

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, June 16, 2021 at the Resch Expo, 820 Armed Forces Drive, Green Bay, WI.

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

Also Present: Supervisor Dantine, Supervisor Borchardt, Internal Auditor Dan Process, Corporation Counsel David Hemery, Director of Administration Chad Weininger, other interested parties.

I. Call meeting to order.

The meeting was called to order by Chair Sieber at 5:00 pm.

II. Approve/modify Agenda.

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

III. Approve/modify Minutes of May 13, 2021.

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

Comments from the Public – None.

1. Review Minutes of:

a. Racial Equity Ad Hoc Committee (May 24, 2021).

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

b. Supervised Release Committee (May 6, 2021).

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

Internal Auditor

2. 2020 Petty Cash and Cash on Hand Fourth Quarter Review – report.

Internal Auditor Dan Process informed that each department that maintains a petty cash or cash on hand fund has to submit an unannounced annual cash count in the fourth quarter and that information is compared to what Administration maintains in the general ledger. As of 12-30-20 there were 10 departments that had petty cash funds and 19 departments that had cash on hand funds. Variances identified are included in the report and Process noted that they were all immaterial. He mentioned the variance at the NEW Zoo and said it is the result of the Zoo having an ATM cash on hand account and a regular cash on hand account and postings were made to the wrong account. The Zoo was requested to refine their policies to monitor the transactions to be sure they are being posted to the right account.

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

3. Budget Status Financial Reports for Board of Supervisors & Veterans Recognition Subcommittee for April 2021 – Unaudited.

Process noted he has added the budget adjustment request that is tracking expenses for these meetings in the comments section to keep everyone updated. He also noted there has been some discussion about dollars for the library and software and recalled that \$35,000 was allocated to the Board Office for those types of things in the 2021 adopted budget.

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

4. Status Update - May 1 – May 31, 2021.

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

Communications

- 5. Communication from Supervisor Schadewald and Supervisor Borchardt: To look at County Code for virtual meetings for standing committee meetings and subcommittees that if they choose to have a virtual option for members they are allowed to do so. And to codify our Code for this. *Referred from May County Board.***

Supervisor Schadewald said the County Code was written in a time prior to virtual meetings. He would like to look at changing the Code to allow members of sub committees and ad hoc committees to hold virtual meetings. He spoke specifically about the Board of Health and Rural Broadband Subcommittee and noted that some of the people on those committees prefer to meet and vote in person while others prefer to do it virtually. His main objective is to allow flexibility for those groups, committees, boards, commissions and subcommittees to hold meetings virtually if they so choose.

Supervisor Borchardt added some of the meetings she attends outside of the County Board are still being held virtually and a lot of people like that option as it makes work more productive and convenient and she would like these subcommittees, ad hoc committees, etc. to have the option to hold their meetings virtually if that is their desire. Schadewald added that the County Board is elected, but a lot of the members on the subcommittees, ad hoc committees, commissions and boards are volunteers and giving them the option to attend virtually should be available. He would like to see this referred to Corporation Counsel to write up rules that would allow virtual meetings and then bring it back to the Executive Committee.

Supervisor Buckley referenced a board he is on and said he attended the last meeting of that board virtually and with all the echoing it was very difficult to follow what was going on and he found it very hard to vote because he did not have access to some of the information that was coming out. He referenced another meeting he attended virtually and that meeting also had echoing going on and he abstained from several votes in both meetings because he did not have access to information that was handed out at the meeting. With regard to someone who is being deployed through the military, Buckley questioned if that person can really appropriately represent their area from a different country. He feels attendance at standing committee meetings and County Board meetings should be in person.

Supervisor Dantine said having virtual meetings would prevent a lot of citizens as well as Supervisors in the rural areas from attending due to not having sufficient internet. He also feels face to face discussions in a meeting are more productive.

Borchardt said she is just asking the Committee to think about where we are going in the future and how meetings will be held. She noted there will be new Boards in the future and we need to look at how meetings will be held and what will encourage people to run for County Board. She is not looking at this from just a convenience standpoint, but in cases of emergencies or having to be out of town for certain circumstances. Having an option like this would be appealing to people to run for office. She understands the frustration with not having good internet service but this is currently being worked on. She implored this Committee to think about what is going to happen down the road when there are new Supervisors.

