

**ADAMS COUNTY
PUBLIC SAFETY & JUDICIARY COMMITTEE MEETING**

**December 28, 2012 9:00 a.m.
Conference Room A-260**

In attendance: Committee members Sebastiani, Miller, Eggebrecht, Edwards and James. Others present: Marcia kaye, Mike Keckeisen, Trena Larson, Kirby Rogers, Regan Rogers, unidentified young female with Kirby and Regan, Nick Segina, Marilyn Rogers, Mark Rogers, Sam Wollin, Bev Ward, Dale Behling, Rebecca Koehn, Darcy Beckman, Terry Stormoen, Tania Bonnett, Rick Pease, Sarah Grosssheusch, and acting recording secretary Thompson. On the phone: Atty Dean Dietrich from WI Co Mutual Ins.

1.Meeting called to order by Al Sebastiani, Chair at 9am.

2.Was the meeting properly announced? Yes

3.Roll Call. All present

4. Motion to approve the agenda by Miller, seconded by James. MCVV Unanimous

5. Discuss and or Act on plan for staffing Medical Examiner, Chief Deputy Medical Examiner, and Assistant Medical Examiner positions, commencing on January 1, 2013 on an interim and subsequently permanent basis.

A question was posed from the audience as to whether or not public participation would be allowed at this meeting. Discussion regarding it not being on the agenda, therefore it does not have to be allowed. Roll call vote was taken whether or not to allow. Miller yes, James, Edwards and Eggebrecht stated they would leave it up to the Chair. Decision made by Chair Sebastiani that it would be allowed if kept under control. Atty Dietrich stated that it should only be allowed if the person is recognized by the chair, and should last no longer than the three minutes that are allowed in County Board meetings.

Atty Dietrich stated that the real question being asked here today is how to proceed with the Interim Medical Examiner. He assumes the Committee will be going about the normal hiring procedure to permanently fill the position. Dietrich suggested they discuss the MOU vs the hiring of a Part-time employee. He stated that there also should be discussion as to how many positions are necessary in that office. He stated that Trena, Marcia and he need to involve the Sheriff and the DA as well as the current ME in the decision making.

Supervisor James stated that he was concerned about the wage and benefit levels if the ME is considered a part-time employee rather than a contracted service. Atty Dietrich advised the current MOU is being seen as an "independent contractor", not an employment contract, and he has concerns about that notion. He added that the test of that comes with 2 questions, 1: do they hold themselves out to provide services to anyone else and 2: do they determine control over when they work, their supplies, etc. Atty Dietrich feels that the current MOU is in essence a work contract with the ME, and we are not in a position to argue otherwise. He stated they would be eligible for SS withholding, OT, mileage, etc, but no insurance and other benefits. Marcia added that other counties pay a flat on-call rate and/or hourly rate with no benefits. Atty Dietrich suggested Marcia, Trena and he put together a proposal for the hiring process.

Supervisor Eggebrecht questioned Atty Dietrich if there was a threshold for a part-time employee as far as hours worked that automatically considers them "full-time" thereby entitling them to benefits. Atty Dietrich stated there was not, but if they worked more than 30 hours a week on a regular basis, they become eligible for health insurance or a penalty applies. They are also subject to the retirement contributions both theirs and the county's, he added, and that's based on actual hours worked, not counting on-call time.

Atty Dietrich stated that the third area of concern is an interim ME to provide services while the hiring process is being worked out. He stated that the county is not required to announce the position unless federal dollars are funding it, but he does not recommend that practice at all.

Chair Sebastiani stated that Mark Playman, one of the current Deputy MEs has indicated that he would be interim during the process if requested.

Supervisor Miller stated that in his opinion, Playman and the others were not approved by the committee as per the agreement and therefore the committee should reinstate Rogers and Koehn in the interim. It was his opinion that the firing and then the hiring of the new people was not done the proper way to begin with.

