

ENROLLED ORDINANCE 176-67

MODIFY THE 2021 CIRCUIT COURT SERVICES', DISTRICT ATTORNEY'S, AND SHERIFF'S
BUDGETS TO AUTHORIZE GRANT EXPENDITURES AND CREATE NINE REGULAR
FULL-TIME SUNSET POSITIONS AND FIVE PART-TIME SUNSET POSITIONS TO
ADDRESS THE CRIMINAL COURT BACKLOG

WHEREAS, the World Health Organization declared a global pandemic of Coronavirus Disease 2019 (COVID-19) due to a widespread human infection worldwide, and Wisconsin Governor Tony Evers and Waukesha County Executive Paul Farrow declared public health emergencies during 2020, respectively, for the State and County of Waukesha; and

WHEREAS, jury trials were suspended from March 22, 2020 pursuant to a Wisconsin Supreme Court Order and then resumed July 7, 2020 subject to an operation plan that was approved by Chief Judge Dorow and the Wisconsin Supreme Court; and

WHEREAS, District 3 Order, 21-SO-13(67) is anticipated to be signed by Chief Judge Dorow, creating a criminal calendar for the Honorable Michael O. Bohren effective January 4, 2022, to address the criminal court case backlog caused by the COVID-19 pandemic; and

WHEREAS, funding from the American Rescue Plan Act (ARPA) through the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF) program is available to address any negative economic harm, which the U.S. Treasury Department has defined to include addressing criminal court case backlogs; and

WHEREAS, the positions created to address criminal court backlogs are created through the appropriation of CSLFRF revenue and are created as sunset positions and will be sunset when either the court backlog is eliminated or December 31, 2023, whichever date is sooner; and

WHEREAS, Circuit Court Services will provide regular court backlog updates to the County Executive and County Board; and

WHEREAS, Circuit Court Services has identified that, in order to provide the additional services to the expanded caseload, it will be necessary to create 1.00 FTE Senior Administrative Specialist, 1.00 FTE Administrative Specialist, 2.00 Regular Part-Time (RPT) Court Commissioners (to be budgeted at 1.00 FTE in total), and 1.00 RPT Fiscal Specialist (to be budgeted at 0.50 FTE in total); and

WHEREAS, the District Attorney's Office has identified that in order to provide the additional services to the expanded caseload, it will be necessary to create 3.00 FTE Special Prosecutors, 1.00 FTE Senior Administrative Specialist, 2.00 FTE Victim Witness Specialists, and 2.00 RPT Administrative Assistants (to be budgeted at 1.00 FTE in total); and

WHEREAS, in addition through an interdepartmental charge from Circuit Court Services, there will be 1.00 FTE Deputy Sheriff created in the Sheriff's Department to provide courtroom security; and

WHEREAS, these positions will be created effective November 1, 2021 to begin training prior to the start of the sixth criminal court calendar expected in early 2022; and

WHEREAS, the departments' proposed 2022 operating budgets will include these costs and related revenue; and

WHEREAS, the costs and revenues associated with the elimination of the courts backlog will be tracked through the Special Purpose Grant Fund, which the County Board established to facilitate management and reporting of ARPA-CSLFRF Funds.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that, effective November 1, 2021, the regular full-time and regular part-time positions listed in the attached Table I, are created as sunset positions to be reduced or eliminated when the court backlog is eliminated or funding is reduced or eliminated, but no later than December 31, 2023.

BE IT FURTHER ORDAINED that the classification specification for Special Prosecutor, as attached, is adopted upon final approval of this ordinance.

BE IT FURTHER ORDAINED that the 2021 Special Purpose Grant Fund budget be modified for Waukesha County Circuit Court Services to appropriate additional expenditures in personnel costs by \$57,385, operating expenses by \$2,000 and interdepartmental charges by \$18,358, and increase general government revenues by \$77,743.

BE IT FURTHER ORDAINED that the 2021 Special Purpose Grant Fund budget be modified for the Waukesha County District Attorney's Office to appropriate additional expenditures in personnel costs by \$94,263, operating costs by \$2,818, and interdepartmental charges by \$400. Revenues should also be increased by general government revenues by \$94,981 and charges for services by \$2,500.

BE IT FURTHER ORDAINED that the Waukesha Sheriff Department's 2021 budget be modified to appropriate additional expenditures in personnel costs by \$18,108 and increase interdepartmental revenue by \$18,108.


