

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, August 12, 2019 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, WI.

Present: Chair Lund, Supervisor Erickson, Supervisor Sieber, Supervisor Hoyer, Supervisor Moynihan, Supervisor Van Dyck, Supervisor Buckley

Also Present: Supervisor Borchardt, Supervisor Tran, Supervisor Deslauriers, Supervisor Lefebvre, Public Works Director Paul Fontecchio, Director of Administration Chad Weininger, Internal Auditor Dan Process and 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 Van Dyck to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

III. Approve/modify Minutes of July 8, 2019.

Motion made by Supervisor Sieber, seconded by Supervisor Hoyer to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

Comments from the Public.

-Will Agen, 3924 St. Croix Circle West, Green Bay, WI

Agen thanked the Committee for allowing him to comment. He is here to talk about Item 15 which calls for the addition of five snowplow operators/bridge tenders to the County's organization. This means the County would take over operating the three drawbridges in downtown Green Bay, replacing the current bridge tenders. As a current bridge tender, Agen feels it is necessary to encourage the County to give this proposal their best smell test before they take on the 24/7 commitment that comes with these positions because he feels it reeks of a hidden agenda. The timing of the takeover is incredibly bad. Agen continued that the State is expecting to get Coast Guard approval of their wireless remote operation by the end of this year. He said this will remove any live presence on both the Nitschke and Tillman Bridges and now the State is proposing to replace nearly 100 years of experience with snow plow operators who will have less than a month and probably no more than two weeks exposure to the bridge tender duties and responsibilities.

Agen continued that opening and closing the bridges in downtown Green Bay will have a much higher risk factor when the standby bridge tenders are removed. The remaining operators will have to rely solely on the quality of the video they see from the cameras on the two unmanned bridges. The City and State have been talking about remote operations for about 12 years, yet the current bridge tenders who have operated the bridges prior to removing operations and watched the equipment being put in and tested and who have operated the bridges remotely for the last two years were told in July that they will no longer be needed as of December 1. Just when the State is hoping to get Coast Guard approval for their wireless remote operation, just when the bridge tenders are to be removed from the Tillman and Nitschke bridges and just when the opening and closing of the bridges has become more

stressful, they decide that the remaining five bridge tenders should be snowplow drivers, brand new to the bridges and their operations and responsibilities. Agen feels this does not make any sense.

1. **Review Minutes of:**

a) **Benefits Advisory Committee (June 27, 2019).**

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

i. Review and possible action re: Recommended Ordinance Changes made by the Benefits Advisory Committee.

Dan Process, secretary of the Benefits Advisory Committee, informed this was brought before the Committee last month, but not in the proper format. The proposed changes the BAC is suggesting are contained in the agenda packet. Corporation Counsel David Hemery has reviewed the proposed changes and informed it seems most changes are corrective. One of the changes is changing *Human Services Director* to *Human Resources Manager*. Another change relates to removing the position of a retiree receiving medical benefits through the County and Hemery informed he does not believe there are any retirees receiving medical benefits through the county so that change would be appropriate. It is Hemery's recommendation that if the Committee is agreeable to the proposed changes, that they direct Corporation Counsel to prepare a resolution amending the ordinance reflecting the changes and he can have that available for the next County Board meeting. Director of Administration Chad Weinger pointed out the third proposed change is with regard to the term of membership beginning in February instead of April. He indicated there would not likely be any fiscal associated with any of this and if the Committee is agreeable to these changes, he would suggest this be referred to Administration and Corporation Counsel to update the ordinance and bring it back to the next Executive Committee meeting for approval.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to refer the recommended ordinance changes to Administration and Corporation Counsel and bring back to the next regularly scheduled Executive Committee meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

b) **Citizens Redistricting Subcommittee (July 23, 2019).**

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

Legal Bills

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

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

Communications

3. **Communication from Supervisor Nicholson re: Requesting the County Board to review a time limit on announcements – with possible action. *Referred from July County Board.***

Motion made by Supervisor Van Dyck, seconded by Supervisor Sieber to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

4. **Communication from Supervisor Tran re: To ensure fairness and dissuade the abuse of power in county government, I'm proposing changes to:**

- a) **What supervisors may serve as chairpersons of standing committee?**
- b) **How long a supervisor may serve as a chairperson of a particular standing committee?**
- c) **How supervisor members of a standing committee are selected, as follows:**
 - i. **No first term supervisor may serve as chairperson of a standing committee.**
 - ii. **No supervisor may serve more than two consecutive terms as chairperson of a particular standing committee.**

iii. Supervisor members of standing committee shall be selected at random. Referred from July County Board.

