

**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, March 16, 2022, second floor event space, 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 Weininger, Corporation Counsel David Hemery, Deputy Executive Jeff Flynt, Library Director Sarah Sugden, Library Facility Manager Curt Beyler, Supervisors Borchardt, Chu, Coenen, Dorff, Hopkins, Kaster, Peters, Lefebvre, Schultz

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 Van Dyck, seconded by Supervisor Landwehr to approve with the modification to move Items 10 & 11 after Item 3. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/modify Minutes of February 7, 2022.

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

Comments from the Public - None.

1. Review Minutes Of: None.

Internal Auditor

2. Request for Proposal (RFP) External Auditing Services (Draft) – Request for Approval.

Internal Auditor Dan Process informed they were in the final year of a 5-year contract. He informed they were adding the ADRC to this proposal.

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

3. Status Update (February 1 – February 28, 2022).

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

Although shown in proper format here, Item 10 was taken at this time.

Communications

4. Communication from Executive Committee Vice Chair Buckley: In order to preserve the integrity of the elected process, I would like the Executive Committee to discuss election concerns in the City of Green Bay that affect County Board of Supervisor elections. Referred from February County Board.

Buckley noted there has been scrutiny and alleged issues with the last three elections performed by the City. With the election coming up in April, there are Supervisors whose vote depends on the City to get it right and with everything that has happened over the last three elections, he wants to get everything out on the table

and keep it in front of our minds so people don't question the integrity of the election. Buckley asked what role the County Clerk has in elections. County Clerk Patrick Moynihan informed County Clerks do not have any supervisory or statutory authority over a Municipal Clerk. Buckley would like to have a discussion to see if anyone has any concerns about County Supervisors in the Green Bay elections.

Sieber responded that there have been issues with the elections, but he does not feel there has been any longstanding affect overall. There seems to be large conspiracy theories on different mechanisms and different reasons certain things happened, but he guarantees there were no shenanigans and therefore, he does not have any concerns.

Brusky agreed with Sieber and feels the issues have been resolved. She acknowledged questions were raised but they seem to have been debunked and in her mind, Supervisors should be able to take the advice of those who investigated the issues and she feels for the majority of the community Green Bay did conduct an election with integrity.

Lefebvre talked about the most-recent issue that the count was to start at 4:00 pm. The City Clerk does not know where the form even came from that said the count would start at 4:00; it was a mistake. The Clerk went through some of the processes with the City Council at the last meeting to address the issues that have been brought up and these things will be posted on the City Clerk's website. The City wants to run good elections and the pandemic caused a lot of issues. They are working on these thing so similar issues do not come up in the future.

Schultz informed there a lot of people in his district and throughout Brown County who do not have confidence in the elections, specifically due to the monies that came into Green Bay for the election. His biggest concern for his constituents and all of Brown County is the private monies coming into the municipality that is directed to be used during an election. We all know what that is and he feels Brown County needs an ordinance that says no private monies can be invested to a municipality of the county to touch an election.

Peters supports what Schultz said. He has a proposed resolution, but Corporation Counsel has not had a chance to review it yet. He feels the Board has jurisdiction for the county, but not the municipalities and there could be consternation in the municipalities if the county says they are not going to take private money, but the City still does it. A number of cities in Wisconsin received money from outside sources which had a bearing on the 2020 election. He feels as a Board we need to do something to prevent something similar from happening on April 5.

Landwehr said as a county we are a division of the state and we are all aware that the state legislature has an ongoing investigation.

Motion made by Supervisor Landwehr, seconded by Supervisor Buckley to direct Corporation Counsel to draft a resolution stating that the Brown County Board of Supervisors expects all individuals to cooperate fully with any legislative review or investigation involving elections. No vote taken.

Dorff feels it is a slippery slope for us to be getting into looking at other local governments and what they are doing. She feels the only advantage Supervisors have voting on county business is the access we have to county employees who are the experts on what they are advising us on and the discussions we have within our meetings. Green Bay has spent hours and hours discussing this and she has not listened to any of it and does not know if any other Supervisors did either. Local governments critiquing each other is a dangerous and unfortunate precedent to set because we do not have the qualifications to make informed decisions about this.