Supervisor Van Dyck asked for clarification as to what Schadewald is asking for. Schadewald said what he is looking for is the ability for an individual who, for whatever circumstance, cannot make an in-person meeting to be able to attend virtually. He is not asking for County Board meetings or standing committee meetings to

be virtual. He added that the county does have the technology and capability to allow for this. Right now we're saying if someone cannot attend in person, they cannot come to the meeting at all.

Van Dyck agrees with Borchardt in the sense of what the future holds, but to him, that is up to the Boards of the future to decide. He also agrees that it is difficult to find people to serve on certain boards when we are asking the general public to volunteer their efforts to participate. Having some flexibility in regard to how people are allowed to participate may get more people to be willing to serve on boards and committees. The only caveat Van Dyck has is that we need to invest in and find a place where those meetings can take place. The library auditorium is going to return to regular service and will not be available and Room 200 of the Northern Building is not equipped to handle what we want to do and the Resch Expo is not the answer either. Van Dyck feels we will need to spend some money someplace as the technology is available if it is implemented properly. He does not feel we need to have the technology available everywhere; we need to have one location where the capability lies to hold virtual meetings. He would support this when it comes to subcommittees, ad hoc committees, commissions and boards, but not for standing committees and the full Board meetings.

Buckley noted that if there is a virtual option for a public meeting, anyone in the country could log on. Director of Administration Chad Weininger noted that there could be many people logging on from anywhere who may wish to make public comments. He also noted that when public meetings are broadcast live, they need to be closed captioned and that may be problematic. Currently the only place that virtual meetings can be held is at the Resch Expo and the Library, and the Library is haphazard sometimes. Buckley agreed with Van Dyck in that if we are going to do this, we need to have the right equipment.

Buckley continued by asking what all would have to be done to be sure meetings comply with legal requirements. Corporation Counsel David Hemery responded that this communication is looking at setting rules for people to appear virtually and that depends on what technology is available, but we do not yet have a room to meet in, much less the technology to go with it. It would be easier to put this together if we first decide where meetings will be held and what equipment will be available. Hemery continued that if one member has something come up and needs to appear virtually, that can be done pretty easily, but it is completely different if a number of people want to appear virtually. There would also need to be rules as to who should be allowed to appear virtually and if it is a chairman decision and only in certain cases or if it should be for anyone who just wants to appear virtually. Another consideration would be the closed captioning Weininger mentioned and Hemery noted there are significant costs associated with this. He would suggest keeping the basic premise of meetings as in-person with a virtual option because if it is all virtual, there would need to be closed captioning. If we have a room with all the necessary technology in it, Hemery could use that as the basis to write rules that would work in that room but it is difficult to write rules to allow members to appear virtually from unknown locations with unknown technology. Based on the last County Board meeting, it appears there is a desire for the County Board to meet in person, but maybe giving leeway to sub and ad hoc committees would be a good starting point.

Supervisor Brusky informed she is on two WCA committees and they have been meeting virtually. In several weeks they will start to hold their meetings in person again and she noted that there is still a technology option available. A representative of WCA noted that attendance at meetings was better when they were held virtually. Brusky also clarified that for the last County Board meeting, she was not asking for a virtual meeting, she was asking for a virtual option for those who could not attend for reasons out of their control. She noted that she could easily listen in on County Board meetings through the phone and she could easily have voted in that way and asked if something could be done that would allow one person, on a first come first serve basis, due to a circumstance out of their control to appear virtually rather than not be able to attend at all. Hemery responded that something like that could be done, but there would have to be a lot spelled out in the rules such as members who appear virtually do so at their own risk in terms of interruption or loss of connection. He felt consideration should also be given to having a limit as to how many would be allowed to appear virtually. Brusky feels that we have been able to advance technologically from last summer to this spring and we can work on these issues and spend money if we need to and she is in favor of this.

Hemery noted that when someone appears virtually, usually they cannot hear that well and further, they would not be able to see documents that are handed out at the meeting. Weininger added that as long as

meetings are held in a county building, the phones allow five to six people on a call, but the managing of that is sometimes problematic.

