

**DODGE COUNTY**  
**LAW ENFORCEMENT COMMITTEE MEETING**  
November 4, 2016

**Call to order:** Meeting was called to order by Chair, MaryAnn Miller, at 8:00 a.m.; a quorum was established with the following members present:

MaryAnn Miller  
Dan Hilbert  
Larry Bischoff  
Thomas Nickel  
Larry Schraufnagel

**Also Present:** Steven Bauer, Circuit Court Judge; Joseph Sciascia, Circuit Court Judge; Michelle Kenning, Chief Deputy, Clerk of Courts; Kurt Klomberg, District Attorney; Bob Barrington, District Attorney Managing Attorney; Bernie Mueller, Child Support Agency; Dale Schmidt, Dodge County Sheriff; Scott Smith, Chief Deputy, Sheriff's Office; Patrick Schoebel, Medical Examiner; Barb Brandt, Br. 4 Judicial Assistant.

Miller certifies compliance with the Open Meeting Law.

**Approval of Agenda and Allow for Deviation:** Motion made by Nickel to approve Agenda and to allow for deviation; second by Bischoff. Motion carried.

**Public Comment:** None

**Approval of Minutes:** Motion by Schraufnagel to approve Minutes of October 7, 2016; second by Bischoff. Motion carried.

**Committee Member Reports:** Chair Miller attended a recent WCHA meeting which included discussion on evidence based decision making and 911 funding.

**Communications:** None

**Announcements:** Jim Mielke announced that Bernie Mueller from the Child Support Agency recently was the Child Support Agency Director of the Year at their annual conference.

**Circuit Court/Judge's Report:** No report

**Clerk of Courts Report:** Michelle Kenning expressed Lynn's thanks to the District Attorney's Office for its help during the fax machine outage recently for 3 days.

**Child Support Report:** Bernie Mueller showed the Committee the award she recently received from the Wisconsin Child Support Enforcement Association. She stated that she believes the award was due in part to all of the work her office has been doing regarding efilings.

As an update regarding that efilings, Bernie reported that some changes have been made so that staff does not have to use the attorney PIN's. She hopes that these changes will be completed in the next few months. Otherwise, she feels that the efilings is going well.

**District Attorney Report:** Bob reported that his office was happy to help the Clerk of Courts when that office recently had a problem with their fax machine. He pointed out that staff in Dodge County helps each other out and works together as a team. This is not the case in every county.

When law enforcement hires new officers, the District Attorneys Office likes for them to spend a day in the DA's office in order to get a better understanding on how cases proceed and are prosecuted.

**Medical Examiner Report:** ME Schoebel introduced the new Chief Deputy Medical Examiner, Brooke Bittner. She will be full time once her training is finished and she will be working the second shift position. The Committee extended its welcome to her.

PJ went over his year to date numbers. While the total case load is down, the amount of autopsies is up and that number includes inmate deaths. Right now, the autopsy amount is more than at the end of last year. Basically, the increase is because of the number of inmate deaths and drug overdose deaths.

Because the pathologist in Fond du Lac County has taken a new position in Washington, D.C., and Fond du Lac County is where a number of Dodge County autopsies are held, until that position is filled, most of the Dodge County autopsies will be going to Madison at UW.

**Sheriff Office Report:** Sheriff Schmidt reported that the law of the month for November is regarding driving too fast for conditions.

The Honor Guard is attending the funeral of a law enforcement officer who was killed in the line of duty in Rusk County today.

Next week will be the final week of training in West Bend for leadership and police organization. The intent is to send supervisory officers to that training.

The Sheriff's Office continues to have a struggle with on-going recruitment. There is constant movement with new hires and another round of interviews and background checks. There have been new hires in transport and his Office is still working on filling an administrative position.

The Sheriff informed the Committee that the Jail Supervisor is equal to a sergeant position and he will be changing the name of Jail Supervisor to Jail Sergeant.

The budget review remains positive as contract beds have continued to be over 300.

Sheriff Schmidt commented that he would like all full time officers in the County to receive the Spellman training. The county cost was built into the original proposal with 250 of county people to receive the training, but other county agencies would be charged approximately \$700 per person. While this amount may seem high, it is important for other agencies to make the commitment to making this system work. He feels working out of this commitment will be accomplished by the end of the year.

Scott Smith brought an Inter-agency budget before the Committee. It would transfer funds from the Highway Department Fuel cost to Other Operating Supply and the Capital Equipment lines.

It would provide \$22,000 for a gun cleaning station and one automatic license reader. One of these readers will be installed on one of the new squads next year.

He also reported that the upgrade of text to 911 is working well.

**Other business:** As for the information presentation for this meeting, both the Clerk of Courts Office and the Child Support Agency informed the Committee of common acronyms used in their offices. The rest of the departments would give their acronyms at the next Law Enforcement Meeting. Barb would then put together a master list for the Committee.

**Next Meeting:** Friday, December 2, 2016 at 8:00 a.m. at the Dodge County Justice Facility.

**Adjournment:** Motion by Bischoff to adjourn meeting; second by Hilbert. Motion carried. Meeting adjourned at 8:56 a.m..

**Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.**

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Larry Schraufnagel, Secretary

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Barbara N. Brandt, Recording Secretary

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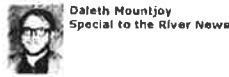


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### DOJ letter prompts changes to county meeting agendas



The Department of Justice is warning counties across the state to be more diligent when it comes to advising the public that a quorum of a committee may be present at a meeting of a separate panel or commission.