Supervisor Tran clarified that i, ii, and iii are not part of c and a, b and c should be part of the first sentence. With regard to i, Tran's reasoning for the no first term supervisor to serve as a Chair of a standing committee is to prevent inexperienced people from running a committee. Exceptions could be made when appropriate but overall this is meant to keep inexperienced people from running a committee. Supervisor Erickson said he has already been on a committee where all five members are new supervisors, so a rule like this would not work. Supervisor Buckley added that in some cases there may not be any experienced Supervisors on a committee that want to be the Chair. Chair Lund referenced the portion of the communication about how long a Supervisor may serve as a Chair of a particular standing committee and noted that right now, the Chairperson of a committee is elected by the other members of the committee. Tran feels that someone who has been a Chairperson for two consecutive terms on a committee should not be elected for a third. Lund said the possibility then exists that someone who does not want to be a Chair of a committee or does not have experience running a meeting is going to end up being the Chair. Tran does not feel that scenario is likely as there are five members on each committee. Lund noted just because someone has attended a meeting does not mean they know how to run a meeting. Tran agreed and said that is what this intends to prevent. She feels when people have too much power for a long time it does not serve the interest of constituents and she noted it is similar to not having a President serve more than two terms.

Supervisor Moynihan understands where Tran is coming from, but also feels experience is lost if the number of terms someone can serve as chair is limited. Supervisor Hoyer pointed out if the person is no longer chair but still on the committee, the expertise would still be with the committee as a voting member and in the meantime, other members of the committee would be given the opportunity to learn how to write an agenda and run a meeting which are good and helpful things to know. The whole point of leadership, in Hoyer's opinion, is to have others ultimately take over leadership. Tran added that that is the reason corporations move managers around from department to department.

With regard to having committee members selected at random, Tran said the intent here is to create a more inclusive environment for everyone, especially new Board members. When people get comfortable being on the same committee term after term, they tend to vote in blocks and things are done at the committee level. She wants to see more inclusiveness and better teamwork.

Supervisor Van Dyck feels i. would not apply because he does not have any knowledge that that has ever occurred and he feels it would be creating a rule for a problem that does not exist. With regard to ii, Van Dyck can potentially go along with that. He does have an issue with iii to select people at random for the committees because he feels Supervisors ask to be on certain committees because of their interest level and expertise in a specific area. He does not think randomly selecting people for committees is in the best interest of the overall Board and would lead to Supervisors being on committees that they do not have a whole lot of interest in. Van Dyck feels this communication is mistimed in the sense that this should be something taken up by the next Board at the organizational meeting in April to make a decision as to how they want to run their business for the next two years. Anything put into place now could potentially be overturned in several months.

Tran said Van Dyck makes fair points, but this is about learning new things and as a Supervisor there should be interest in all sorts of operations. The point is to continue to learn about different things by being on different committees and it is also about teamwork. When there are five people brand new to each other on a committee, they may work together better as there would not be any cliques or block voting. She is not intending to take away the power of the County Board Chair in making the committee selections; this is about encouraging people with different backgrounds and different expertise to work together for the county.

Supervisor Deslauriers said the part of this communication he likes is the part about the term limits. He said from going to Human Services meetings on and off for a decade he has watched the leadership change a few times. Every time leadership changes, meetings are run differently, but there seems to be a reintroduction of new ideas and open discussion and the committees he attends that have stagnant leadership seem to get worse over time. He does not see a problem with having a term limit on the leadership of committees because he feels it brings new ideas to the committees. He agrees with Hoyer in that experience is not lost; it

gives someone else the opportunity to run the agenda and the meetings and he likes that. From discussing this with other Supervisors, Deslauriers feels most of them would be receptive to this. Moynihan questioned what would happen if the Chair was at the term limit and nobody else wanted to be Chair. Deslauriers said if nobody else wants to be the Chair, the former Chair could do it.