Van Dyck reiterated that he feels there is the ability to pull this off and used the Library Board as an example. That meeting is held in person but they have also had people attend the meeting virtually. In small groups such as subcommittees, he feels this would work if it is set up properly and that is something we can look at and if that works well, we could take the next step forward and go from there. It would be nice to have a room dedicated for this and then it would be a matter of codifying the ability to attend and vote virtually. Van Dyck does not feel that would be that difficult, but he feels we may run into trouble if we codify certain circumstances for virtual attendance and therefore he feels those decisions should be left up to the discretion of the individual in charge of the meeting to do what is necessary to get people to show up and participate.

Motion made by Supervisor Schadewald, seconded by Supervisor Brusky to direct Corporation Counsel to draft changes to the County Code to allow remote attendance and voting by members of sub-committees, ad-hoc committees and other appropriate committees, but not the County Board or standing committees. Vote taken. MOTION CARRIED UNANIMOUSLY

Chair Sieber noted that Hemery will need some guidance from the Committee as to what to include as far as who will be allowed to attend virtually, etc. It seems to be the consensus to allow committee members only to attend virtually. He understands we do not want too many rules attached to this, but there has to be some parameters. Weininger noted that the reality is that the Committee does not have the ability to appropriate funds to do this, so whatever technology we have is what can be used.

Van Dyck said if a meeting is being held in person and this is an accommodation, he feels there should be a quorum in person and then others can attend virtually. At some point he feels the line needs to be drawn because he does not want to get to a point where it is an in-person meeting and the only person sitting there is the Chair and everyone else is tuning in virtually. He does not think there is anything wrong with having an all virtual meeting, but he feels it has to be one way or the other – either all virtual or a quorum in place in person.

Hemery asked if what is being requested is an in-person quorum. Schadewald said we have hit the point in history where we have done it a certain way and now some people want to go back to the old normal, but he does not think we can do that. He reiterated the motion made earlier and questioned why we would want to bring five or six people together for something like a short special meeting. He also pointed out that ad hoc and subcommittees cannot spend any money, so if they wish to go to this virtual format, they will have to come back to the Board for policies and money. He asked if a meeting of a subcommittees, ad hoc committee, commission or board which is held virtually would have to be closed captioned. Hemery responded that it would have to be broadcast to the public so the public can access it and therefore it would have to be captioned. Hemery informed that once the County was notified by the feds that we were violating the captioning we stopped, but when COVID hit and emergency declarations came, counties did what they needed to do, but that is all done with and we have to follow the rules with the meetings. If there is not a room where the public can have access to the meeting, they have to be given access some other way and that would be broadcasting it and that would require captioning.

Van Dyck backtracked on what he said earlier about having to have a quorum in place. He added that trying to codify something is going to be very difficult and he feels it should be up to the discretion of the Chair to make the final call as to how many can attend a meeting virtually. From a legal perspective, Hemery likes the idea of giving the Chair the discretion to make the decision because the Chair should know the members of the committee best and know the circumstances of the meeting and is likely in the best position to make decisions as to virtual attendance.

Supervisor Deney's feels we need to walk before we run and he likes the option before us right now. There are so many people doing virtual meetings for their businesses and we need to be in the same position, but right now we do not have that option because there is no place to do it. He likes the idea of doing this for sub and ad hoc committees and then seeing where it goes from there. In light of not having the best broadband and best technology, we should have options available to do it if needed. Deney's feels we need

to at least get this as an option and he would like to see some sample language for the Code and then go from there.

Supervisor Landwehr agreed with Van Dyck and Deneys overall but questioned if doing a motion tonight is putting the cart before the horse and if we should wait on this until we get something settled regarding a room and technology. He feels that until we know what we can really do, we are spinning our wheels.

Sieber asked for clarification as to whether people appearing virtually at a sub or ad hoc committee can vote by phone. Hemery said at this time they cannot. If technology exists and this was codified, this would give those appearing virtually the ability to vote. Hemery continued that another option would be to start with telephonic appearances to get this going, but not get into the virtual with video right away.

Hemery continued that almost any body can adopt their own rules as to how they are going to operate. Most governmental bodies have by-laws they operate by and the County Board has by-laws that apply to all sub and ad hoc committees. Our Code says that anything not covered in the Code is then controlled by Roberts Rules and that is pretty standard within governmental bodies. According to Roberts Rules, to be considered present for voting purposes, you must be physically present. Most bodies only set a few rules and then say Roberts Rules control as a catch all. Under Roberts Rules, being on a phone call for a meeting would not be considered being present unless it is specified in by-laws. Per the current County Code, the Board, standing committees and all sub and ad hoc committees have to meet in person.