MODIFY THE 2021 CIRCUIT COURT SERVICES', DISTRICT ATTORNEY'S, AND SHERIFF'S
BUDGETS TO AUTHORIZE GRANT EXPENDITURES AND CREATE NINE REGULAR
FULL-TIME SUNSET POSITIONS AND FIVE PART-TIME SUNSET POSITIONS
TO ADDRESS THE CRIMINAL COURT BACKLOG

Presented by: Judiciary &
Law Enforcement Committee

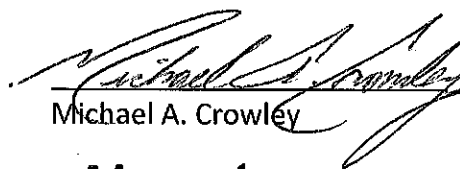
Approved by:
Human Resources Committee

Approved by:
Finance Committee


Peter M. Wolff, Chair


David D. Zimmermann, Chair

Absent
James A. Heinrich, Chair


Michael A. Crowley



Michael A. Crowley


Tyler J. Foti

Absent

Tyler J. Foti


Kathleen M. Cummings

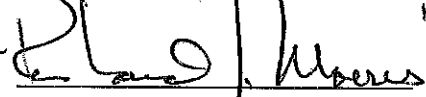

Joel R. Gaughan

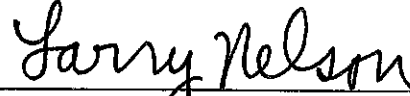

Christine M. Howard


Jacob LaFontain


Thomas A. Michalski


Darlene M. Johnson

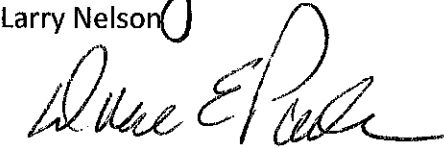

Richard Morris

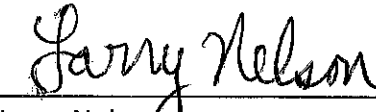

Larry Nelson


Absent

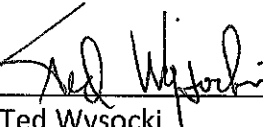
Jacob LaFontain

Duane E. Paulson


Duane E. Paulson


Larry Nelson


Jeremy Walz


Ted Wysocki

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 10/1/2021, 
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 10/1/2021, 
Paul Farrow, County Executive

TABLE I

**Create Sunset Positions
Effective November 1, 2021**

CREATE			
Department	Status	Classification	2021 Hourly Salary
Circuit Courts	2-RPT	Court Commissioner	Open Range 20 \$45.17-\$65.05
Circuit Courts	1-RFT	Senior Administrative Specialist	Open Range 03 \$19.70-\$26.06
Circuit Courts	1-RFT	Administrative Specialist	Step Range 06 \$17.45-\$23.05
Circuit Courts	1-RPT	Fiscal Specialist	Step Range 08 \$19.24-\$25.41
District Attorney	3-RFT	Special Prosecutor	Open Range 09 \$26.41-\$34.93
District Attorney	1-RFT	Senior Administrative Specialist	Open Range 03 \$19.70-\$26.06
District Attorney	2-RFT	Victim Witness Specialist	Open Range 05 \$21.72-\$28.73
District Attorney	2-RPT ¹	Administrative Assistant	Step Range 05 \$16.61-\$21.93
Sheriff	1-RFT	Deputy Sheriff	\$27.13-\$36.56

¹ With ability to fill as 1.00 regular, full-time Administrative Assistant or as 2.00 regular, part-time Administrative Assistants.

SPECIAL PROSECUTOR

FUNCTION OF THE JOB

Under direction, consistent with Chapter 978 and other relevant provisions of the Wisconsin Statutes, to assist with all phases of prosecution in a professional and ethical manner; adhere to Chapter 950 requirements regarding notification and treatment of victims of crime; and to perform other duties as required.