Chair recognized public comment from Mike Keckeisen, who stated that in Nov of 2011 and again in August of 2012, it was the intent of the committee to go with Rogers and Koehn for ME services once the contract with Columbia County expired. He feels the Sheriff and the DA should be involved in the hiring and selection process as they have to work the closest with the ME. He wonders how the train fell off the tracks.

Atty Dietrich responded that he too feels the Sheriff and the DA should be involved, and that speaks to why the county should proceed with a formal application and selection process as he advised earlier. He addressed the historical decision making reference, and stated that there was a potential threat of litigation against the county and would limit his comments regarding that issue. He did offer that the two incumbents' statements and conduct at the PS&J meetings were clear that they no longer would serve if the contract with Columbia County was renewed. He stated action had to be taken for coverage of calls for service. He stated that there were complaints about the processes used and the investigations in 2012 that were not in compliance with the standards set by the ME, and that there were some unnecessary procedures being performed. He suggested a review of the 2012 cases and to establish procedures for going forward. He suggested that someone with neutrality, like Playman, should be consulted for this. He suggested the committee direct him, Marcia and Trena to look at that.

Supervisor Miller stated that he didn't believe we needed to delay this any further, that the committee and everyone else involved knows they need three people to cover that office.

Chair recognized Bev Ward, who stated that it comes down to how best serve Adams County, and she has no doubt about Marilyn and Rebecca's ability to perform the duties. She stated it seemed to be more of a personality conflict and she was appalled at what unfolded at the August PS&J meeting.

Chair recognized Mark Rogers, who stated that it sounded to him like Atty Dietrich was indicating that Rogers and Koehn had done something wrong on 2012 cases, and asked what that was. Atty Dietrich responded by saying he didn't know exactly what it was, just that he was provided information that all of the procedures were not followed, etc and he was simply advising the committee that those statements were out there, that he wasn't saying directly that they did anything wrong. Atty Dietrich stated that is one reason this should be looked at by someone with neutrality. Rogers added that it sounded like hearsay to him, and Atty Dietrich stated a lot of this whole thing is hearsay and speculation, and that's why the whole situation needs to be looked at. He directly referred to Miller's statement that we all know there are three people needed for the office, he suggested that it hasn't been looked at in it's entirety and should be, to take the time to look at all aspects including staffing levels.

Chair recognized Rick Pease, who stated that it seemed to him that everything was going well until August, when it was decided not to renew the contract with Columbia County, then the performance issues started to arise and it seemed like someone was trying to get the contract back at that time. It seemed like things went downhill after the August vote until November when Committee voted to go back to the contract and she (Hinze) was able to hire the people she wanted to hire. He believes there were no problems with any cases until she knew she had not contract after January. He stated nothing was brought up before then, so he believes she was trying to save her spot and the money for Columbia County.

Supervisor Eggebrecht stated that he feels too that Committee should put Rogers back as interim while they go through the hiring process.

Chair Sebastiani recognized Terry Stormoen, who asked specific questions as to if they were terminated, if so, by who and what was the cause. He also questioned if they resigned, and if there was supporting documentation for that claim. He stated that showing up at a committee meeting saying I wouldn't work for this person wasn't a resignation because you could change your mind if you began to get along. Atty Dietrich stated that he had of three different documents that Rogers would not continue to work for the Medical Examiner from Columbia County. He stated an investigation could be conducted into it but it wouldn't be productive. He suggested that the more important issue was to decide how to man the department. Chair agreed.

Supervisor Eggebrecht again stated that he believed Committee should put Rogers back in as interim ME. Chair asked Supervisor Eggebrecht if he'd like to make that a motion, and he did.

Motion to reinstate Marilyn Rogers as Medical Examiner in the interim as the hiring process proceeds. Motion seconded by Miller.

The motion was opened for discussion. Supervisor James stated he views this "adversarialy" with Bill and Bob, as some of the things that were said and directed toward this committee by Rogers and Koehn. He stated that the current ME staff has agreed to stay in the interim while the process goes on, and because the committee is so polarized he believes an interview panel comprised of impartial people absent of committee members should be assembled to make the selection. He feels they should keep Mark Playman in place until they go through the process. Chair Sebastiani stated that he would not be involved in the interviews. Supervisor Eggebrecht reminded James that they weren't hired by us. Supervisor James reiterated that those currently in place should remain.

