida County Courthouse, Committee Room #2, stated the meeting notice had been posted and mailed in accordance with the Wisconsin Open Meeting Law and noted accommodations would be made for handicap accessibility.

APPROVE AGENDA

MOTION: To approve the Agenda (Cushing/Metropulos, PASSED).

APPROVE PREVIOUS MEETING MINUTES

MOTION: To approve the September 15, 2016, Public Safety Committee Meeting Minutes (Cushing/Metropulos, PASSED).

SCHEDULE COMMITTEE MEETING DATE(S)

The next meeting was scheduled for Wednesday, November 16. Cushing is excused from the meeting.

The meeting was first scheduled for Thursday, November 17. It was brought up that vouchers need to be in by Wednesday for checks to go out on Friday, and that with the next week being the Thanksgiving holiday, there would not be enough turn-around time for checks to be issued. The meeting date was moved to Wednesday, November 16.

BILLS, VOUCHERS AND LINE ITEM TRANSFERS FOR PUBLIC SAFETY DEPARTMENTS

MOTION: To approve bills, vouchers, and line item transfers for Public Safety Departments (Metropulos/Ives, PASSED).

DISTRICT ATTORNEY

Non-Budgeted Item Request

Denise Briggs reported issues with a printer printing a line down every page. When items are being scanned, that line is blocking information. Briggs reported that she spoke with Jack Flint, IT Director, who stated he would help the DA Office once they purchased a new printer. Briggs stated Building & Grounds sent her to this committee

with the request. Briggs reported the cost to be approximately \$300 for the new printer. (Exhibit 1)

MOTION: To authorize the purchase of a new printer for the District Attorney's Office not to exceed \$300, with the money coming from the contingency fund.

Fried questioned if this request should have been made by the IT Department instead. There was discussion if items should be fixed or replaced and what involvement IT should have.

SHERIFF'S OFFICE

Telecommunicator Vacancy Review

Telecommunicator Mary Goeldner retired and the Sheriff's Office would like to fill this position. The Sheriff's Office is asking for this to move forward to LRES. There was discussion on meeting vacancy review dollars and what positions are/are not involved in this. Ives asked what the difference in salary would be and if there was a candidate list to work from. It was reported there would be a savings from \$21 to \$16 and there was no list to work from.

MOTION: To forward the Telecommunicator vacancy review to LRES (Fried/Cushing, PASSED).

CORPORATION COUNSEL

It is anticipated that the Committee will adjourn to closed session pursuant to WI Stats Section 19.85(1)(c) 'for the purposes of considering employment, promotion, compensation or performance evaluation data of any public employee over which the body has jurisdiction or responsibility' and WI Stats Section 19.85(1)(f) considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems, or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data & Section 19.85(1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session. Topics: Corporation Counsel goals for performance evaluation, review previous goals, and set new goals; ongoing investigation associated with Oneida County Case 15CV53 & Workers Comp. Claim No. 2014-030743.

MOTION: To go into closed session pursuant to WI Stats Section 19.85(1)(c) 'for the purposes of considering employment, promotion, compensation or performance evaluation data of any public employee over which the body has jurisdiction or responsibility' and WI Stats Section 19.85(1)(f) considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data & Section 19.85(1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

Topics: Corporation Counsel goals for performance evaluation, review previous goals, and set new goals; ongoing investigation associated with Oneida County Case 15CV53 & Workers Comp. Claim No. 2014-030743. (Cushing/Ives, On a Roll Call Vote: IVES: Aye, METROPULOS: Aye, FRIED: Aye, CUSHING: Aye, TIMMONS: Aye).

The Committee entered into closed session at 9:47 a.m.

MOTION: To return to open session (Ives/Metropulos, On a Roll Call Vote: IVES: Aye, METROPULOS: Aye, FRIED: Aye, CUSHING: Aye, TIMMONS: Aye).

The Committee returned to open session at 10:49 a.m.

