

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 Wednesday, January 19, 2022 in Hall A, Resch Expo, 840 Armed Forces Drive, Green Bay, WI

Present: Chair Sieber, Supervisor Landwehr, Supervisor Deneys, Supervisor Van Dyck, Supervisor Buckley, Supervisor Brusky, Supervisor Schadewald

Also Present: Internal Auditor Dan Process, Director of Administration Chad Weinger, Corporation Counsel David Hemery, County Clerk Patrick Moynihan, Deputy Executive Jeff Flynt, Supervisors Dorff, Lund, Lefebvre, Chu, Borchardt, Brusky, Coenen and media.

I. Call meeting to order.

The meeting was called to order by Chair Sieber at 5:30 pm.

II. Approve/modify Agenda.

Motion made by Supervisor Landwehr, seconded by Supervisor Deneys to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

III. Approve/modify Minutes of November 15, 2021.

Motion made by Supervisor Schadewald, seconded by Supervisor Brusky to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

Comments from the Public – None.

1. Review Minutes Of:

a. Racial Equity Ad Hoc Committee (December 6, 2021).

Motion made by Supervisor Brusky, seconded by Supervisor Landwehr to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

b. Supervised Release Committee (July 22, 2021).

Motion made by Supervisor Schadewald, seconded by Supervisor Brusky to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Internal Auditor

2. Budget Status Financial Report for Board of Supervisors & Veterans Recognition Subcommittee for November 2021 (unaudited).

Internal Auditor Dan Process informed that as of December 31, 2021 about \$8,500 has been spent for rental space for County Board meetings. He will be asking for a carryover of the remaining \$1,500 to be used in 2022.

Motion made by Supervisor Schadewald, seconded by Supervisor Landwehr to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

3. 2021 Audit and Work Plan (Status Updated: December 31, 2021).

Motion made by Supervisor Schadewald, seconded by Supervisor Deneys to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

Communications

4. **Communication from Supervisor Lund: I was looking at the 2.13 Meeting and Agenda and I could not find anything about the start time for the Annual Budget Meeting. It just states under (b) The County Board shall hold its annual meeting during October and November, either on or prior to the Tuesday after the second Monday of November in each year. The specific date of the annual meeting shall be designated by the Board Chair. Annual meeting may be adjourned by the County Clerk upon the written request, but not less than one week nor more than three weeks from Tuesday after the second Monday of November. Referred from County Clerk. Motion at November meeting: To hold until the next Executive Committee meeting.**

Depending how committee budget meetings go, Supervisor Lund does not feel it is necessary to start the annual budget meeting at 9:00 am if it is likely to be a short meeting. The budget meeting could be held in the evening and Lund would like it codified that the Board Chair determines the start time of the meeting. Additionally, an evening budget meeting would likely allow more public to attend.

Corporation Counsel David Hemery opined that given there is no start time included in the Code, the Chair would have discretion over the start time. Lund would like to see the Code amended to indicate the Chair has the discretion to specify the date and time of the annual budget meeting.

Motion made by Supervisor Van Dyck, seconded by Supervisor Schadewald to refer to Corporation Counsel to amend 2.13 to reflect start time. Vote taken. MOTION CARRIED UNANIMOUSLY

5. **Communication from Supervisors Dorff, Borchardt, Brusky, Lefebvre, Chu, Erickson and Coenen to amend Brown County Code of Ordinances Section 1.11, entitled Code of Ethics, so that it prohibits County Board Supervisors from engaging in sexual harassment. Referred from December 2021 County Board.**

Supervisor Dorff informed this is intended to be a housekeeping issue as there currently is nothing in the Code addressing this. She feels it would be a good idea from a liability standpoint to show this is taken seriously and to dissuade it before it happens and also, in the event it does happen, to make the process smooth for whoever is involved. Chair Sieber asked if Dorff had anything in mind in terms of punishment if something happens and Dorff responded that she did not have anything specific in mind.

Hemery suggested this be referred to Corporation Counsel so he can draft an ordinance consistent with what is discussed and noted he can also include some proposed penalties. Censure would be on the high end, but there are other types of penalties as well. These could be discussed when he brings this back to this committee and then the Board could pick and choose what they would like.

Supervisor Schadewald feels sexual harassment issues should go through HR instead of the Ethics Board. Lund feels Supervisors should have sexual harassment training at the start of a term so everyone is aware of what appropriate behaviors are.

Director of Administration Chad Weininger informed the county requires yearly sexual harassment training for all employees, however, under Chapter 4 Supervisors are exempt from this. Sexual harassment and HIPAA are the two areas where the county needs to be protected and it is important that Supervisors know what the expectations are and what is and is not acceptable. Supervisor Borchardt asked that any amendment include language that Supervisors be required to do HIPAA and sexual harassment training every two or four years. Sieber recalled that sexual harassment was discussed at the last Executive Committee meeting but it was pulled out because there was not any sort of penalty associated with it. Weininger explained the process that would take place if there were to be a sexual harassment complaint involving a Supervisor as outlined in Chapter 3.28.

