

PUBLIC SAFETY & JUSTICE COMMITTEE
July 11, 2011

Call to Order. Vice Chair Wiedenfeld called the meeting of the Public Safety and Justice Committee to order at 4:05 P.M. on July 11, 2011 in the Conference Room at the Rock County Sheriff's Office.

Committee Members Present: Supervisors Collins (4:06 P.M.), Brill, Beaver and Wiedenfeld.

Committee Members Excused: Supervisor Knudson.

Staff Members Present: Commander Erik Chellevoid; Commander Troy Knudson; Captain Curt Fell; Captain Craig Strouse; Diane Michaelis, Finance Office Manager, Sheriff's Office; Elizabeth Pohlman McQuillen, Criminal Justice Planner/Analyst; Nick Osborne, Assistant to County Administrator; Eugene Dumas, Deputy Corporation Counsel (4:12 P.M.)

Others Present: Supervisors Kraft, Podzilni and Innis; Brian Christianson, Chair, Rock Koshkonong Lake District (RKLD).

Adoption of Agenda. Supervisor Brill moved approval of the agenda as presented, second by Supervisor Beaver. ADOPTED.

Adoption of Minutes. Supervisor Beaver moved approval of the minutes of June 20, 2011, second by Supervisor Brill. ADOPTED.

Citizen Participation, Communications, Announcements, Information. Mr. Christianson said he has been working for several weeks helping the County update the Slow-No-Wake Ordinance. He said the river around the Indianford and Newville areas are unpredictable for when and how long the slow-no-wake restriction is in place. Mr. Christianson said he has seen the draft of the ordinance and the RKLD feel the water level is too restrictive. He asked the Committee if they would request Corporation Counsel to take another look at the 777.5 feet as they feel this is too low for a slow-no-wake restriction to be placed on the river.

Chair Collins requested Mr. Christianson to please comment on this when item 6.E. comes up for vote and Corporation Counsel has arrived. Mr. Christianson agreed to this.

Consent Calendar.

Transfers and Appropriations. None.

Bills/Encumbrances.

Sheriff Coll. in Sus.	\$	4,649.62
Sheriff		18,549.96
Correctional Facility		12,750.78
Circuit Courts		355.75

Clerk of Courts	277.00
911 Project Operations	1,539.99
District Attorney	924.37
Emergency Management	120.00
Coroner	26,255.25
Child Support	1,027.31
2009 JAG Rec. Act.	1,800.00
2011 Hazmat	3,493.39
2010-2011 LEPC	448.60
Sheriff's Vehicles	2,065.00
911 Capital Project	16,369.53

Pre-Approved Encumbrance Amendments. None.

Supervisor Wiedenfeld moved approval of the above Consent Calendar for the Public Safety & Justice Committee, second by Supervisor Brill. ADOPTED.

Resolutions.

Amending the Sheriff's Office Budget – University of Wisconsin Rock County Campus Fees

“NOW, THEREFORE, BE IT RESOLVED by the Rock County Board of Supervisors duly assembled this _____ day of _____, 2011 that the Sheriff's Office budget for 2011 be amended as follows:

...”

Supervisor Brill moved approval of the above resolution, second by Supervisor Beaver. ADOPTED.

Authorizing Submission of Edward Byrne Memorial Justice Assistance Grant Application and Authorizing Interagency Agreement with Beloit and Janesville

“NOW, THEREFORE, BE IT RESOLVED that the Rock County Board of Supervisors duly assembled this _____ day of _____, 2011, does hereby approve and authorize the submission of an Edward Byrne Memorial Justice Assistance Grant application, and the Chair of the Rock County Board of Supervisors is hereby authorized to sign all necessary documents on behalf of the County of Rock; and,

BE IT FURTHER RESOLVED, that the Chair of the Rock County Board of Supervisors and the County Clerk are hereby directed to execute an Interagency Agreement with the City of Beloit and the City of Janesville that designates Rock County as the grant fiscal agent and specifies how grant proceeds will be shared should the application be funded.”

Supervisor Wiedenfeld moved approval of the above resolution, second by Supervisor Beaver. ADOPTED.

Accepting the Cold Case Grant and Amending the Sheriff's Office 2011 Budget

“NOW, THEREFORE, BE IT RESOLVED that the Rock County Board of Supervisors duly assembled this _____ day of _____, 2011 does approve and authorize the acceptance of the Cold Case grant; and,

BE IT FURTHER RESOLVED, that the Sheriff's Office budget for 2011 be amended as follows:

...”

Supervisor Brill moved approval of the above resolution, second by Supervisor Wiedenfeld. ADOPTED.

Accepting High Intensity Drug Trafficking Area (HIDTA) Grant and Amending the Sheriff's Budget

“NOW, THEREFORE, BE IT RESOLVED by the Rock County Board of Supervisors duly assembled this _____ day of _____, 2011 to approve and authorize the acceptance of \$29,000 of HIDTA grant funds and to authorize the Sheriff to sign the award documents; and,

BE IT FURTHER RESOLVED, that the 2011 Sheriff's budget be amended as follows:

...”