MOTION: To approve the Corporation Counsel 2016 goals that have been met/are ongoing; to approve Corporation Counsel 2017 goals with the movement of Line #2 (Better Communication with the County Board) to Line #1, and Line #1 (Zoning Matter) to Line #2). (Cushing/Metropulos, PASSED).

Ongoing Investigations: The Committee reported that they received updates on the ongoing investigations associated with Oneida County Case 15CV53 & Workers Comp. Claim No. 2014-030743 and legal advice regarding Agenda Item #10.

RESPONSE TO GREGG WALKER 09-15-16 DOCUMENT

The Committee received a letter drafted by Corporation Counsel addressed to Gregg Walker regarding the Gregg Walker document presented to the Committee at their September 15, 2016 meeting. The letter was signed by all committee members.

MOTION: To approve the letter drafted by Corporation Counsel addressed to Gregg Walker regarding the Gregg Walker document presented to the Committee at their September 15, 2016 meeting (Metropulos/Cushing, PASSED).

There was further discussion regarding Mr. Walker's document. Timmons reported that they would answer the questions in Mr. Walker's document, but some questions could not be answered.

Timmons reported in all fairness, Item #1 could not be answered, due the ongoing situation. Walker stated that all items regarding the Lee Lech investigation were done. Desmond told Walker that the Lech case in regard to the Lakeland Times' open records request was closed, but there were others cases that were still ongoing, and that under his legal advice, there would be no comment to Item #1 at this time pending actions. Walker stated that he (Desmond) was wrong, but to move on.

Regarding Item #2, Timmons reported that the Committee would like to move forward on this. It was reported that the Grievance Committee is for the person who is without a job, who has been suspended, etc. after the fact, so the person can get assistance if they believe they were wrongfully charged. Timmons reported that this Committee would like to sit down with the Civil Service Commission and see what type of severity level the offense needs to be for this Committee to be notified. Walker asked if the

Committee would be interested in how other counties handle these incidents. Fried stated, yes, that they could put on the agenda to be notified when a discipline incident comes up.

Walker stated that there needs to be a checks and balances for the inner working of the Sheriff's Office. Walker stated the Lech investigation was handled wrong, that it was a very serious allegation, and no other counties with this type of allegation had internal investigations. Walker told the Committee that if they had been involved, the checks and balances would have been there, and they would not have found out about the allegations by reading the paper or from the public. Cushing reported that he would go along with a procedure that was set up somewhere else, that there was no reason to re-invent the wheel. Timmons asked if Clark County was the one to look at. Walker reported that he did not know if Clark was the best, but other counties have a better handle on the checks and balances than Oneida County. Walker reported that there needed to be a balance of power in the Sheriff's Office because right now, if the sheriff was having a bad day with an excellent employee, he could run that person right out. Timmons reported the issue was getting everyone together for discussions. Cushing stated they simply needed to set a meeting date with the other committees, come up with a policy, and adopt it. Timmons stated the Sheriff has no formal review because he is an elected official. Metropulos told Walker that he started the ball rolling and Walker stated that was all he was asking for, that there were serious issues to look at. Walker stated Items 3, 4, 5, and 6 were all tied to that one topic.

Timmons stated Items 11 & 12 were answered in a previous meeting when the Committee stated they were supportive of the Sheriff and Corporation Counsel, and believe they have done nothing wrong legally. Timmons told Walker that subject was further addressed in the letter he received today.

Timmons stated Item #7 ties in with reviewing the way other counties do things. Walker again stated that he thought the county board could enforce zero tolerance.

Regarding Item #8, open records and transparency, Walker disagreed and stated Desmond was horrible, did not believe in transparency, and received an F grade every year during Sunshine Week. Walker stated Desmond was a product of Larry Heath, who also did not believe in open government. Walker reported on how this process has wasted taxpayer dollars, it was a joke, and that they were not going to win any court cases. Walker stated the public has the right to know who made the decision not to release records. Walker stated they (the Sheriff's Office and Corporation Counsel) were playing games, and it was the worst thing in his 25 years of journalism that he had ever seen. Walker further reported that when he dealt with former Chief Deputy Sweeney he never had to wait for records or pay for them, and Sweeney made it clear that he did not deal with Corporation Counsel. Walker reiterated that the public had the right to know who made those decisions and they should not be protected by closed session. Fried stated that he thought they were entitled to and would get the information, that all county board members are in favor of transparency. Fried stated that each county department has the right to go to corporation counsel, who was well versed in open records law, if needed.

