

June 20, 2007

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on June 11, 2007 and recommends the following motions:

1. County Executive report. No action.
 - a) Budget Status Financial Report for April 30, 2007. Receive & place on file.
2. Internal Auditor Report. No action.
 - a) Budget Status Financial Report for April 30, 2007. Receive & place on file.
3. Communication from Supervisor Adam Warpinski re: Request Brown County transmits a resolution requesting additional Federal action to resolve current immigration issues. (Referred from May County Board.) Approve the draft resolution and forward to Corporation Counsel for finalization. See Resolutions, Ordinances June County Board.
4. Communication from Supervisor Guy Zima re: Requesting that Brown County establish an ordinance prohibiting the hiring of illegal aliens in any businesses licensed by Brown County; and further that a fee schedule for penalties as well as a process for revoking licenses be established for employers who knowingly hire illegal aliens. (Referred from May County Board.) Have a resolution drafted by Corporation Counsel that Brown County establish an ordinance prohibiting the hiring of illegal aliens in any businesses licensed by Brown County; and further that a fee schedule for penalties, as well as, a process for revoking licenses be established for employers who knowingly hire illegal aliens. Ayes: 6 (Erickson, Evans, Johnson, Kaye, Krueger, Lund); Nays: 1 (Warpinski). Motion Carried.
5. Motion by substitution by Supervisor Zima re: To refer 8c#6 (Resolution in Support of Enacting Legislation Delegating Statutory Authority to County Government to Regulate the Employment of Undocumented Workers in Restaurants) back to Executive Committee for purposes of drafting a resolution to be acted upon at the next County Board meeting. (Referred from May County Board.) Approve the resolution substituting "businesses" for "restaurants" in three places in the document. See Resolutions, Ordinances June County Board.
6. Communication from Chair Tom Lund re: Requesting a section of the County Board agenda for public forum. Add "Public Forum/Comments from the Public" as an agenda item at the start of each County Board.

7. Communication from Vice Chair, Jack Krueger, re: Changes on the Brown County Code of Ordinances. Refer to Corporation Counsel to draft a resolution, providing specific instances related to County Code changes.
8. Communication from County Executive, Tom Hinz, re: Request to hire new Human Services Director as a Step 7. Approve.
9. Communication from Administration Purchasing Manager, Kurt Hogarty, re: Clarification of Current Purchasing Policy as it references RFP's in Excess of \$10,000. Receive & place on file.
10. Request from County Executive, Tom Hinz, re: Ordinance: To Amend subsection (10) of Section 2.05 of the Brown County Code Entitled "Committees of the County Board. Receive & place on file.
11. Communication dated May 18, 2007 from Frederick J. Mohr, Attorney at Law, re: Brown County Board v. Kelso Cases. Receive & place on file.
12. 2008 Budget – Table of Organization Changes
 - a) Human Services Department.
 - b) Public Safety Communications Department.
 - c) County Clerk Department.
 - d) Facility & Park Management Department.
 - e) Human Resources Department.
 - f) District Attorney Department.
 - g) Sheriff Department.
 - h) Airport.
 - i) Highway Department.
 - j) Aging & Disability Resource Center.
 - k) Health Department.
 - l) Museum.
 - m) Land Conservation.
 - n) Port & Solid Waste.
 - o) UW-Extension.
 - p) NEW Zoo.Receive & place on file.
13. Resolution re: Approving Reclassification of Two Human Resource Department Positions. (Referred from Administration Committee.) Committee approved. Ayes: 6 (Erickson, Evans, Warpinski, Kaye, Krueger, Lund); Nays: 1 (Johnson). Motion Carried. See Resolutions, Ordinances June County Board.