CHARACTERISTIC DUTIES AND RESPONSIBILITIES

1. Responsible for all duties stated in §978.05, Wisconsin Statutes.
2. Reviews referrals from law enforcement agencies to determine whether to decline or issue charges.
3. Issues charges consistent with ethical and legal standards.
4. Ensures the requirements of Chapter 950 and other relevant provisions of the Wisconsin Statutes and constitution that relate to notification and treatment of victims and witnesses of crime are met.
5. Prosecutes cases that merit prosecution in a professional and ethical manner, which includes performing duties as a minister of justice to zealously pursue the truth in court and present facts with candor to courts and juries.
6. Provides discovery to opposing parties as required by law and consistent with related case law.
7. Provides guidance to law enforcement agencies, social workers, and others that relate to potential or actual prosecutions, including participation in training sessions.
8. Reviews draft subpoenas and search warrants prepared by law enforcement.
9. Inform others who work in the criminal justice system and the public at large about developing trends, problems, and concerns related to their daily work in a collaborative manner.
10. Prepares written reports and briefs concerning cases handled and their progress.
11. Conducts legal research and investigations that may include analysis of case law, statutory requirements, legal documents, and contracts.
12. Prepares legal documents, contracts, complaints, and pleadings; or drafts opinions, orders, or decisions.
13. Develops and maintains effective working and public relations with staff, departments, government officials, and the public.
14. Performs other duties as required.

QUALIFICATIONS

Essential Knowledge and Abilities

1. Comprehensive knowledge of legal research methods, principles, and source materials.
2. Considerable knowledge of criminal laws and procedures of Wisconsin.
3. Considerable knowledge of Wisconsin State Statutes, the Administrative Code, and applicable case law.
4. Considerable knowledge of judicial procedures, rules of evidence, and the practices and techniques employed in the presentation of cases in court.
5. Working knowledge of federal and civil laws and procedures.
6. Ability to appraise and organize facts, and to effectively present materials in written or oral form.
7. Ability to establish and maintain effective public and working relationships.
8. Ability to effectively plead cases in court and to prepare oral and written agreements supportive of cases.
9. Ability to effectively present recommendations to judges, court commissioners, elected officials, various boards, committees, and/or commissions.

QUALIFICATIONS

Essential Knowledge and Abilities (cont.)

10. Ability to research, analyze, and interpret legal documents, statutes, and codes.
11. Ability to analyze and make recommendations regarding credibility, plausibility, and other determinations of fact.
12. Ability to exercise judgment in the interpretation and application of law to individual factual situations.
13. Ability to maintain accurate and complete records and to prepare clear and detailed reports.
14. Ability to establish and maintain effective working relationships with staff, departments, government officials, and the public.
15. Ability to effectively interact with sensitivity with persons from diverse cultural, socioeconomic, educational, racial, ethnic, and professional backgrounds, and persons of all ages and lifestyles.

Training and Experience

1. Graduation from an ABA accredited law school.
2. Admission to the Bar in the State of Wisconsin.

FISCAL NOTE

MODIFY THE 2021 CIRCUIT COURT SERVICES', DISTRICT ATTORNEY'S, AND SHERIFF'S
BUDGETS TO AUTHORIZE GRANT EXPENDITURES AND CREATE NINE REGULAR
FULL-TIME SUNSET POSITIONS AND FIVE PART-TIME SUNSET POSITIONS
TO ADDRESS THE CRIMINAL COURT BACKLOG

This ordinance modifies the 2021 budgets for the Circuit Courts, District Attorney, and Sheriff's Department to address the criminal court backlog caused by the COVID-19 pandemic, as shown in the table below.

	Circuit Courts*	District Attorney*	Sheriff	Total
Personnel Costs	\$57,385	\$94,263	\$18,108	\$169,756
Operating Expenses	\$2,000	\$2,818	\$ -	\$4,818
Interdepartmental Charges	\$18,358	\$400	\$ -	\$18,108
Total Expenses	\$77,743	\$97,481	\$18,108	\$193,332
General Government (ARPA)	\$77,743	\$94,981	\$ -	\$172,074
Charges for Services	\$ -	\$2,500	\$ -	\$2,500
Interdepartmental Revenue	\$ -	\$ -	\$18,108	\$18,108
Total Revenue	\$77,743	\$97,481	\$18,108	\$193,332

*For managing and reporting purposes, these expenses and revenues will be accounted for in the Special Purpose Grant Fund. The budget modification for the Sheriff's Department will be in the department's General Fund budget, with a cross-charge to the Special Purpose Grant Fund for Circuit Court bailiff services.

Personnel costs include the creation of nine full-time sunset positions and five part-time sunset positions (see table below). The District Attorney's two regular, part-time Administrative Assistants can also be filled as one regular, full-time Administrative Assistant if the department deems it more effective. These positions are created as sunset positions and will be sunset when either the court backlog is eliminated or December 31st, 2023, whichever date is sooner. The personnel cost estimate reflects a partial year of employment (two months).