Van Dyck said there seems to be some momentum on this, but he also sees Landwehr's concern about putting the cart before the horse. He feels we can still have language brought forward and then put it on hold until we have the room and the technology figured out. Van Dyck understands that the proposal for a meeting room at the Library was a fairly major undertaking and the price tag was getting high and he also understands there may be a desire to get back to the City Council Chambers to see how that works to start out with. That being said, he would hope the Board could find whatever money is necessary to at least make the accommodations necessary in Room 200 to allow for virtual attendance at sub and ad hoc committees. He does not feel this would cost more than \$20,000 and knowing the direction we want to go would actually help in that we can then go to TS and let them know exactly what we want to be able to do in.

At this time a vote was taken on the motion made earlier.

6. **Communication from Supervisor Schadewald: Direct the Corporation Counsel to examine the County Code of Ordinances and clarify attendance and voting options for County Board members called into military active duty. Referred from May County Board.**

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

7. **Communication from Supervisor Schadewald: Direct the Corporation Counsel to examine our County Code of Ordinances and clarify attendance and voting options for all ad-hoc committees, subcommittees and/or boards, except the County Board and report to Executive Committee. Referred from May County Board.**

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

Other

8. **Discussion and possible action on changes to Chapter 2 of the Brown County Code of Ordinances. Action at May Meeting: To hold until next Executive Committee meeting.**

Weininger referenced the proposed changes to Chapter 2 as contained in the agenda packet. He is not looking for any action on this tonight. He said they wanted to look at the functionality and make it more clear because there has been confusion over what committee oversees what actions so they tried to narrow it down a little bit and then add some language to clarify some things. He outlined some of the changes for the Committee.

The proposed changes include changing Human Services Department to Health and Human Services Department as well as adding language that the Internal Auditor will report to the Executive Committee.

Language on Page 1, Item 16 includes grouping together some of the common themes from the other committees such as adopting the annual budget for the oversight committees and doing monthly budget reviews and state or federal legislative or administrative rules. The intent of this is that an agenda item goes to the appropriate committee and then on to the full Board. If something is from the general fund, it goes to the appropriate committee and then Administration Committee before going to the full County Board. Also, contracts that need to be approved by the County Board will also come to the appropriate committee before going to the Board.

Weininger continued that the Personnel Committee portion of this has a number of changes. The proposed language will make it clear that union contracts have to be approved because there is a fiscal attached. Discussion ensued on this and Weininger noted that he is not asking the Committee to act on this tonight; changes can be made to the proposed changes and come back to this Committee.

Regarding personnel rules and regulations, Weininger said they are cutting out advising the County Executive of matters concerning implementation of personnel policy because the Human Resources Department already reports to the County Executive and it is HR that actually implements Chapter 4. When talking about HR policies, they are based off of Chapter 4 and if the Board does not like a work rule or something being implemented, they can make changes to Chapter 4.

Weininger also talked about the language regarding the review of table of organization changes of standing committees involving fiscal or pay equity issues as determined by HR. This is a larger issue because under FLSA the county could be sued and not be able to defend it if we start picking winners and losers because there has to be pay equity throughout the entire organization. This should bring more consistency throughout the organization but still allow flexibility on work rules. TO changes would go to the oversight committee and then right to the full Board as opposed to going to Administration Committee first, unless there is a pay equity issue that needs to be looked at.

Weininger urged the Committee to look at this and all of Chapter 2 and then it can be discussed at the next meeting and potentially some recommendations to the full County Board can be made.

Motion made by Supervisor Deneys, seconded by Supervisor Van Dyck to hold until next Executive Committee meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

9. Audit of the bills.

Motion made by Supervisor Van Dyck, seconded by Supervisor Brusky to approve the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

10. Such other matters as authorized by law. None.

11. Adjourn.

Motion made by Supervisor Landwehr, seconded by Supervisor Brusky to adjourn at 6:23 pm. Vote taken. MOTON CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Legislative Specialist