Supervisor Beaver moved approval of the above resolution, second by Supervisor Wiedenfeld. ADOPTED.

Repeal and Recreate Chapter 25, Rock County Ordinance, Regarding Slow-No-Wake Restrictions of Rivers and Streams in Rock County

“NOW, THEREFORE, BE IT ORDAINED by the Rock County Board of Supervisors in session this _____ day of _____, 2011 that they repeal Chapter 25 of the Rock County Ordinances and recreate an ordinance to regulate the speed of watercraft operating on the Rock River and other rivers and streams in Rock County as follows:

SLOW NO WAKE ON RIVERS AND STREAMS IN ROCK COUNTY

- Section 1 Applicability
- Section 2 Purpose

Section 3	Authority
Section 4	Definitions
Section 5	Speed Restrictions
Section 6	Duties and Powers of the Rock County Sheriff
Section 7	Notice and Posting
Section 8	Enforcement and Penalties
Section 9	Severability

Section 1. **APPLICABILITY.** The provisions of this Ordinance shall apply to the reaches of the Rock River and each named and unnamed river and stream located within Rock County, Wisconsin.

Section 2. **PURPOSE.** The purpose of this Ordinance is to promote safe boating conditions and to prevent damage to aquatic ecosystems by: (A) limiting boats on the Rock County rivers and streams to slow-no-wake speed when the water level of the river exceeds the recommended levels, (B) establishing slow-no-wake areas in certain locations where that is warranted by boating congestion, (C) authorizing the Rock County Sheriff to impose slow-no-wake speed limits on other rivers and streams in the county during permitted special events or when that is warranted by exceptional circumstances

Section 3. **AUTHORITY.** This Ordinance is adopted by the Rock County Board of Supervisors pursuant to the powers granted by Section 30.77 of the Wisconsin Statutes.

Section 4. **DEFINITIONS.** The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein, except as follows:

(A) **BOAT, WATERCRAFT.** “Boat” or “Watercraft” means any device used for navigation on water, including personal watercraft.

(B) **SLOW-NO-WAKE SPEED.** “Slow-No-Wake Speed” means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section 5. **SPEED RESTRICTIONS.**

(A) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the northern Rock County line to the Indianford Dam, when the gauge water level at the US Geological Survey Gauge 05427235 (Lake Koshkonong near Newville, Wisconsin) is above 7.5 feet. This information can be obtained from the US Weather Bureau website.

(B) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the Indianford

Dam to southern Rock County line when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is above 6.5 feet. This information can be obtained from the US Weather Bureau website.

(C) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed in the following areas, which are more specifically described as follows:

- (1) From a point 100 feet west of Interstate 90 to point 1,500 feet east of the Newville Bridge (Highway 59).
- (2) An area 250 feet on either side of the railroad bridge over the Rock River in Town of Fulton.
- (3) From a point beginning at Rock County "Buck Property," f/k/a Cliff Lodge, to the Indianford Bridge, a distance of approximately 1,000 feet.

(D) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area subject to a Special Event Permit issued by the Rock County Sheriff pursuant to Section 6(A).

(E) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area declared to be a Boating Hazard Zone by the Rock County Sheriff pursuant to Section 6(B).

Section 6. DUTIES AND POWERS OF THE ROCK COUNTY SHERIFF.

(A) SPECIAL EVENTS. On the application of a person proposing to conduct a special event on any river or stream in the County and with the approval of the governing body of each city, village or town within which such event is proposed, the Rock County Sheriff may issue a Special Aquatic Event Permit and may impose a slow-no-wake speed on the operation of boats or water craft not participating in the special event. Any permit issued under this Section shall specify the time, date and location of the event and the boundaries of the slow-no-wake area so designated and shall be posted in accordance with Section 7.

(B) BOATING HAZARD ZONE. The Rock County Sheriff may designate all or any part of any river or stream within Rock County as a Boating Hazard Zone if he determines that high water levels or emergency conditions resulting from storms or other conditions warrant the imposition of a slow-no-wake speed restriction. Each such designation shall specify the boundaries of the Boating Hazard Zone so designated and notice of the imposition of the slow-no-wake speed restriction shall be posted in accordance with Section 7.

Section 7. NOTICE AND POSTING. The Rock County Sheriff shall notify media sources serving the area affected by any slow-no-wake speed restriction imposed pursuant to this Ordinance and shall place and maintain regulatory notice of such restrictions at all public access points within such areas. Such notices shall be sent and

posted as soon as practicable after the issuance of the permit or designation and when the Rock River water level reaches or is anticipated to reach the level specified in Section 5(A) within 24 hours. The Sheriff shall notify the media and remove such notices as soon as possible when the conditions resulting in the slow-no-wake speed restriction have passed.

Section 8. ENFORCEMENT AND PENALTIES.

(A) **ENFORCEMENT.** This Ordinance may be enforced by law enforcement officers of the Rock County Sheriff's Department and the Wisconsin Department of Natural Resources.

(B) **OBSTRUCTION.** No person shall resist or obstruct any law enforcement officer in the performance of his or her duties under this Ordinance.