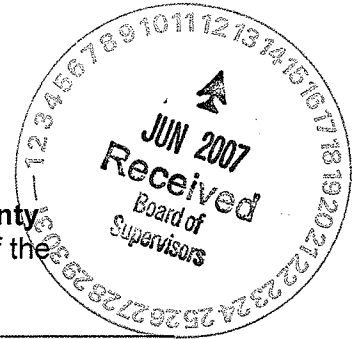
14. Resolution re: Directing the County Clerk to Number and Place on the Internet Website Resolutions Adopted by the County Board of Supervisors to Improve Public Accessibility. (Referred from Administration Committee.) Committee approved. See Resolutions, Ordinances June County Board.
15. Resolution re: Regrading the Salary Range for the Position of Library Director. (Referred from Education & Recreation Committee.) Hold for a special meeting prior to the County Board meeting on June 20, 2007.
16. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85 (1) (e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82 (1) of the Wisconsin State Statutes. (No Closed Session held.)

Approved by:

COUNTY EXECUTIVE

Date

**PROCEEDINGS OF THE BROWN COUNTY
EXECUTIVE COMMITTEE**



Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Executive Committee** was held on Monday, June 11, 2007 in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin

Present: Bernie Erickson, Pat Evans, Adam Warpinski for Steve Fewell, Kathy Johnson, Harold Kaye, Jack Krueger, Tom Lund
Excused: Steve Fewell
Also Present: Tom Hinz, Andy Nicholson, Sara Perrizo, John Paul, Judy Frederichs, Kurt Hogarty, Debbie Klarkowski, Don VanderKelen, Other Interested Parties, Media

1. **Call Meeting to Order:**
The meeting was called to order by Chair Jack Krueger at 5:30 p.m.
2. **Approve/Modify Agenda:**

Motion made by Supervisor Warpinski and seconded by Supervisor Johnson to approve. MOTION APPROVED UNANIMOUSLY
3. **Approve/Modify Minutes of May 7, 2007:**

Motion made by Supervisor Johnson and seconded by Supervisor Lund to approve. MOTION APPROVED UNANIMOUSLY
4. **Review Minutes of:** None

Comments from the Public/Such Other Matters as Authorized by Law:

5. None

Reports:

6. **County Executive Report:**
Tom Hinz reported the following:
 - Discussions have been held with the Finance Director to discuss the 2008 budget related to projected projects coming forward, i.e. Mental Health Center, Communications Center, Radio Interoperability, potential relocation of the Sheriff's Department, etc. He will be meeting with Chuck Lamine of the Planning Department to develop a strategic plan in the next week or so.
 - Lynn VandenLangenberg has accepted the position of Director of the Department of Administration.
 - The NEW Zoo is in the process of accreditation. The NEW Zoo is one of 216 in the United States that is accredited and meets all standards.

- a. **Budget Status Financial Report for April 30, 2007:**
Supervisor Kaye pointed out that statistics show the budget to be on track for this time of year, having spent 31% of the total.

Motion made by Supervisor Lund and seconded by Supervisor Johnson to receive and place on file.
MOTION APPROVED UNANIMOUSLY

7. **Internal Auditor Report:**

Sara Perrizo reported the following:

- Access to the County wide payroll system has been reactivated.
- Working on an RFP for audit services with Kurt Hogarty in Purchasing.
- Because of an issue with patient accounts at the Mental Health Center, will be working with Sue Pable of Schenk Solutions to complete a review of internal controls. In addition, will be conducting a review of internal controls in all departments, beginning with Port & Solid Waste.

Ms. Perrizo also informed the committee that she is reviewing clothing expenditures in the various departments. Don VanderKelen explained that the County does not really have a policy related to clothing. At this time there are several methods being used, one being a bargained account, which can be drawn from; another has set up \$120 per year in lieu of a clothing allowance; and lastly, a \$3,000 budget item. Ms. Perrizo stated that she and Mr. VanderKelen will be meeting with the Finance Department to develop a uniform policy.

- a. **Budget Status Financial Report for April 30, 2007:**
Ms. Perrizo reported that the budget is on track through April, although the professional services budget has been exhausted.

Motion made by Supervisor Johnson and seconded by Supervisor Erickson to receive and place on file.
MOTION APPROVED UNANIMOUSLY

Communications:

8. **Communication from Supervisor Adam Warpinski re: Request Brown County transmits a resolution requesting additional Federal action to resolve current immigration issues. (Referred from May County Board):**

A resolution "*Requesting Federal Action to Pass Immigration Legislation*" was distributed by Supervisor Warpinski (attached). He explained that the resolution asks that the US Senate and House of Representatives pass the current Senate Bill for Immigration Reform.