Supervisor Lefebvre said she is on Ed and Rec because that is her forte and she suggested that every Supervisor get to choose one committee and then be randomly assigned to a second committee so everyone gets more experience in different areas. She feels Supervisors should be aware of all of the county operations and serving on different committees would be a good way to do this.

Supervisor Borchardt mentioned the House and Senate mix things up as well, depending on the majority. She feels this would give value to the Supervisors to learn about something they may not know about and would also give value to the constituents as well.

With regard to random selection, Van Dyck said the problem would be that in theory there could be complete turnover on a committee every two years. He understands where Tran is coming from, but he also feels there is some benefit to continuity from committee to committee, particularly for department heads. If something is going to be done in that regard, maybe Supervisors should be allowed to serve on a committee for several terms to keep the continuity with the department heads. Van Dyck understands the thought process of mixing it up, but has concerns with stirring it up that much that often.

Buckley added that there are often projects or situations that are ongoing over several years and it is important to have Supervisors on the committees who have the history on the projects and you would not get that if the committees are all mixed up.

Motion made by Supervisor Moynihan, seconded by Supervisor Van Dyck to refer to the April 2020 organizational meeting of the County Board. *Motion withdrawn*

Supervisor Sieber feels the term limit provision is something that should probably go forward to the next County Board but he does not know if there would be support for the other parts of this communication. He continued that as Supervisor Borchardt alluded to, the House of Representatives limits their Chairmanships of their members.

At this time Moynihan withdrew his previous motion.

Motion made by Supervisor Buckley, seconded by Supervisor Erickson to receive and place on file. Vote taken. Ayes: Buckley, Erickson, Lund, Van Dyck, Moynihan Nays: Sieber, Hoyer. Vote taken. MOTION CARRIED 5 to 2

5. Communication from Supervisor Erickson re: Look into Sub-committees without bylaws being allowed to vote without a quorum. *Referred back.*

Hemery recalled talking about this at the last meeting and thought this had been received and placed on file. Erickson said some subcommittees have by-laws which indicate they have to have a quorum to vote, but other subcommittees have none. Hemery said what currently controls is the County Code, which requires a quorum, but it also says that if there is an issue not addressed in the Code, then Roberts Rules control. Under both the Code and Roberts Rules, a quorum is needed to conduct business. Hemery feels there is good reason for this and recalled talking about some of the reasons at the last meeting. If the issue is members not showing up at meetings, Hemery is not convinced that lowering the requirement to conduct business is the solution. He said if there is a certain committee that is at issue, he would rather look at other ways to address this. Erickson said he has talked to the subcommittee that is of concern and they are working on this. Hoyer asked if it would be feasible to have proxy voting on the larger committees. Hemery responded that proxy voting regarding elected officials is legal.

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

6. **Communication from Supervisor Deslauriers re: Pertaining to Brown County Open Records**

Because the 2009 Records Retention ‘Schedule A’ in Brown County ordinances does not specifically itemize if or how modern forms of communication are saved, I am requesting that Corporation Counsel draft a summary document that will specifically state how Brown County captures and retains emails, text messages, phone call records, videos, and meeting recordings. I am requesting that this summary be presented at the County Board Meeting and be published on the Brown County website.

Please include links to any policies that obligate employees and elected officials to use County owned infrastructure and devices, how open record requests are handled when County infrastructure or devices are not used for official business, and clarification on how the County captures and safeguards records that are deleted by the participant prior to the time frame specified by the record retention ‘Schedule A’.

Supervisor Deslauriers said what he is asking for is for people who make open records requests to know clearly what to expect with regard to the requests. The current Schedule A is pretty much the only record retention schedule document people can look at and try to decipher what records are available to them. The other part is to make it very clear for county employees and elected officials what is expected of them if they choose to use private e-mail, their own phone, Face Book messaging, etc. to conduct county business. In his limited time as a Supervisor, he has already experienced records being deleted. When open records requests are made, what seems to be captured are e-mail records. He said Hemery does a phenomenal job on satisfying open records requests, but Deslauriers feels the public lacks a clear understanding of what they can ask for, what records are searchable, what are considered open records and from an official perspective he feels there needs to be very clear direction on what employees and elected officials have to safeguard, especially when they use their own devices. Deslauriers’ intent was to send this to Corporation Counsel, but he understands that it has to start here.