Marcia Kaye provided a point of reference to Committee that none of the positions came to Committee previously, the committee never had any of the hires come through the full committee. She herself had no role in the hiring of the staff other than being present and asking questions.

Chair recognized Sheriff Sam Wollin, who said that Angela advised him that most of the new people were not trained with the exception of Playman and he had concerns about the call responses if they all remain in place in the interim. James added that he thought Sam had the same understanding they all did, that Playman was taking all the calls while training the others. Wollin expressed concern about the situation with only one person responding to all the calls.

Chair recognized Terry Stormoen, who asked why Committee, who had been previously advised by Atty Dietrich to involve the Sheriff and the DA, had not asked them for an opinion on the matter, noting that they are both here in attendance. Chair Sebastiani stated that he did open the floor for comments.

Chair recognized Bev Ward, who expressed concern that only one person on call 24 hours a day, stating she finds that almost impossible. She gave some scenarios and she added that she'd be highly irritated if she had to call for service and an untrained person showed up to her scene.

Supervisor James asked if Ms. Bonnett would like to make a comment, Chair Sebastiani agreed. DA Bonnett stated that she agreed with Mr Miller, stating that during the interim they should reinstate Marilyn Rogers for a short period of time while the hiring process is underway. Though she fully understands Mr. James' position, she believes that setting aside those issues and doing what's best for death investigations is to put Rogers and Koehn back in place in the interim. She stated she has worked with Rogers for the past year and has found her work to be in accordance with her understanding of the protocol. She stated she has heard of one issue with Playman from the Sheriff's Office. Sheriff Wollin expounded upon an issue that was reported to have taken place with Mr. Playman that interfered with an investigation of a fatal motor vehicle crash.

Atty Dietrich was asked by Chair if he had any comment on that, and he stated he has had a difficult time hearing a lot of what was said. He stated that due to the personal conflicts with everyone involved he believed that it was in the best interest of the county to designate "this gentleman" (Playman) as the Medical Examiner while the hiring process is going on and decisions are being made regarding the staffing levels, etc. When asked by Chair if he heard the issue about him being the only one able to respond to calls, he said he could not speak with any level of authority to that, but he suggested that Playman be placed as interim ME and Committee ask Ms Rogers if they'd be available to also take calls. He did state that it is not customary for declared candidates for a position to be performing the duties in the interim.

Chair recognized Nick Segina, who stated that although he is not interested in the position for himself, he is well versed on the issue, and feels Rogers and Koehn have been doing a fantastic job and have achieved all the qualifications necessary, contrary to the others currently hired by Columbia County. He stated that time is short. He reminded Committee that a motion was on the floor to put Rogers back in place and he assumes Koehn would also be reinstated. He feels they are more than qualified and believes that the motion should be passed as these two can meet the needs of the county while the process is underway for a permanent solution. He offered assistance with setting up the office.

Chair recognized Trena Larson, who offered that Columbia County has offered to assist Adams County during the interim and if Playman was not utilized if that would jeopardize the availability of autopsy and body storage facility.

Supervisor Eggebrecht stated he has a lot of concerns with working with the current personnel, explaining that at a fatal accident up on 73, it took 3 hours for someone to get there, and another one on Cth Z that took forever. He feels that if we have someone here in the County then we should use them. Wollin had no facts on the response times to add.

Supervisor Miller stated that he puts no weight on Atty Dietrich's comment about everything is hearsay. Miller stated that through the years he has substantiated what he has heard or he does not go any further with it. He said if procedures weren't being followed, Angela should have done something about it sooner. He feels Rogers and Koehn should be put back in place. He feels that the hiring process for the Columbia County's personnel wasn't proper, and he supports the motion on the floor.

Supervisor Edwards asked if they could stipulate that if Rogers was named the Interim ME, Playman could be designated as the assistant, and asked if Rogers could work with Playman. She posed the question then to Atty Dietrich, who stated you could make it part of the motion but if they don't want to, you can't force Rogers and Playman to work together. The conditions of the motion might not be met and you'd be back to square one.