Supervisor Johnson asked if there was anything the County could do on a local level. Chairman Krueger stated that he was informed by Corporation Counsel that under home rule, cities, villages, and towns have the right to pass ordinances to control licensing, however, the County does not have that ability.

Supervisor Evans indicated that because it is known that there are illegal immigrants utilizing the Social Security system in a fraudulent manner, the County has added a second Fraud Investigator to the budget.

Supervisor Erickson added that another issue involves services that become available to children born to illegal parents. The consensus was to make the State Legislators aware of the County's concerns, in addition to the Wisconsin Counties Association.

Motion made by Supervisor Evans and seconded by Supervisor Kaye to approve the draft resolution and forward to Corporation Counsel for finalization. MOTION APPROVED UNANIMOUSLY

9. **Communication from Supervisor Guy Zima re: Requesting that Brown County establish an ordinance prohibiting the hiring of illegal aliens in any businesses licensed by Brown County; and further that a fee schedule for penalties as well as a process for revoking licenses be established for employers who knowingly hire illegal aliens. (Referred from May County Board):**

Supervisor Erickson stated that he has received several e-mails, all expressing support of the County in their effort to establish an ordinance to control illegal immigration. One of the letters told of the pride and dignity the individual's parents had in their effort to become US citizens legally.

Supervisor Evans expressed concern, not only with the fraudulent use of Social Security numbers, but of the criminal element that has increased. It is important at this time for the Sheriff's Department to begin training immigration officers, Evans stated. Supervisor Kaye explained that the ICE is notified twice monthly of the number of illegal immigrant inmates at the jail and the date they are to be released so that they can be picked up.

Although Supervisor Warpinski expressed concern because there is no provision for enforcement, other supervisors were of the opinion it was time to take action in some form and move forward.

Chairman Krueger stated that in a conversation with Congressman Kagen, it was his suggestion that the Sheriff's Department apply for Homeland Security grant dollars to protect the borders of Brown County. Kagen will have further discussion with the Sheriff regarding this suggestion.

Motion made by Supervisor Lund and seconded by Supervisor Johnson to have a resolution drafted by Corporation Counsel that Brown County establish an ordinance prohibiting the hiring of illegal aliens in any businesses licensed by Brown County; and further that a fee schedule for penalties as well as a process for revoking licenses be established for employers who knowingly hire illegal aliens.

Ayes: Erickson, Evans, Johnson, Kaye, Krueger, Lund

Nays: Warpinski

MOTION APPROVED 6-1

10. **Motion by substitution by Supervisor Zima re: To refer 8c #6 (Resolution in support of enacting Legislation delegating Statutory Authority to County Government to regulate the employment of Undocumented Workers in restaurants) back to Executive Committee for purposes of drafting a resolution to be acted upon at the next County Board meeting. (Referred from May County Board):**

The resolution included in packets was reviewed. Because Judy Frederichs indicated there are approximately 3300 licenses issued in Brown County, not all to restaurants, it was suggested that the word "restaurants" be changed to "businesses" in the 2nd whereas, the 3rd whereas, and in the "be it resolved" paragraph.

Motion made by Supervisor Erickson and seconded by Supervisor Kaye to approve the resolution substituting "businesses" for "restaurants" in three places in the document. MOTION APPROVED UNANIMOUSLY

11. **Communication from Chair Tom Lund re: Requesting a section of the County Board agenda for Public Forum:**

County Board Chairman Lund asked that a "Public Forum/Comments from the Public" be added to the County Board agenda each month. Although at this time, rules can be suspended for interested parties to speak, it was his opinion this addition would make it easier for the public to understand. Even though the Board Chairman prepares the agenda, he asked for a consensus of approval from the committee.

