

PROCEEDINGS OF THE BROWN COUNTY
EXECUTIVE COMMITTEE

Pursuant to Section 18.94 Wis. Stats., a special meeting of the **Brown County Executive Committee** was held on Monday, December 7, 2015 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

Present: Chair Lund, Supervisors Patrick Moynihan, Bernie Erickson, Steven Fewell, Pat Buckley, Dan Robinson

Excused: Supervisor Patrick Evans

Also Present:

Chad Weininger (Director of Administration/Interim
Human Resources Director)

Christina Connell (Senior HR Analyst)

David Ehlinger (Finance Director)

Juliana Ruenzel (Corporation Counsel)

Brett (Assistant Corporation Counsel)

Kristen Hooker (Assistant Corporation Counsel)

David Lasee (District Attorney)

Dan Process (Internal Auditor)

Todd Delain (Sheriff Chief Deputy)

Chuck Lamine (Planning Director)

Chua Xiong (Health Director)

Erik Pritzl (Human Services Director)

Paul Zeller (Treasurer)

Other Interested Parties

I. Call meeting to order.

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

II. Approve/modify agenda.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to modify the agenda to take Items 30 and 31 after Comments from the Public. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/modify Minutes of November 9, 2015.

Motion made by Supervisor Van Dyck, seconded by Supervisor Moynihan to approve. Abstain: Robinson. Vote taken. MOTION CARRIED 4 to 1

Comments from the Public

Although shown in proper format, Items 30 and 31 were taken at this time.

Vacant Budgeted Positions (Request to Fill)

- 1. Administration – Accountant (Human Services) - Vacated – 1/6/16.**
- 2. Administration – Accounts Supervisor - Vacated – 11/12/15.**
- 3. Clerk of Courts – Customer Service Clerk - Vacated – 10/29/15.**
- 4. Clerk of Courts – Deputy Clerk I – A - Vacated – 1/5/16.**
- 5. District Attorney – Clerk/Typist II - Vacated – 12/18/15.**
- 6. Health – Public Health Nurse (x4) - Vacated – 12/1/15.**
- 7. Human Services (CTC) – Community Treatment Program Worker - Vacated – 10/19/15.**
- 8. Human Services (CTC) – SW/CM (Adult Protective Services) - Vacated – 11/3/15.**
- 9. Human Services – SW/CM (CPI/Ongoing) - Vacated – 11/30/15.**
- 10. Human Services (CTC) – Clinical Social Worker - Vacated – 11/2/15.**
- 11. Human Services – Economic Support Specialist (x2) - Vacated – 10/22/15.**
- 12. Planning & Land Services – Central Services Specialist - Vacated – 1/4/16.**
- 13. Planning & Land Services – Property Analyst - Vacated – 1/5/16.**

14. **Public Works (Facilities) – Housekeeper - Vacated – 1/29/16.**
15. **Public Works (Facilities) – Housekeeper (.5 FTE) - Vacated – 12/1/15.**
16. **Public Works (Highway) – Highway Crew - Vacated – 11/2/15.**
17. **Technology Services – Lead Document Center Specialist - Vacated – 5/1/15.**

Motion made by Supervisor Moynihan, seconded by Supervisor Robinson to suspend the rules to take Items 1 through 17. Vote taken. Nay: Buckley. MOTION CARRIED 5 to 1

Motion made by Supervisor Moynihan, seconded by Supervisor Robinson to approve Items 1 through 17. Vote taken. Nay: Buckley. MOTION CARRIED 5 to 1

Legal Bills

18. **Review and Possible Action on Legal Bills to be paid.**

Motion made by Supervisor Erickson, seconded by Supervisor Buckley to pay the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

Reports

19. **County Executive Report.**
 - a) **Budget Status Financial Reports for September and October, 2015.**

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

20. **Internal Auditor Report.**
 - a) **Board of Supervisors Budget Status Financial Report for October, 2015.**

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

- b) **Monthly Status Update: October 1 – November 30, 2015.**

Process informed that there was an email that the Director of Administration had sent out to department heads in which he forwarded to Supervisors and questioned if there was any feedback that the Supervisors would like to see with the budget in the future so he could send that information along. Robinson would like to see something done with the reserves fund, something clearer and a policy.

Van Dyck would like to see more than the previous year in the budget book; possibly two years of actual history.

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

21. **Human Resources Report.**
 - a) **Discussion and possible action regarding 2016 wage adjustments for employees covered under a step program.**

Weininger informed that the Human Resources report was done by former HR Manager Warren Kraft.