Walker stated that in general, things are not an issue, but when they get complicated requests like this or zoning issues, then it takes years and lawsuits to get the records. Fried reported that it was frustrating to everyone regarding the time lapse in government. He further stated that some requests get complex and outside of our area of expertise, and they need to rely on the people who are experts to give guidance.

Walker stated the question was still there, who made the decision? The public should have the right to know immediately who made the decision to issue/not issue records. Desmond told Walker that information was clearly stated in the letter he received today, that Corporation Counsel provided information to the sheriff and other county department heads and will go outside to get help if needed. Walker stated thank you, now he knew that Corporation Counsel told the Sheriff that he would win the case. Walker stated that he told the Sheriff he would not win the case and wanted it to be clear that this was coming back to Corporation Counsel that the county has spent \$52,0000 and were still fighting.

Walker wanted to make it clear that after last month's meeting, Chief Deputy Hess called him and started filling requests, and had he not gotten an answer that day, he would have been suing the county again.

In regard to Item #10, Walker stated that he thought the Committee had jurisdiction over what happened at training, as they controlled the purse strings. In regard to Item #11, Timmons referred back to looking at different policies and how things were written. Timmons stated they wanted to sit with the Sheriff, go over policies/procedures for out-of-town training, outside investigations, DUI Training, etc. Fried stated that for any county employee who goes on training, there are policies, but limitations based on union contracts or human rights items might limit those.

Timmons told Walker that when he last addressed the Committee, it was too fast, too furious, and too much of an overload to take in at that time. Cushing stated that he agreed the Committee had work to do and it needed to be done. Walker stated he was glad to hear that and the citizens would be glad too. Walker stated he still stood by his comment that he thinks Corporation Counsel needs to be investigated. Walker commented that he did not need the copy of the open records law for Oneida County that the Committee gave him and he had worked with it long enough to know what it said.

Walker commented that Corporation Counsel needed to be re-educated. Walker asked if the Committee really believed that the citizens of Oneida County did not have the right to know what happened with Lech, that Judge Nielsen made it clear, and Clark County put an end to it. Walker stated his point was that when you have something of this magnitude, none of you would have said those records should not be made open to the public, but Desmond did not want them released, and that was wrong, and a huge red flag.

Fried reported that they want to deliver the records when they can and it was frustrating for all involved. Timmons stated the Committee was going down that road to correct the issues, but unfortunately, it was a slow procedure that gets bumpy, but there was discussion to keep moving things forward.

Walker commented that quite frankly, he could not believe Sheriff Hartman would not want that and to have this committee to go to for advice, and stated that if he didn't, then there was something seriously wrong in that department. Walker stated it would remove the Sheriff from a lot of these issues and bring it into a different setting so the Sheriff was not scrutinized the way he is today.

PUBLIC COMMENT

None.

ITEMS FOR FUTURE AGENDA(S)

Talk to Civil Service Commission to set Policy. Metropulos commented that they need to be careful not to micromanage. Timmons stated there was a fine line with the law of the Sheriff's Office. Desmond stated the Sheriff is a Constitutional Officer who can do what he pleases to a certain extent. Fried commented that the Committee needs to know what policies are in place and that they are being followed. Fried also asked that they follow up on the question from a couple months ago about how aggressive the county is in fighting the heroin issues.

ADJOURN

11:39 a.m. MOTION: To adjourn the meeting (Metropulos/Cushing, PASSED).

Mike Timmons, Chairman

Andi Seidel, Committee Secretary

Bob Metropulos, Vice-Chairman