Miller stated that Naomi Carlton was hired before all this happened, so he thought she could be added to the list of available personnel if she was interested. He thought Carlton and Playman could be added to the motion to be in place in the interim if they accept.

Chair recognized Nick Segina, who stated that this is a public meeting and anyone who had an interest could attend. He stated that those not in attendance demonstrate where the interest lies. He again reminded Committee that there was a motion on the floor to accept the two qualified Medical Examiners and that should be reason enough to go ahead, put personal views aside and do what's best for the county and put them in place. There's not time for another meeting or discussion. He suggested that in the January meeting they set up the hiring process to fill it how they want permanently. He understands the Atty's position in trying to mitigate and minimize the county's liability, but everyone knows it's coming, and he acknowledged Supervisor James directly. He states he's ashamed it's taken so long to get this far, and he believes if they do not put Rogers and Koehn back in place they will be making a mistake.

Supervisor James attempted to ascertain from Segina what he meant by calling James out with the lawsuit comment, but Segina would only recognize the Chair. Chair stated it was done.

Chair recognized DA Bonnett, who rebutted the concern voiced by Trena Larson earlier, stating that she did not believe it was necessary to have a contract with Columbia county to get those tasks accomplished.

Chair recognized Mike Keckeisen, who stated that it appeared the whole room was here in support of Rogers and Koehn. He supports Eggebrecht/Miller's motion.

Atty Dietrich had nothing further to offer when asked for comment.

Motion was read back, and Koehn was added.

Amended motion to reinstate Rogers as Interim Medical Examiner, Koehn as Chief Deputy ME.

Approved by Eggebrecht, seconded by Miller. Call for vote, roll call: Eggebrecht yes, Edwards yes, Sebastiani yes, Miller yes, James yes. MCVV Unanimous. Sebastiani noted that was interim, effective January 1, and they will go ahead and get set up for the hiring process. Supervisor James confirmed that the current wage (prorated) would be used during the interim period.

Atty Dietrich suggested that the committee motion to direct Trena and Marcia begin the hiring process.

Supervisor James motioned that they start the process for hiring a Medical Examiner, Chief Deputy and other Deputy Examiners, and to authorize Marcia and Trena, with Dean's assistance in putting together the proper protocol and package to offer. Seconded by Miller. Chair opened motion for discussion.

Chair recognized Marilyn Rogers, who asked about how to get equipment back that belonged to Adams County. It was suggested that she make a list of the items that need to be retrieved. Atty Dietrich stated that he assumed that Trena and he would relay the actions taken by this committee to Ms Rogers and Ms Koehn. Trena asked for clarification as to whether the interim agreement is under a MOU or part-time employment. Atty Dietrich stated that it would be an MOU, but the communication regarding same would be prepared by Marcia, Trena and himself.

Chair recognized Nick Segina, who stated he understands there are things the interim MEs will have to clean up, but will they have time to put it together or will they start working January 1. Atty Dietrich's understanding is that they start working Jan 1 to provide service. His understand is NOT that they are to create a ME department, but rather just to provide interim services status quo. They certainly should put together a list of items necessary to provide the services they are to provide. Segina noted that the County Board created the Department a number of years ago, now it's just a matter of staffing. He believes that these two will be "in fact defacto" Medical Examiner and Chief Deputy Medical Examiner.

Chair recognized Marilyn Rogers who asked if she would be allowed to get in prior to January 1 to create a schedule for dispatch, etc. Atty Dietrich believed that would be fine.

Chair recognized Bev Ward, who asked if the equipment and files be in Adams county by January 1. Committee suspected not. Ward suggested all it would take would be a phone call from Trena to order it be done. Chair Sebastiani stated he'd do the best he could. Supervisor Eggebrecht asked if there were any other motions necessary on the issue and Supervisor James stated they were done with it.