Motion made by Supervisor Brusky, seconded by Supervisor Schadewald, by substitution, to receive and place on file. Ayes: Brusky, Schadewald, Sieber, Van Dyck; Nays: Landwehr, Deneys, Buckley. Vote taken.
MOTION CARRIED 4 to 3

5. **Communication from Supervisor Suennen, including Supervisors Sieber and Schadewald: I am submitting a proposed ordinance to replace the existing Chapter 15 Ordinance, titled Redistricting Procedures. The existing Chapter 15 was used in 2020 and 2021 to create the Citizen Drafting Ad Hoc Committee and the redistricting maps. This process failed for several reasons. I formed a group of interested individuals in**

October from November 1st to January 19, we have worked to identify the issues, the procedures used, and identify improvement. The 9-member group included 3 members from the 2021 Citizens Drafting Committee, 2 municipal clerks, the Brown County Planning Director and 3 Brown County Supervisors. The group's recommendation is to significantly change Chapter 15, consequently this proposal is a replacement of the existing ordinance. I have included a summary of the redistricting process review groups members, actions, procedures and the 5-page Chapter 15 Ordinance proposal. *Action at February meeting: To refer to Corporation Counsel.*

Motion made by Supervisor Van Dyck, seconded by Supervisor Buckley to hold. Vote taken. MOTION CARRIED UNANIMOUSLY

6. **Communication from Supervisor Suennen: I am submitting a proposal to create an ordinance regarding jurisdictional authority of the Brown County Board. This ordinance is for the board to only consider resolutions on subject matter issues that Brown County has jurisdictional authority over, except where it directly involves an existing or prior financial specific subject matter issue; or an existing or prior operational or specific subject matter issue, of Brown County municipalities within Brown County. *Action at February meeting: To refer to Corporation Counsel.***

Motion made by Supervisor Van Dyck, seconded by Supervisor Deneys to hold. Vote taken. MOTION CARRIED UNANIMOUSLY

Resolutions & Ordinances

7. **Ordinance to Amend Chapter 2 of the Brown County Code of Ordinances (Regarding Budget Meeting Start Time). *Motion at February Meeting: To hold until the next Executive Committee meeting.***

Motion made by Supervisor Landwehr, seconded by Supervisor Buckley to amend by adding the word "budget" between "annual meeting" and strike the last sentence. Vote taken. MOTION CARRIED UNANIMOUSLY

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

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

8. **Ordinance to Amend Chapter 1 of the Brown County Code of Ordinances (Regarding Adding Sexual Harassment to Code of Ethics). *Motion at January Meeting: To refer to Corporation Counsel to Draft Ordinance.***

Motion made by Supervisor Brusky, seconded by Supervisor Landwehr to approve. No vote taken.

Schadewald was going to vote against this, not that he doesn't think they should have it, but it's a law, a crime and it must be investigated by people who are well versed in the law and crime. He's Chairman of the Ethics Board and it's not a political idea. They've had this and if someone wants to charge someone with sexual harassment, they can but don't ask the Ethics Board to be the legal experts.

Chu informed the sexual harassment as noted wasn't necessarily illegal. It's common HR policy that happens at businesses and there is an HR team that determines the policies for those employees. This was a unique situation with elected officials, it was creating HR policy for the board. Schadewald agreed, but noted the county has HR policy. Weininger interjected board members were exempted from Chapter 4. Under the current practice, someone would have to file a communication to ask for a censure to remove someone from office.

Corporation Counsel David Hemery briefly spoke to the US Equal Employment Opportunity Commission (EEOC) definition of Sexual Harassment and the Brown County Code of Ordinances Chapter 4.105 Sexual Harassment in the Workplace. He noted if there was a significant type of crime, it would likely be referred to the District Attorney. He shared Schadewald's concerns regarding investigating criminal type behavior. The code currently doesn't prohibit sexual harassment by one supervisor against another, this would make it actionable under the Code of Ethics going through the Ethics Board.

Schadewald stated the current budget of the Ethics Board is \$0. Weininger stated it had to be upon a sworn complaint and if it required an investigation, the Ethics Board would have to farm it out to outside counsel and the County Board would have to approve a budget adjustment. Schadewald questioned if they should spend the money to investigate, the EEOC has investigators and the law. A person should be able to make a complaint, but the idea of the mechanisms was his main debate. He also questioned if Supervisors can be the Code of Ethics Board, was that a conflict of interest? The last part was the public hearing, brutal.