Motion made by Supervisor Lund and seconded by Supervisor Erickson to add "Public Forum/Comments from the Public" as an agenda item at the start of each County Board. MOTION APPROVED UNANIMOUSLY

12. **Communication from Vice Chair, Jack Krueger, re: Changes on the Brown County Code of Ordinances:**

Chairman Krueger referred to his communication in packets which, "Requests approval that all committees of the County Board are limited to making approval with a recommendation for approval or denial of any item to the County Board. This action removes any and all previous ordinances, resolutions, codes, etc. allowing committees to make final approval of any agenda item".

When asked for examples, Krueger stated that when an RFP comes back for approval to committee, it can be approved as final. He would prefer that it be seen as a recommendation to the County Board

Discussion resulted in a request that the specific instances in the code that would be affected be highlighted and that a request be made for a resolution.

Motion made by Supervisor Evans and seconded by Supervisor Warpinski to refer to Corporation Counsel to draft a resolution, providing specific instances related to County code changes. MOTION APPROVED UNANIMOUSLY

Requests for Action of Executive Committee:

13. Communication from County Executive, Tom Hinz, re: Request to hire new Human Services Director as a Step 7:

County Executive Hinz asked for consideration to hire a new Human Services Director at Step 7, or a salary of \$100,577. He explained that interviews have been completed and a candidate chosen. The difference between Step 6 and Step 7 is \$2900. He stated that the candidate is highly qualified for the position and Supervisor Evans added that this position supervises one of the largest budgets in the county. Consensus was to approve the request.

Motion made by Supervisor Johnson and seconded by Supervisor Kaye to approve. MOTION APPROVED UNANIMOUSLY

14. Communication from Administration Purchasing Manager, Kurt Hogarty, re: Clarification of current Purchasing Policy as it references RFP's in excess of \$10,000:

Kurt Hogarty, Purchasing Manager, asked for clarification of the purchasing policy as it relates to RFP's:

- Does the Board want to see finalized RFP's prior to being posted?
- Are proprietary items and replacement items included in this resolution?
- What about repairs for existing equipment that will cost more than \$10,000?
- Does the resolution apply to RFP's used for blanket orders that are established with vendors?

Mr. Hogarty explained that the Highway Department presently has a lawnmower that needs a new engine, which could run over \$10,000. He pointed out that by the time it goes through committee it may be winter. Discussion resulted in an understanding that there are extraordinary circumstances, and if such occur, Hogarty should discuss the matter with the County Executive and the Board Chairman and go forward, then bringing back to committee for approval of the appropriation.

Motion made by Supervisor Lund and seconded by Supervisor Johnson to receive and place on file. MOTION APPROVED UNANIMOUSLY

15. Request from County Executive, Tom Hinz, re: Ordinance to amend Subsection (10) of Section 2.05 of the Brown County Code entitled, "Committees of the County Board":

Executive Hinz explained that the impact of this ordinance complicates making any changes to the Table of Organization. It presently reads, "*Any requests for newly created positions. . . , in the Table of Organization from departments and offices, will require review by the appropriate standing committee and approval of the County Board in the form of a resolution*".

Hinz explained that the way the ordinance presently reads, any requests for newly created positions requires a resolution, after going before a standing committee (#17 on this agenda). It is difficult to pass a resolution before the budget process has been completed.

Motion made by Supervisor Warpinski and seconded by Supervisor Evans to receive and place on file. MOTION APPROVED UNANIMOUSLY

16. Communication dated 5/18/2007 from Frederick J. Mohr, Attorney at Law, re: Brown County Board v. Kelso cases:

Correspondence from Attorney Frederick Mohr dated 5/18/07 was addressed. Mr. Mohr summarized the disposition of the two lawsuits filed against Carol Kelso. The first lawsuit requested declaratory relief regarding the 11/9/04 letter of agreement between the County and the State Department of Health & Family Services. The County Board requested a determination as to whether the letter of agreement was legally binding as it was not approved by the Board. Judge Hoffman issued an order dismissing the case because no notice of claim was filed prior to the lawsuit, stating that the issue would be moot in his opinion when Ms. Kelso left office in April.