Hemery asked for two months to report back to the Committee should they decide to take action as this may be somewhat involved and there is a high workload in Corporation Counsel right now. Sieber asked if Hemery feels it is worth looking at this and Hemery said he feels it would be worth the time to look into this as there are a lot of variables and different scenarios, some of which were discussed prior to voting on the following motion.

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to refer to Corporation Counsel for review and recommendation and bring back results at the regularly scheduled October Executive Committee meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

Internal Auditor

7. **Discussion re: Drug Abuse Resistance Education (D.A.R.E.) Program Checking Account Report.**

Internal Auditor Dan Process referred to the report in the agenda packet and noted that there were five recommendations within the report. The first recommendation refers to Administrative Policy A-26 which deals with fundraising. The current procedure for fundraising for the D.A.R.E. program is in violation of that policy because the policy prohibits employees from directly fundraising for the county or a department. The suggestion is that any fundraising go through a charitable organization and Process has had discussions regarding this with Sheriff Delain who is happy to work with Corporation Counsel to ensure the D.A.R.E. program complies with this.

Process continued that once this policy is complied with, most of the other recommendations will be covered as well. The second recommendation deals with cash proceeds not being deposited in a timely manner. The funds accumulate and then one large deposit is made. The risk here is having a large amount of dollars on hand and making sure they are in a safe place. The third finding is that Brown County’s financial statements were deficient. Process informed that because the account was established without the knowledge of the Administration or the Treasurer, there was no linkage between the account and the financial statements and the activity that was occurring in the D.A.R.E. account was not being reflected within the financial statements. This is reflected in finding five which was that Brown County lacks a formal County-wide policy for establishing bank accounts. It is recommended that when a department creates a checking accounting

using the County's TIN, that the Treasurer and Administration be aware of that so they can review it to be sure it is appropriate to be using the County's TIN and to ensure the County is included in the financial statements. The other finding was that evidence to support dual control over cash counts was lacking. If there is no evidence that two individuals are observing the cash counts, there is a risk of money being misplaced or fraudulently taken. This is another way to protect the employees doing the counting.

Van Dyck said it appears that findings 1 and 3 would be taken care of by moving this to the community foundation. His biggest concern was with regard to finding 2 and the practice being followed and the response from management which he feels is inadequate. He understands that the amount of money being collected has been reduced, but in looking at 2018 it shows proceeds of about \$50,000. He does not see any reason why money should be held in a vault or safe deposit box and then deposited once per year due to lack of staff time as it only takes a few minutes to stop at a bank and make a deposit. He would like to see a message sent back to staff that that is unacceptable. Van Dyck said we would not likely accept that as an answer from any other department and he finds this troublesome. With regard to finding 5, Van Dyck asked how someone is able to open up a bank account without the proper approvals. Process said a department head can go to a financial institution and request to open an account under the County's TIN which is published and well known. This particular account was identified when the Treasurer received a call regarding someone coming into the bank looking to open an account. The Treasurer said absolutely not until he can learn more information and that is when it was identified there was already an account established which the Treasurer nor Administration had any knowledge of. There was not any policy to guide department heads or individuals that if they wanted to open an account for a legitimate reason, they would have to check with the Treasurer and Administration first to determine whether it should be under the county's TIN or established under a separate tax identification number. Van Dyck was surprised the bank would open an account under the county's TIN without asking for some verification that the individual was even authorized to open an account. In this instance, the bank did contact the Treasurer, but for the 2013 account, there was no verification. Van Dyck feels a strongly worded letter should be sent to the bank informing them that their procedures are rather poor.

Hoyer asked if it is known if there are any similar rogue accounts. Process responded the auditors do send out bank confirmations every year with a list of accounts that each of the institutions have to verify that they do exist. One of the requests is to also list any accounts not listed on the confirmation. Process has looked at them and there was nothing to show any evidence that any of the institutions found anything. He and Weininger have had discussions about doing an audit that all of the bank accounts that have been open under the County's TIN are identified. Weininger added that there would be no reason for a department head to open a bank account and banks that have opened accounts without appropriate documentation should be reported to the Federal regulators. Van Dyck feels it would behoove us to contact the bank that opened the account to tell them that it was opened without proper authorization and secondly, if there are audit reports sent and they do not list the account as being at the bank, that is another breakdown on their part that should be called to their attention and a request of what they are going to do to stop that from happening again should be made. Van Dyck feels both of these things are significant issues for the bank. Weininger said the problem is when the auditors send the requests out, they don't capture all the banks and secondly a lot of the banks do not respond to the requests.