Van Dyck noted he is not opposed to adding sexual harassment language, but questions why this would need to be in two spots. Hemery responded that the question comes up occasionally as to whether an elected official is considered a county employee and the answer is difficult. The Board polices itself so if there are rules that say they cannot do something and it occurs, the Board must follow its own rules and take action. Under 3.28, the county has the right to investigate a situation involving a Supervisor, but there is nothing that

requires Supervisors to cooperate with an investigation and there is nothing in the Code that allows the county to impose any consequence or penalty for a violation. There is currently a Code of Ethics created by

the Board that applies to the Board and is the Board's self-policing mechanism, but it does not cover sexual harassment. The request today is to add language regarding sexual harassment by Supervisors to the Ethics Code that would be set by the Board and that the Board has to follow or the Board could set consequences for not doing that. Van Dyck does not have a problem including sexual harassment language feels when it comes to penalties, the Board should take care of their own situation; kicking this back to HR is a conflict between employee/non-employee/elected official. Weininger said no matter how this would be written, it is still a County Board decision because administration does not have the authority to discipline a County Board Supervisor.

Schadewald feels neither the County Board nor the Ethics Board has the expertise to do a sexual harassment investigation without some assistance. The Ethics Board and/or the County Board should be doing it right and HR has the experience to help do the proper investigation, but he is not saying HR would make the decision. He does not feel there is a conflict of interest of getting help from people who can help do it right. Weininger added that there is a grievance process and he explained that process. Schadewald would recommend that findings go to the County Board and Borchardt agreed with this. Supervisor Lefebvre agreed that language should be added to prevent problems from coming up.

Motion made by Supervisor Deneys, seconded by Supervisor Brusky to refer to Corporation Counsel to draft ordinance. Vote taken. MOTION CARRIED UNANIMOUSLY

6. Communication from Supervisor Dorff to discuss an immediate solution for recording Board meetings. Referred from December 2021 County Board.

Dorff has heard from a number of constituents that they would like more access to County Board meetings. She feels this is a matter of transparency and is comfortable saying the County is a very responsible steward of taxpayer dollars, but people are becoming a little distrustful because it comes across as a lack of transparency that meetings cannot be accessed if people are not able to attend in person. Dorff feels there is nothing to hide and having that level of transparency and accessibility to meetings would build trust with the public. Further, most other local governments are already doing this and she feels the County not doing this makes it look like we are falling behind the times. She noted there are plans to use the Library for meetings in the long term, but technology being what it is, Dorff feels we can come up with a short-term solution that is somewhat affordable to get us through until the Library is done. She would request the County reach out to local municipalities and the WCA to see what they are doing to have accessibility with recording and sharing their meetings. There have been concerns with the cost of closed captioning and Dorff feels there is a big difference in price with live streaming something versus having something recorded and available for viewing later.

Schadewald informed Administration Committee has been looking at this and brought costs and analysis to the Board. It has not been budgeted for a number of reasons, including the availability of cameras for recording. Dorff said the City of Green Bay records and broadcasts their City Council meetings with closed captioning after the meetings.

Van Dyck suggested reaching out to PMI to inquire what they would charge for the Board to hold meetings and record them. At this point he feels it would be difficult to do this in the current environment. He would rather see the Library project fast tracked so there can be a home to put the equipment in and make it work, rather than trying to retrofit things at the Resch Expo.

Motion made by Supervisor Schadewald, seconded by Supervisor Landwehr to refer to Administration Committee. Vote taken. MOTION CARRIED UNANIMOUSLY

Resolutions & Ordinances

- 7. Ordinance to Amend Chapter 2 of the Brown County Code of Ordinances. Motion at November meeting: To approve changes to Section 2, except 2.18(1) and (2) which are directed back to Corporation Counsel to make changes discussed and bring back.**

Motion made by Supervisor Schadewald, seconded by Supervisor Buckley to hold until February. Vote taken. MOTION CARRIED UNANIMOUSLY

Other

8. Audit of the bills.

Motion made by Supervisor Landwehr, seconded by Supervisor Deneys to acknowledge the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

9. Such other matters as authorized by law.

Chair Sieber informed the next meeting will be held on February 7, 2022 at 5:30 pm, location TBD.

10. Adjourn.

Motion made by Supervisor Schadewald, seconded by Supervisor Buckley to adjourn at 6:17 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Patrick W. Moynihan, Jr.
County Clerk

Therese Giannunzio
Transcriptionist