The second lawsuit sought an injunction to force Kelso to abide by the County Boards' resolution to discontinue the downsizing agreement between the County and the Department of Health & Family Services. The Board on three occasions passed resolutions to abandon the agreement. Although Kelso vetoed the resolutions, that action was overridden by the Board. Mohr argued Kelso's defense that she had not been given notice of claim invalid as she had vetoed the resolutions. In Mohr's opinion, Ms. Kelso was "guilty of misconduct in office for failing to carry out and administer valid resolutions of the County Board".

Discussion resulted in a consensus by the committee to move forward as Ms. Kelso is now out of office and they did not want to spend the money to pursue the cases further.

Motion made by Supervisor Warpinski and seconded by Supervisor Johnson to receive and place on file. MOTION APPROVED UNANIMOUSLY

Table of Organizational Changes for 2008 Budget for Informational Purposes:

17. **2008 Budget – Table of Organization Changes:**
- a. **Human Services Department**
 - b. **Public Safety Communications Department**
 - c. **County Clerk Department**
 - d. **Facility & Park Management Department**
 - e. **Human Resources Department**
 - f. **District Attorney Department**
 - g. **Sheriff Department**
 - h. **Airport**
 - i. **Highway Department**
 - j. **Aging & Disability Resource Center**
 - k. **Health Department**
 - l. **Museum**
 - m. **Land Conservation**
 - n. **Port & Solid Waste**
 - o. **U.W. Extension**
 - p. **NEW Zoo**

Motion made by Supervisor Erickson and seconded by Supervisor Evans to receive and place on file.. MOTION APPROVED UNANIMOUSLY

Resolution/Ordinances:

18. **Resolution re: Approving reclassification of two Human Resource Department positions: (Referred from Administration Committee):**

Approval of this resolution would re-class a Human Resources Assistant to Employment Coordinator with a change in Pay Grade from 11 to 13 retroactive from 1/31/07, and re-class a Human Resources Analyst to a Senior Human Resources Analyst with a change from Pay Grade 16 to 19 retroactive from 10/1/06.

At this time the HR department is without a Director and Don VanderKelen is recommending that a Manager be considered. Supervisor Johnson was against moving forward with the re-classification/re-organization until that issue is resolved. VanderKelen also indicated there is the possibility that the County and City will merge their HR departments.

Mr. VanderKelen highlighted the status of 2008 negotiations, stating that of 1625 organized and represented employees, 285 are not settled. They include:

- Electricians
- Human Services Para-Professionals
- Library Para-Professionals
- Medical Examiner Deputies
- Mental Health Center – 1901
- Mental Health Center RN's
- Public Health Nurse
- Sheriff's non-supervisory

Motion made by Supervisor Warpinski and seconded by Supervisor Lund to approve the resolution.

Ayes: Erickson, Evans, Warpinski, Kaye, Krueger, Lund

Nays: Johnson

MOTION APPROVED 6-1

19. **Resolution re: Directing the County Clerk to number and place on the Internet Website Resolutions adopted by the County Board of Supervisors to improve public accessibility. (Referred from Administration Committee):**

Motion made by Supervisor Warpinski and seconded by Supervisor Evans to approve. MOTION APPROVED UNANIMOUSLY

20. **Resolution re: Regarding the salary range for the position of Library Director. (Referred from Education & Recreation Committee):**

As the Ed & Rec meeting was cancelled on 6/7, a special meeting of that committee will be held on Wed, June 20th, prior to the County Board meeting, to address this resolution.

Motion made by Supervisor Warpinski and seconded by Supervisor Kaye to hold for a special meeting prior to the County Board meeting on June 20, 2007. MOTION APPROVED UNANIMOUSLY

21. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85 (1)(e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82 (1) of the Wisconsin State Statutes:
None
22. **Such other matters as authorized by law:** None

Motion made by Supervisor Warpinski and seconded by Supervisor Erickson to adjourn at 8:30 p.m. MOTION APPROVED UNANIMOUSLY

Respectfully submitted,

Rae G. Knippel
Recording Secretary

Handwritten mark