(C) **ENFORCEMENT PROCEDURE.** The provisions of Sections 66.0109, 66.0113, 66.0114 and 30.50 to 30.71 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The County elects to use the citation method of enforcement.

(D) **OTHER REMEDIES.** The issuance of a citation hereunder shall not preclude the County or any authorized person from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

(E) **PENALTIES AND DEPOSITS.** Any person violating the provisions of this Ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by this references with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

Section 9. SEVERABILITY. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall be effect.

This Ordinance shall take effect immediately upon passage and publication as provided by law."

Supervisor Brill moved approval of the above resolution, second by Supervisor Beaver.

Mr. Christianson said the RKLD feels the height of 777.5 is too low and that the action stage from NOAA of 777.9 is a better height to use. Mr. Christianson added that if the NOAA is used then everyone has easy access from home and would know when the slow-no-wake would be put on.

Mr. Dumas said the County felt the 7.5 feet was an objective number for the Sheriff to go by. He added that Mr. Kuglitsch had attended a Fulton Town Board meeting and there is a difference in what they feel is a safe height and what RKLD feels is a safe height. The height the County placed in this update of the Ordinance is a compromise. Mr. Dumas explained that Mr. Kuglitsch is waiting to hear back from the DNR on this.

Supervisor Wiedenfeld moved to table this resolution until the August 1, 2011 meeting. Motion died from lack of a second.

Supervisor Brill moved to table this resolution until the next meeting Mr. Kuglitsch is able to attend, second by Supervisor Wiedenfeld. ADOPTED.

Amending Section 2.13 of the Rock County Ordinances – Public Peace and Order

“The County Board of Supervisors of the County of Rock does ordain as follows:

Section 2.13 of the Rock County Ordinances is hereby amended to read as follows (deleted language crossed out, added language underscored):

- (1) Any person, except a minor, convicted of violating any of the above sections of this chapter who fails to pay or defaults in payment of the forfeiture and costs imposed may be imprisoned in the county jail but not to exceed 30 days.
- (2) Section 938.534(1)(b) of the Juvenile Justice Code of the Wisconsin Statutes (2009-2010) relating to the use of short-term detention as a dispositional option for youth on intensive supervision is hereby adopted and incorporated herein by reference including all changes and amendments now or hereafter made thereto.”

Supervisor Wiedenfeld moved approval of the above resolution, second by Chair Collins. ADOPTED.

Recommending Passage of 2011 Assembly Bill 54, Committee on Children and Families, to Amend Wis. Stats. 767 Relating to Equalizing Physical Placement to the Highest Degree

“NOW, THEREFORE, BE IT RESOLVED that the Rock County Board of Supervisors duly assembled this _____ day of _____, 2011 does hereby go on record in support of passage of Assembly Bill 54, “To Equalize Physical Placement to the Highest Degree.”

Supervisor Beaver moved approval of the above resolution, second by Supervisor Brill.

Supervisor Innis explained his interest in the passage of this Bill and encouraged the Committee to pass this resolution in support of Assembly Bill 54.

The Committee discussed the importance of hearing the views from both sides.

PASSED on the following vote: Yes – Supervisors Beaver, Brill and Wiedenfeld; No – Supervisor Collins; Absent – Supervisor Knudson.

Authorizing Purchase of Hardware for the CAD System Upgrade for 911 Communications Center

“NOW BE IT RESOLVED by the Rock County Board of Supervisors duly assembled this _____ day of _____, 2011 that a Purchase Order be issued to Dell in an amount not to exceed \$23,153 for the purpose of purchasing Microsoft Software necessary for the CAD System Upgrade.”

Supervisor Wiedenfeld moved approval of the above resolution, second by Supervisor Brill. ADOPTED.

Discussion on Moving the Coroner’s Office to Rock Haven in 2013 – Jenifer Keach.

No one was present from the Coroner’s Office to discuss this.

Approval of Funding Acknowledgement Between the State of Wisconsin and Rock County Emergency Management – Nick Osborne. Mr. Osborne explained that Emergency Management had received information from the State and they would like to purchase training software for Rock County at no cost to Rock County.

Supervisor Wiedenfeld moved approval of the funding acknowledgement between the State and Rock County, second by Supervisor Beaver. ADOPTED.

Semi-Annual Reports. The Committee accepted the reports from Child Support, Coroner, District Attorney and Sheriff’s Office and directed they be placed in file.

Committee Requests and Motions. Mr. Sleeter handed out copies of the 911 Communications Center Annual Report and requested to have it placed on the next agenda.

Discussion on Department Tours None.

Tour of Jail. The Committee declined the tour due to the late hour and other commitments by members of the Committee. The Committee asked Sheriff’s staff if they could tour at a future date. Commander Chellevoid said he would be in touch with Ms. Bondehagen to set a date for a future tour.

Adjournment. Supervisor Wiedenfeld moved adjournment at 5:30 P.M., second by Supervisor Beaver. ADOPTED.

Respectfully submitted,

Marilyn Bondehagen
Confidential Administrative Assistant

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.