Chair recognized Terry Stormoen, who thanked Committee for hearing public participation because it showed they were interested in what the public thought. Chair Sebastiani stated that in any committee he has sat on, if the public came he felt they were entitled to speak because they took the time to come. Stormoen again thanked the committee. Supervisor James thanked the public in attendance, and stated they were going to move on.

Marilyn Rogers asked one final clarification question regarding Naomi remaining on board. Dietrich stated that the contract is still in place until Jan1 and after that it was Rogers' determination as to how many were needed in the interim after Jan 1.

Chair asked Atty Dietrich if there was anything else needed on this, and there was not. Phone contact ended.

Supervisor James motioned for a 10 minute recess at 10:15am. Seconded by Edwards. MCVV Unanimous.

Chair Sebastiani called the meeting back to order at 10:24am. Present were committee, Sheriff Wollin, Trena Larson, Marcia Kaye, Dale Behling, Bev Ward, Sarah Grossheusch, Nick Segina, and acting recording secretary Thompson.

6. Discuss and or Act on contract renewal with Mauston Vet regarding cat pickup/shelter.

Supervisor Miller stated that he asked to have this placed on the agenda and he put together some numbers regarding the cost of handling cats. He went over these numbers (copy included) and deduced that it was costing Adams County \$193.43 per cat. He spoke with Al this morning and the vey charges are over \$30,000 right now. Trena explained that the dogs and cats come out of the same account, so the combination is over the \$30,000, not just the cats. Chair Sebastiani asked why the two were combined. Trena stated a journal entry could be done to separate them out and get them back in budget. The contract was “not to exceed” the amounts, and we will not reach those amounts this year.

Miller feels we can not be dealing with cats for \$200 per cat when we statutorily don't have to.

Sheriff Wollin stated he did get responses from other counties regarding cats. He stated Wood County only investigates abuse and neglect, no strays. Wisconsin Rapids has their own through the Humane Society, but doesn't deal with strays either, neither does Portage County. The Humane Society will accept them, but the Sheriff's Office position doesn't pick up. Portage County levies from the townships to cover the ACO fees, then lets them keep the dog license fees so they break even. Columbia County has two Deputies trained in animal-related calls, and only deal with cats or other animals when they pose a danger or there are possible criminal charges pending. The Humane Society there does pickups, but the townships contract with them for that, not the county. Waushara County doesn't do anything with cats, they have a contract with the same person Marquette has, some villages have contracts for feral cats, but not all, through the Green Lake Animal Shelter, but that's entirely up to the citizens. Marquette County does the same, no Sheriff's Office pickups, except if the animal has bitten a person and they need the animal to test for rabies. Juneau County, again unless it's an abuse or neglect case they don't get called. Sauk County has something similar to what we used to have with our Humane Society where they pay \$170,000 to their Humane Society and they take care of all the calls for the Sheriff's Office. The Adams County Shelter will only take surrenders with a \$35 fee and will refer anyone with strays to the Sheriff's Office.

Sheriff Wollin stated he spoke with Jack regarding the statutes, and the statute regarding dogs (174.042) states that an Officer shall attempt to capture any stray dog, and 173.13 refers to “any other animals” and the wording in the statute says “may”, so there's not that same statutory requirement for cats like there is for dogs. There is a statute that also states that an animal taken into custody that poses a health or safety risk to the public can be immediately euthanized. He states that that is another option because feral cats commonly carry and spread disease.

Sarah Grossheusch clarified that the responses for abuse and neglect are also responding with due diligence on bites. Public Health is concerned that also animals are taken into custody in bite cases to spare citizens the cost of the series of rabies shots necessary when there is no animal to test.

Supervisor Miller stated if there was no further discussion he would **motion that the county no longer contract with Mauston Vet and that Adams County Sheriff's Office not deal with cats unless it's a case of abuse or a bite situation, where we statutorily have to do something.** Motion seconded by Edwards. Chair opened the motion for discussion.

Grosshuesch stated that she believed the motion should include neglect and cited the situation of a person with large numbers of cats in a home, that it's easier to remove the cats than the person, and neglect would certainly apply in that situation.

