

09/20/2022



On September 13, 2022, Municipal Judge Windorff provided a memo to Mayor Penterman which requested the review of municipal court operations. In the memo, Judge Windorff noted four main areas for consideration.

Below is a summary of the 14-page memo including a synopsis of main points Judge Windorff brought forward for consideration and the City’s analysis of these items.

Items for consideration from Judge	Judge’s rationale summarized	City rational / additional action item
<p>Item 1 – governing body to clarify its intention to move municipal judge’s office</p>	<p>The Judge notes WI statues and Municipal Code stating that city council “shall have the management and control of city property, finances, highways, navigable waters, and public service [...]”. She suggests that Mayor does not have authority to make the operational decision to move an office space.</p> <p>Judge Windorff notes that she typically enters the courtroom from the northernmost door and suggests that entering from her office within council chambers may be awkward. She also notes she would be physically removed from the Court Clerk position.</p>	<p>This item has been discussed at length internally and with council in closed session on 9/6/22. The City has done a thorough evaluation of existing space and determined the move of Judge is the most reasonable solution. Legal has advised that the Mayor does have authority to make operational decisions regarding the allocation of office space.</p> <p>In memo to council dated August 1, 2022, which was written by Judge Windorff to council, she stated in #7 “I have also previously indicated to Mayor that I would be willing, in the alternative [of sharing an office], to move the judicial chambers to the conference room in the courtroom”. She further pointed out there was no complaint nursing mother’s room if that move were to happen.</p> <p>The City took that feedback into consideration when evaluating space and moved forward with Judge Windorff’s suggestion to move her office into conference room within the court room / council chambers and is creating a compliant nursing mother’s space on the 2nd floor in lieu of the judge’s office occupying existing privacy space.</p> <p>City will also be providing a bailiff to address the security concerns the judge has. If she would like</p>

		to enter the court room from the hall rather than her office, she is free to do so.
<p>Item 2 – The municipal judge’s annual stipend be increased to \$91,000</p>	<p>Judge Windorff provided a historical review of municipal judge salary back to 2014. She notes that there has not been a substantial change to municipal judge salary in quite some time. She notes that here has been an increase in workload due to police and inspection.</p> <p>Judge Windorff compared the judge salary with City department heads and noted it is the lowest. She also compares municipal judge salary with circuit court judges who she notes make roughly \$155,023 per year which she calculates to be \$75/hour.</p> <p>Judge Windorff states she believes the judge position could be as many as 20-30 hours a week and proposes a salary of \$70/hour for this work which she notes is less than what private attorneys make. Judge Windorff provided a synopsis of her past legal experience and training including working as a private attorney and as a criminal prosecutor and criminal defense attorney.</p> <p>Judge Windorff also states if the position were to be increased she would like to overhaul penal code, refine inspection processes, and develop a community service</p>	<p>The concerns the City had surrounding operation of court was based upon a lack of consistent office hours and a gap in customer service and responsiveness to citizens. The City suggested that the Court establish consistent office hours for Court Clerk and then adhere to those so that those hours could be communicated internally and externally. The City also suggested potentially adding the Deputy Clerk back so that another individual would be present to answer questions that may arise outside of those business hours. The City was not suggesting that an increase of hours was the solution, rather, better management and customer service during existing hours.</p> <p>City municipal code requires that a judge be 18 and a resident. Historically, retired police officers have filled this role. The City does not require their judge to be a licensed attorney. The salary is not based on an individual having the credentials of licensed attorney. The comparison of judge to private attorney or circuit court judge which have vastly different qualifications is not a fair comparison. Judge Windorff also compared her position to department head salaries and noted it is one of the lowest paid in the organization. The Judge is an elected position and does not have the workload or expectations of a hired department head. The existing workload of municipal court does not support the significant increase in pay that Judge Windorff is suggesting.</p> <p>The City does support review of penal code which could be done through legislative committee. Additionally, the City has previously provided guidance for Judge Windorff to work with Planning Commission to discuss any community garden initiatives.</p>

	program which would include a community garden.	
Item 3 – The hours of court clerk be increased to 30-32	<p>Judge Windorff referenced points from Item 2 as justification for increasing court clerk as well as an “increased workload, both from new inspection positions as well as the identified goals and proposed community service work”.</p> <p>The Judge referenced complaints the court has recently received around other departments fielding questions for court clerk and suggests that having the clerk here more would solve those issues.</p>	<p>Judge Windorff noted her memo dated 9/14/2022 that “the city has now created and staffed two inspection positions in addition to the ever-increasing caseload influx from the police department” In her memo dated 08/01/2022, she noted to the contrary that “there has also been a noticeable decrease in citations issues post-COVID”.</p> <p>The City does not have two inspection positions. We have a city building inspector and a code enforcement officer. The building inspector position does not issue ordinance violations.</p> <p>It would be premature to make a significant increase in Court Clerk hours because there has not been in increase in citations coming from the PD like the judge suggests. In reality, PD citations have been trending down over the last 3 years. Citations are down due to a variety of reasons that Chief Graff will be able to speak on. The City is also collecting data on violations generated by code enforcement and will monitor any effect that may have on Court Clerk workload. Based on existing data from Planning, they expect about 1 case per month going through the municipal court. The vast majority of violations are addressed outside of the municipal court.</p>
Item 4 – a bailiff or armed guard be provided for court sessions pursuant to Wis. Stat. 755.14(2)	Judge Windorff notes that the City has a responsibility to provide a bailiff or armed guard pursuant to Wis. Stat. 755.17(2).	The City agrees that a bailiff is reasonable and that we have an obligation to provide at the request of the judge. The City will be taking steps to implement this as soon as reasonably possible.

In Summary:

- The City has done a thorough assessment regarding office space and will be moving forward with judge’s office being relocated to Council Chambers / Court Chambers. This was as a result of internal assessment and on 8/1/22 the Judge noted she could agree to this arrangement.

- The City will be providing a bailiff for court. We are still working through the details of how this can best be staffed but will move forward as fast as reasonably possible to complete this.
- We believe it would be extremely premature and unwarranted to increase court hours at this time. The data does not support this. The City will continue to assess any effect the addition of code enforcement may have on court. Initial concerns brought up regarding court were as a result of performance and customer service due to inconsistent office hours, not as a result of FTE status.
- Addition of deputy court clerk may provide consistent customer service.