Lund felt there should be a policy that money needs to be deposited within a certain number of days following the event. Process said there is a policy that requires weekly deposits be made, but the question is whether this falls under the umbrella of the county because it is not county money. Lund understands, but said it is county employees who are running the D.A.R.E program. Weininger said to be clear, what they have been trying to do is create something a little more delineated; either it is county business or it's private fundraising. County employees on their own time can work for the D.A.R.E. program and raise private dollars, but the county itself does not raise funds for the D.A.R.E. program. On their own time, employees can raise the funds, and follow the non-profit guidelines and requirements, deposit the money and then they can make the donation to the county and at that time the funds fall under the county policies. Process added that in defense of the Sheriff, the account was established before these policies were in place.

Van Dyck asked if employees are wearing their uniforms when they are parking cars because if they are out in uniform, the perception to the general public is going to be that they are out raising money as the Sheriff's Department and county employees and he feels that is the wrong message to send. Buckley said wearing a D.A.R.E. jacket or polo would be appropriate.

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

8. Board of Supervisors Budget Status Financial Report (Unaudited) & Veterans' Recognition Subcommittee Budget Status Report (Unaudited) – June 30, 2019.

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

9. Status Update: July 1 – July 31, 2019.

Process informed that he has sent out a request for the 2020 audit plan and if anyone has anything they would like to be reviewed he would ask that the request be submitted by the end of August.

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

Corporation Counsel

10. Oral Report.

Hemery informed oral arguments on the sales tax lawsuit will take place on August 29, 2019. He also noted the Securus issue is moving along and they are currently in the process of choosing mediators to mediate the issue.

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

Resolutions & Ordinances

11. An Ordinance to Create Chapter 44 of the Brown County Code of Ordinances Entitled "Lobbyist Registration". *Referred back from July County Board.*

Lund asked Hemery if he had any recommendations on who would adjudicate any violations of this ordinance. Hemery responded that he did not want to state anything definitively in the ordinance and by default Corporation Counsel would prosecute these matters. His position is that should there ultimately be action needed to go to court to prosecute a violation, this is not something the District Attorney would do. Offenses that fall under State Statutes such as speeding violations or disorderly conduct would be prosecuted by the DA, but this falls outside of this. Not everything that is included in the Code has to have a separate and specific enforcement mechanism. The idea was to keep this simple and Hemery has looked at what Green Bay did and used that as a model. There is no specific enforcement mechanism in that ordinance and therefore this would fall back to Corporation Counsel as the attorney by default.

Hemery continued that he met with Tran earlier and discussed the ordinance. They discussed that there is already a state registration process for lobbyists as well as a city registration process for lobbyists. What Tran is looking for is transparency and openness in the process so Board members would know when they are being approached by lobbyists. The proposal that both Tran and Hemery would support should the Board desire would be to require that any lobbyists who are already required to register with the city or state shall, prior to addressing any County Board Committee or member, identify themselves as a lobbyist. This would not require Brown County to have their own registration mechanism. There would still need to be an enforcement mechanism and this would fall on Corporation Counsel as mentioned earlier, but Hemery does not see this as something that would require a great deal of Corporation Counsel time as he believes violations would be relatively rare. Hemery believes Tran would be willing to amend the request to basically state if someone is a lobbyist and is required to register with either the state or city, that they make any Board members or Committees or the County Board aware of that and furthermore, if they are speaking under public comment and they have had to register with the city or state, they should say prior to their comments that they are a registered lobbyist and what issue they are lobbying on behalf of. This would not be an onerous process. As far as penalties are concerned, Tran had suggested perhaps a warning for a first

offense and then a \$100 fine for the second offense. Tran agreed with what Hemery set forth and said this is about transparency. She said local government represents the people most closely and we should be open and transparent with everything we do. She is not interested in fining people; it is not about the money. She said not everyone knows who the lobbyists are, but she would like to know who is being paid to lobby on an issue because she has to make decisions based on what she hears. She feels this is a good compromise and what we have been working on for the last six months.