With regard to Item 21a, they talked about this briefly, currently right now the only employees that were non-union that were covered under a steps system or scale system were Correctional Officers and Corporals. Back in 2014 the County Board approved a 1% however it was only if the employee was employed for the full year in 2013. As a result it created two different pay scales (handout provided, attached). Under the 2016 wage adjustment, what would happen, they would create six different pay

scales that they would have to slot people in. The goal was always originally to have one pay scale and to have the steps come out. What they were proposing was bringing everyone up one scale, scale 7. The goal would be to take those dollars that were allocated to bring everyone up together and create one scale and provide them with a 1.4% increase. This will be budget neutral.

Sheriff Chief Deputy Todd Delain informed that it was the industry standard within corrections, all jails across the state had a step program. He had explained what the purpose was to get one step program using the allotted money that the County Board approved, to get it to one scale. He believed this did that and he had spoken to some correctional officers about this and to his knowledge they were supportive of this as well as the corporals.

Responding to Robinson, Delain informed that no person would go down. There was an estimated 30 of the lowest correctional officers that would be moved up as they were hired after the 1/1/13. In essence it did what the County Board proposed by taking the lowest paid and moving them up 1% to get them on the scale and then the 1.41%. Correctional officers according to the WIPFLI study were on the low end so the adjustment that came from the County Board was the 3% so they would remain at the 3%.

Motion made by Supervisor Buckley, seconded by Supervisor Van Dyck to implement the Scale 7 proposal. Vote taken. MOTION CARRIED UNANIMOUSLY

Resolutions, Ordinances

22. **Ordinance Amending Sections 4.93 of Chapter 4 of the Brown County Code Entitled "Grievance Procedure". *Referred back from November County Board.***

Van Dyck would like Supervisor Evans input on this topic and to hear what Corporation Counsel felt about this change as well as Director Administration and an HR professional.

Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to hold until January. Moynihan withdrew his motion.

Motion made by Supervisor Buckley, seconded by Supervisor Erickson to make a substitute motion to hold until February. Vote taken. MOTION CARRIED UNANIMOUSLY

Supervisor Fewell arrived at 7:00 p.m.

Other

23. **Open Session: Discussion, strategy and possible action regarding the contract negotiations for the Non-Supervisory Deputy Sheriff's Labor Agreement.**

Motion made by Supervisor Moynihan, seconded by Supervisor Robinson to suspend the rules to take Items 23 through 29 together. Vote taken. MOTION CARRIED UNANIMOUSLY.

24. **Closed Session: Discussion, strategy and possible action regarding the contract negotiations for the Non-Supervisory Deputy Sheriff's Labor Agreement. Notice is hereby given that the governmental body will adjourn into a closed session during the meeting, as authorized pursuant to Section 19.85 (1)(e) of the Wisconsin Statutes, for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, which bargaining is pursuant to Wis. Stat. §111.70 for purposes of negotiating and collective bargaining said agreement, which authorizes the governmental body to convene in closed session.**
25. **Reconvene in Open Session: Discussion, strategy and possible action regarding the contract negotiations for Non-Supervisory Deputy Sheriff's Labor Agreement.**

26. **Open Session:** Discussion, strategy and possible action regarding the contract negotiations for the Human Services Professional Employees Association Labor Agreement.
27. **Closed Session:** Discussion, strategy and possible action regarding the contract negotiations for the Human Services Professional Employees Association Labor Agreement. Notice is hereby given that the governmental body will adjourn into a closed session during the meeting, as authorized pursuant to Section 19.85 (1)(e) of the Wisconsin Statutes, for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, which bargaining is pursuant to Wis. Stat. §111.70 for purposes of negotiating and collective bargaining said agreement, which authorizes the governmental body to convene in closed session.
28. **Reconvene in Open Session:** Discussion, strategy and possible action regarding the contract negotiations for the Human Services Professional Employees Association Labor Agreement.

Motion made by Supervisor Van Dyck, seconded by Supervisor Moynihan to enter into closed session. Roll call: Robinson, Erickson, Lund, Moynihan, Buckley, Van Dyck, Fewell. **CARRIED UNANIMOUSLY**

Motion made by Supervisor Moynihan, seconded by Supervisor Robinson to return to regular order of business. Vote taken. **MOTION CARRIED UNANIMOUSLY**