At Tuesday's county board meeting, Oneida County Corporation Counsel Brian Desmond shared a letter from the Department of Justice on this issue.

He began by explaining the department's advice.

"I think you've all probably seen our committee agendas, and the language that we have in small type from the Badke case which says there may be a quorum of other members at this meeting," Desmond said. "It's about three sentences long. Well, in Winnebago County they were using that type of language in their agendas and there were some issues brought up with their committee meetings and the Department of Justice issued them a letter but (decided) not take enforcement action against them. But in that letter, they indicated that boilerplate message isn't sufficient as far as giving the public notice under the general policy of open meetings and that should be removed from the agendas. If there is going to be a quorum of some other committee present at a separate committee's meeting, that needs to be agendized as a meeting of that second committee."

Desmond went on to explain it is the supervisors' responsibility to be cognizant of the number of board members attending a separate meeting.

"What it basically boils down to, I think at this point, is you all need to be aware of this. If any one of you decide to attend another committee meeting, if a quorum is created and there's not another agenda for that second committee, you're going to have to leave," he said. "That's basically what the Department of Justice has come down to say is the Badke notice doesn't give, and I'll quote, 'this type of notice doesn't give the fullest and most complete information regarding governmental affairs to which the public is entitled.'"

As an example, he mentioned that a quorum can be created by the attendance of shared members of the labor relations and employee services (LRES) committee and the administration committee.

Desmond said governmental bodies have the legal obligation to come into compliance with the state's open meetings law and inability or unwillingness to follow the law leaves the members open to penalties and legal action.

Supervisor Ted Cushing asked about the LRES committee. Currently, the committee is made up of Cushing, David Hintz, Billy Fried, Sonny Paszak and Carol Peterson. Cushing, Hintz and Fried are also members of the administration committee, with supervisors Bob Molt and Robb Jensen.

Desmond said he has already informed the secretaries for those committees that they will need to post notices when a quorum of either group is present.

"What's the fiscal impact to the county?" Cushing asked. "Now it's an (agendized) meeting, is there a per diem? Think about our code. This is a hell of a financial impact on our code."

Desmond said the supervisors would receive only one per diem for any LRES/administration meeting.

Supervisor Robb Jensen asked if supervisor Dave Hintz could attend meetings in his role as county board chairman, and if that could circumvent the posting requirements. He was referring to the highway committee, where Hintz' attendance would create a quorum of the administration committee.

Desmond said if Hintz was attending a highway committee meeting, an administration committee agenda would also have to be posted as there would be a quorum of that group present. He also clarified that the county can't "parse it out" with Hintz only being considered the county board chairman.

Jensen asked if county board supervisors could attend meetings as members of the public, rather than as

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#### Reader Poll

Is it fair for city employees to forego a pay raise in 2017 to balance the city budget, given that 58 percent of the budget is employee wages and benefits?

committee members.

Desmond said being an elected official means they are always considered an elected official. He said the exception is a "social or chance gathering" as described in the open meetings law. He said attending a committee meeting would not qualify as a social or chance gathering.

Cushing said he has instances where he has to attend a planning and zoning meeting as a town supervisor, but under this guidance his presence would create a quorum of another committee.

In that case, Desmond said a separate agenda for that committee would have to be posted.

Jensen said the Wisconsin Counties Association should address the situation.

"Probably an easy way to deal with the practical impact of that would be, if any supervisors are planning to attend a committee that they are not on, let the chair know ahead of time that you're probably going to do that. Then the chair of the committee will know if there's going to be a quorum of some other committee," supervisor Alex Young said. "Otherwise I think you want to avoid the situation where people show up and all of a sudden it's 'hey, we didn't know this was going to happen.' We can communicate in advance and start planning an agenda."

Desmond said if a quorum is created and there isn't a posted agenda, the supervisors would be exposing themselves to an open meetings violation.

"It's really a cumbersome rule, and it's new to us," Hintz said. "Somebody mentioned the WCA's input. I think that would be helpful because the other counties must be facing this same issue. I think that is important. It seems at first blush that the requirements are almost unworkable. If I want to attend a meeting, I should be able to. It's very cumbersome."

Supervisor Jack Sorensen asked if the letter was just an opinion from the DOJ, or if it was backed by case law.

Desmond said it was backed by the DOJ's enforcement authority over open meetings violations. He then urged the supervisors to take the letter seriously.

"They can attempt to enforce and we can take it to court," Sorensen said. "As a government body."

"Perhaps," Desmond said. "However, when you violate the open meetings law as a supervisor, you are personally responsible and the county cannot cover any costs or fees and insurance cannot cover any costs or fees associated with that. You bring up a very valid point, I should say. However, when it comes to enforcement authority, I think it's important to know where they're going to come from because if you could possibly challenge this, where that ends up, I don't know. And the cost and the time, you know, it could be substantial."

Hintz said the county will look into the WCA legal staff's opinion and to see what other counties are doing to address the issue.

Supervisor Tom Kelly indicated part of the problem is many of the same supervisors serve on the same committees.

"You could change the members of the committee," he said. "Take somebody off LRES and put them somewhere else."

"That would be one way to address it," Hintz said. "You'd still have issues with attending meetings and that sort of thing."

Desmond said attendance by supervisors at other committee meetings, in his 12 years working for the county, was far less common. He said it would happen more often in certain committees, such as planning and zoning, which has two members who also serve on the administration committee.

"It's something, obviously, we have to try to do our best to comply with, but we need to understand a bit more before we proceed," Hintz said. "And we'll do that, and do the appropriate research."

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