Miller amended his motion to include neglect, Edwards agreed and seconded amended motion.

Amended Motion to discontinue the Mauston Vet contract, and that the Sheriff's Office only respond when necessary per statute such as cases of abuse, neglect and health/safety (bites).

Trena questioned if we still need a vendor for quarantine for cats in cases. Trena advised we would, Miller asked if that could be on an as per basis. ACO Behling stated that there are times cats need to be held for a certain period of time depending on the situation, and that we currently have a contract with Mauston for this. Miller explained that he is wondering if we have to have a contract for that or if we can do it when it needs to be done instead. Larson stated we could negotiate a rate.

Sheriff Wollin asked if he have a contract for a negotiated rate but we just don't bring the number of animals over there if that would serve everyone's needs in this situation.

Supervisor James suggested that because the Adams Co Animal Shelter just received a grant and has a new cat program, perhaps we could approach them about taking the cats if the County paid the surrender fee. Wollin stated that it might be an option in cases of neglect where the cats are humanized, but the Shelter doesn't take strays.

Grosshuesch reiterated that the feral cats are not like surrenders, they may not be adoptable and wind up being euthanized.

Bev Ward stated that they only take surrenders, if we bring in strays they won't take them. Sheriff Wollin stated we weren't picking up strays, we were taking cats from an owner who will surrender the cats.

The Humane Society does hold currently for bites and we encourage citizens to take them there in those situations.

Miller stated that government does a lot of things for people, and when times were good, we took care of the cats. Now we can't so the burden must be put back on the citizens in times it is not statutorily necessary for law enforcement to respond.

Miller takes back his motion, and proposed an **amended motion to state that the contract remain in place with Mauston Vet, but that the Sheriff's Office is not to pick up strays, only responding when necessary per statute such as cases of abuse, neglect and health/safety (bites). Seconded by Edwards.** Discussion.

Edwards asked if we are restricting it to the Mauston Vet or if they could be taken to the Adams County Humane Society. Miller said he did not have a problem with going somewhere cheaper. Larson stated we could rebid the contract, but it ends December 31 and there may not be time. Miller suggested that the Mauston Vet be contacted and see if he would continue at the same rate, just getting less cats. Miller stated his motion was just to stick with Mauston Vet. Repercussions of the decision were discussed.

Roll Call vote Eggebrecht Yes, Edwards Yes, Sebastiani Yes, Miller Yes, James No. James added that he likes the theory but he wanted to give an alternative. **MCVV 4 Yes, 1 No.**

7. Discuss and or act transferring the oversight and fiscal responsibility of the Community Service program from Clerk of Courts to the District Attorney or the Circuit Court.

Sarah Grosssheusch and Dale Behling left the meeting, and Dee Helmrick and Kathie Dye joined.

Trena gave a brief history of the topic, stating that the situation arose because the Clerk of Courts was the oversight office for the Community Service office. Because Kathie Dye was appointed Clerk of Court, she would directly oversee her daughter Carrie Allard who heads the Community Service Office.

Dee Helmrick advised the committee of the equipment belonging to CCAP that is in that office would at this point remain status quo as long as the Office remains in the building, so moving oversight from Clerk of Courts to the DA's Office would not affect that at all. DA Bonnett stated she would not have a problem with the oversight of that Office, as she has worked with the system in the past, and Carrie does a great job of managing the Department currently, so it wouldn't be a burden to her office. She would want to become more familiar with the day-to-day operations, but Bonnett feels that it is logical to move it to the DA's Office and she'd like to give it at least a year to see how it goes.

Supervisor James **motioned to transfer the oversight and fiscal responsibility of the Community Service program from Clerk of Courts to the District Attorney Seconded by Edwards/Miller.** No further discussion. MCVV Unanimous.

Motion to Adjourn by Edwards. Seconded /MCVV Unanimous. Meeting Adjourned at 10:53am.

These minutes have been approved by Committee on 01-09-13.

Respectfully Submitted,
Cheryl Thompson
Acting Recording Secretary