29. **Open Session:** Discussion and possible action in regards to the sale of Parcel No. 7-467, certain tax deeded property acquired by Brown County under Wis. Stats., § 75.521 that is located at 1021 Eastman Avenue in Green Bay, WI and further described as EASTMANS ADD LOT 9 BLK 39.
30. **Convene in Closed Session** to deliberate and confer with legal counsel in regards to the sale of Parcel No. 7-467, certain tax deeded property acquired by Brown County under Wis. Stats., § 75.521 that is located at 1021 Eastman Avenue in Green Bay, WI and further described as EASTMANS ADD LOT 9 BLK 39. Pursuant to Wis. Stats., § 19.85(1), **any meeting of a governmental body may be convened in closed session for purposes of:** (e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session"; and (g) "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved."
31. **Reconvene into Open Session:** Discussion and possible action in regards to the sale of Parcel No. 7-467, certain tax deeded property acquired by Brown County under Wis. Stats., § 75.521 that is located at 1021 Eastman Avenue in Green Bay, WI and further described as EASTMANS ADD LOT 9 BLK 39.

Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to suspend the rules to allow interested parties to speak. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Robert Atwell - 3486 Solitude Road, Town of Rockland

Atwell informed that he worked for Nicolet National Bank and was present with respect to Green Bay Titles Trust Account of \$21,559 that was currently in the possession of the county. He knew there were a lot of letters and discussions about this but he wanted to make a few points. It did involve \$21,559 that was fraudulently removed from the Green Bay Title Trust Account back in June. That money was currently in the county's possession. The perpetrators to the fraud had been arraigned and charged by the District Attorney who was in attendance and had provided a letter to the board members. Their bank had provided documentation that supported the DA action in charging the perpetrators. At the end of the day after all the discussion, the question in hand, the county in a similar time period the land transaction that they referred to occurred and the county was defrauded by the same people who defrauded Mr. Faller. Mr. Faller nor him had any control over it and the DA's letter was clear that it was stolen property. After all the back and forth, the question in hand was whether the county's possession was, if that land was for some

reason to him seemed inconceivable, was title that the county was compelled to return title to that land to the people that defrauded you, was it their position, did they intend to keep Mr. Faller's money that was stolen from him; to him that seemed to be legally, morally and untenable position. Lastly Mr. Faller, there had been discussion indemnification and he thought that the legitimate questions that the county counsel had asked about what if there was actual money in the account that belonged to the perpetrators, Mr. Faller was prepared to sign a simple statement or agreement that if Brown County can demonstrate to Green Bay and to Nicolet National Bank that Jamie Leiberg deposited \$21,559 of good funds into Green Bay Title Company, Inc., escrow account that he would return the money to the county (handout provided and attached). Why would he do this, because he and the bank knew there were never good funds there and they were prepared to assure the county that if by some bizarre set of circumstances that it was demonstrated that there were good funds, he would remand them to the county. His request was that they look at this for what it was; stolen property and it should be returned to Mr. Faller. Incidentally this had to do with Mr. Fallers business, more to do that just \$21,000 this was an escrow account for a title company and if it was out of balance at year it it had significant consequences beyond the money involved in terms of his relationship with Chicago Title for example.

Gerry Faller – 3430 Langlade Road., Green Bay

Faller informed that he worked at and owned Green Bay Title Company, Inc. He was before this committee about a month or so ago. He appreciated them taking the time to consider this. As Atwell stated, continuing to hold the funds causes significant problems for a title company, not just Green Bay Title but any title company. He appreciated the urgency in trying to address this now. When he was before them before he had asked if there were any questions as real estate transactions were kind of unique. He knew they had a letter from the DA and also informed that he had other information that he could share with them if they would like.

Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY

Van Dyck believed everything was out on the table and informed his opposition to enter into closed session. He didn't understand why they would put themselves in a position to compromise their position. Corporation Counsel Ruenzel informed that they went into close session for attorney client privilege. Attorneys weren't going to speak freely in open session because they were advising them and they were at odds with the other side. Assistant Corporation Counsel Kristen Hooker informed that their position hadn't changed. Ruenzel stated that if they needed any clarification, she would recommend that they go into closed session.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to enter into closed session. Roll call: Ayes - Robinson, Erickson, Lund, Moynihan, Buckley; Van Dyck – Nay. CARRIED 5 to 1.

Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Buckley, seconded by Supervisor Erickson to have the Treasurer work with Nicolet Bank to reverse the charges of \$21,559 in reference to the property at 1021 Eastman Ave., Green Bay, WI. Vote taken. MOTION CARRIED UNANIMOUSLY.

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

33. Adjourn:

Motion made by Supervisor Fewell, seconded by Supervisor Erickson to adjourn at 7:18 pm. Vote taken. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Alicia A. Loehlein
Recording Secretary



GREEN BAY TITLE COMPANY, INC.