See next page.

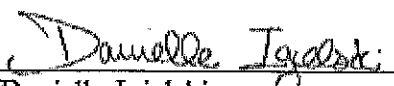
Department	Status	Classification	2021 Budget Modification
Circuit Courts	2-RPT	Court Commissioner	\$27,626
Circuit Courts	1-RFT	Senior Administrative Specialist	\$12,037
Circuit Courts	1-RFT	Administrative Specialist	\$11,207
Circuit Courts	1-RPT	Fiscal Specialist	\$6,515
District Attorney	3-RFT	Special Prosecutor	\$43,992
District Attorney	1-RFT	Senior Administrative Specialist	\$12,037
District Attorney	2-RFT	Victim Witness Specialist	\$26,478
District Attorney	2-RPT	Administrative Assistant	\$11,756
Sheriff	1-RFT	Deputy Sheriff	\$18,108
Total			\$169,756

Operating expenses consist of office supplies and trial preparation costs. When the additional court capacity is operational beginning in 2022, there will be additional operating expenses, largely for jury costs, professional outside counsel, and other services (e.g., interpreter expense), office supplies, and trial preparation. Interdepartmental charges represent the cross-charge between Circuit Courts and Sheriff's Department for bailiff services and EUTF charges. There will also be additional interdepartmental charges beginning in 2022, which includes transportation of inmates and postage.

The majority of the criminal court case backlog initiative will be funded with American Rescue Plan Act grant revenues received through the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) program. (Once additional court activities begin, anticipated in early 2022, department management indicates there will be additional revenues received (e.g., criminal court fees), partially offsetting the need for ARPA funding.) This ordinance would authorize the use of these ARPA funds for assistance eliminating the backlog through 2023, or until the end of the year in which the backlog is deemed eliminated, whichever is sooner. It is estimated that \$2,100,000 of ARPA funds will be needed in total for 2022 and 2023.

Expenses and revenues related to eliminating the criminal court case backlog will be included in the 2022 proposed budget.

This ordinance does not result in a direct levy impact.


 Danielle Igielski
 Accounting Services Manager

9/8/2021

SMK

JE 2021-00006062

VOTING RESULTS

AYE 22 NAY ABSTAIN 3 ABSENT

Ordinance 176-O-071

Ordinance 176-O-071: Modify The 2021 Circuit Court...

Passed With 17 Yes Votes Needed

D1 - Foti	AYE
D2 - Zimmermann	AYE
D3 - Morris	AYE
D4 - Batzko	AYE
D5 - Dondlinger	AYE
D6 - Walz	AYE
D7 - LaFontain	AYE
D8 - Michalski	AYE
D9 - Heinrich	AYE
D10 - Swan	AYE
D11 - Howard	AYE
D12 - Wolff	AYE
D13 - Decker	AYE

D14 - Mommaerts	AYE
	ABSENT
D16 - Crowley	AYE
D17 - Paulson	AYE
D18 - Nelson	AYE
	ABSENT
D20 - Schellinger	AYE
D21 - Gaughan	AYE
D22 - Wysocki	AYE
D23 - Hammitt	AYE
	ABSENT
D25 - Johnson	AYE

September 28 2021 - September 28 2021 07:55:19 PM



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7 WHEREAS, the World Health Organization declared a global pandemic of Coronavirus Disease
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9 Tony Evers and Waukesha County Executive Paul Farrow declared public health emergencies
10 during 2020, respectively, for the State and County of Waukesha; and
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12 WHEREAS, jury trials were suspended from March 22, 2020 pursuant to a Wisconsin Supreme
13 Court Order and then resumed July 7, 2020 subject to an operation plan that was approved by
14 Chief Judge Dorow and the Wisconsin Supreme Court; and
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16 WHEREAS, District 3 Order, 21-SO-13(67) is anticipated to be signed by Chief Judge Dorow,
17 creating a criminal calendar for the Honorable Michael O. Bohren effective January 4, 2022, to
18 address the criminal court case backlog caused by the COVID-19 pandemic; and
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20 WHEREAS, funding from the American Rescue Plan Act (ARPA) through the Coronavirus State
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26 appropriation of CSLFRF revenue and are created as sunset positions and will be sunset when
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