Van Dyck questioned if there was a method where someone could file a sexual harassment complaint which would just go to the EEOC to be addressed? Hemery informed they could file an action in court. The EEOC deals with employers and hostile work environments. County Board members are employees for certain purposes but not for other purposes. The intent of this was that there was no rule prohibiting between supervisors. Van Dyck suggested making a change to Chapter 4. Hemery stated if they went that route, he'd ask that they refer to Corporation Counsel to look at making Supervisors subject to Chapter 4.

Motion made by Supervisor Van Dyck, seconded by Supervisor Deneys to refer to Corporation Counsel to look to see if this can be addressed by engaging Chapter 4. Vote taken. Nay: Sieber. MOTION CARRIED

Buckley questioned if there was appeals process and what would that be? Where would it go?

9. Resolution Approving Budget Carryover Requests from 2021 Budget to 2022 Budget.

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

Item 4 was taken at this time.

Other

10. Discussion and possible action regarding approving of the Architectural Plan and using approximately \$1.1 Million in ARPA Funds for the proposed new County Board Meeting Room in the Lower Level of the Brown County Central Library.

Van Dyck informed a presentation by the Architect and Library staff will be given at County Board. His compliments to all involved as it was a lot of work in a short period of time.

Library Director Sarah Sugden introduced Library Facility Manager Curt Beyler, Erica Frederiksen with HGA Architects, Library Deputy Director Emily Rogers, Communications and Library Program Manager Sue Lagerman, and Library Board member Annette Aubinger. Sugden was excited to present this project, which proposed to transform space in the lower level of the Central Library from a under utilized storage space into a vibrant dynamic space for people for the essential functioning of government and community events, etc.

An abbreviated presentation re: Brown County Central Library: Flexible Meeting Room Renovation (attached) was provided. Frederiksen briefly spoke to the architectural design, cost estimate and timeline/milestone schedule. Beyler added an overview of the plans and equipment. Sugden, Beyler and Frederiksen answered questions from Supervisors regarding the functionality and accessibility of the room.

Motion made by Supervisor Van Dyck, seconded by Supervisor Landwehr to allow Administration to release the previously approved \$1.1 million to the Library Board for new County Board meeting room in the Central Library basement after suitable usage agreement agrees between the County and the Library. Vote taken. MOTION CARRIED UNANIMOUSLY

Van Dyck reiterated a lot of work went into this really quick, he was pleasantly surprised by the timeline. Theoretically if everything goes according to plan, they could be in that room by October 1st. A much more aggressive timeline than they were assuming when they first talked about this. He was also very happy to see that the final price tag for everything was at a \$1,254,000.00.

Schadewald noted the Library Board had talked about donating half a million and questioned if it would be used over the \$1.1 million. Van Dyck informed anything over the \$1.1 would be covered by the Library Board.

The \$500,000 was carved out of the \$20 million dollar pot but there were more than enough things for that money to go towards. Schadewald questioned the estimate of the annual maintenance cost? Sugden informed that was part of the discussions, they're confident they will find the right MOU, or whatever is determined, on how to take care of the space. Schadewald stated if they were going to create revenue from the meeting room, he would like to see a separate fund for continued uses. He questioned if there were other county departments with first call on the room, like Emergency Government? Weininger interjected they reached out to Emergency Management, they looked at it, but they have a separate location. They didn't think downtown would make sense. They can put something in the agreement, but the building thrives on the revenue to fund it. Schadewald was just saying this was county property, county building, county room and they should keep that in mind when writing the agreement. He added, County Board and standing meetings are regularly scheduled and for those, they'd want a bit of a priority.

Motion made by Supervisor Schadewald, seconded by Supervisor Brusky to suspend the rules to take Item 4 after Item 9. Vote taken. MOTION CARRIED UNANIMOUSLY

Item 5 was taken at this time.

~~11. (If needed once 7 above is resolved) Discussion and possible action regarding Budget Adjustment for County Board Meeting Room in the Lower Level of the Brown County Central Library.~~

12. **Audit of the bills.**

Motion made by Supervisor Brusky, seconded by Supervisor Schadewald to acknowledge receipt of the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

13. **Such other matters as authorized by law.**

14. **Adjourn.**

Motion made by Supervisor Landwehr, seconded by Supervisor Deneys to adjourn at 7:04 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Patrick W. Moynihan, Jr.
County Clerk

Alicia Loehlein
Legislative Specialist/Transcriptionist