126 SOUTH WASHINGTON STREET, GREEN BAY, WI 54301 (920) 435-0035 FAX (920) 435-9304

The undersigned hereby agrees that:

If

Brown County, a Wisconsin Municipal Corporation returns to Green Bay Title Company, Inc. \$21,559.00;

And

If

Brown County can demonstrate to Green Bay Title Company, Inc., and to Nicolet National Bank that Jamie Leiberg deposited \$21,559.00 of good funds into Green Title Company, Inc., Escrow Account;

Then

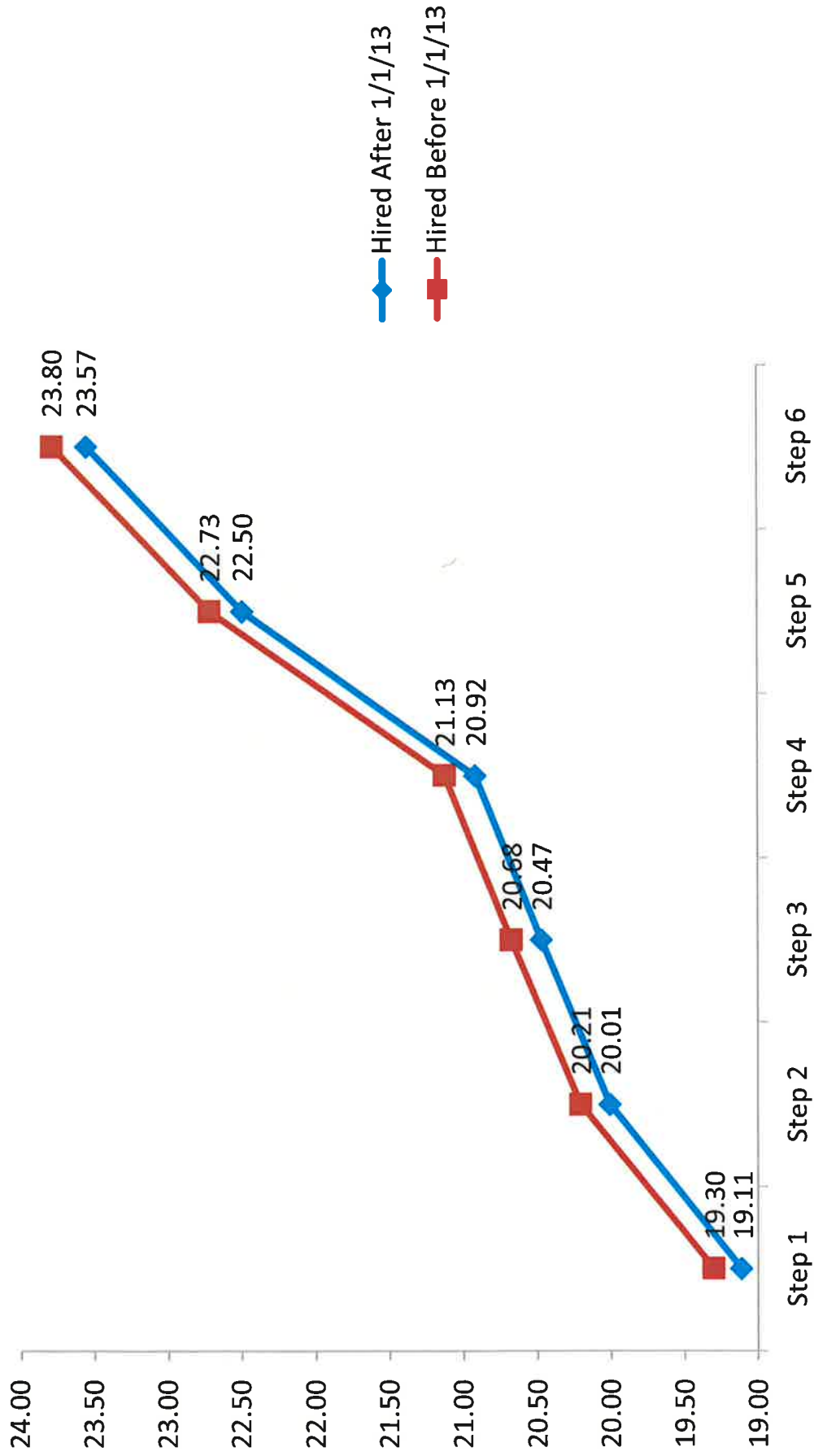
Green Bay Title Company, Inc., agrees to return said funds to Brown County.

Green Bay Title Company, Inc.

By: Gerard R. Faller
Gerard R. Faller, President

Dated: 12-7-15

Correctional Officer Pay Rates



Correctional Officer Pay Rates