Buckley asked if what Tran is interested in is transparency, why this is only regarding paid lobbyists. Tran said the non-profits are also part of this; it includes anyone who is a lobbyist. Hemery said what would be in effect is that anyone who is required to register with either the state or city would have to let us know. As state or city requirements change over the years, the county would not have to change anything; it is basically if you have to register with the city or state they would need to let the county know. That way the county does not have to get deep into definitions and things like that because those are set by the city and state. This would make the county's process much more streamlined if the primary concern is identifying lobbyists who come before members of the Board and Hemery feels this is the easiest way to do this.

Lund noted this has nothing to do with Supervisors asking someone if they are a lobbyist; it is up to the person to identify them self as a lobbyist. Weininger added that if someone is a lobbyist, they are getting paid, otherwise they are a volunteer. Volunteers can lobby, but they are not being paid and he used the example of the League of Women Voters as people who lobby but are not getting paid. Buckley said paid lobbyists will likely come forward and identify themselves, but it is the ones that are volunteering to lobby that he would like to know as part of full transparency. Hemery said the bases would be well covered by saying anyone who is required to register with the state or city would also have to let the county know they are a registered lobbyist. Hemery cannot think of a lobbyist that is not paid, but the ordinance would be written that any lobbyist that is required to register would have to identify themselves to the county as well.

Sieber summarized the changes as changing the definition of lobbyist to anyone who is registered with the state or city and then striking registration with the county altogether and the third thing that would be stated would be that we do not need to define who would prosecute violations of this.

Van Dyck commented that in its original form, he was not supportive of this as he felt it was a solution looking for a problem, however he appreciates the compromise and is supportive of it with the changes. He noted that because the county is an arm of the state, he does not have a problem with registering as a lobbyist with the state, but he has a bit of an issue throwing the city's ordinance in because he is not a resident of the city and he does not want to have the county held to the city and he would assume that if anyone is registered with the city, they are also registered with the state. Lund agreed.

Lefebvre commented that the League of Women Voters have a paid lobbyist at the state level only. The rest are volunteers. She also noted that if a Supervisor is contacted by someone, all they have to do is ask if the person is representing a group. She agrees that it is important to know who the lobbyists are.

Weininger said the requirements at the state level for someone to register as a lobbyist is if someone attempts to influence state legislation or an administrative role on behalf of a business or organization and pays you and if you communication with a state official or legislative employee on such matters on five or more days within a six month reporting period.

Motion made by Supervisor Sieber, seconded by Supervisor Moynihan to make the three suggested changes and bring back to the next regularly scheduled Executive Committee meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

12. Resolution Providing for the Sale of Approximately \$16,710,000 General Obligation Refunding Bonds, Series 2019.

Weininger said this will save the County roughly \$1 million dollars. This will be one of the last refundings the County does because almost everything that can be refunded has been.

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

13. Resolution to Approve Telecommunication Easement Regarding the Fox River State Trail.

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

14. Resolution Adopting Brown County's 2020 Five-Year Capital Improvement Plan.

Weininger outlined the changes made to this planning document and said everything in the 2020 column will be placed into the 2020 budget and that is when the Board will take the final vote on the approval of the funding. He outlined some of the 2020 projects briefly.

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

15. Resolution Regarding Table of Organization Change for the Public Works-Highway Department Addition of Bridge Tender Positions.

Public Works Director Paul Fontecchio noted this was talked about at the last Planning, Development & Transportation Committee meeting. The DOT came to the County and requested that Brown County take over the bridge tending for the three bridges in downtown Green Bay. Fontecchio and his office manager went to observe the Sturgeon Bay bridges which have one tower that controls all three bridges and it is a pretty straight forward process.

One of the advantages of the county taking over these operations is that during the winter when it is not shipping season, these would be extra guys who can be snow plow drivers. The numbers are set forth in the resolution and Fontecchio said it is pretty straight forward. The idea is that there are five positions, one of which is a foreman. He explained the scheduling of these positions and said what they have settled on would require these guys to work every other weekend, not three of four weekends a month like most swing shifts. By doing that, they can hone this down to four people running this and the foreman would be in charge of the overall mechanics of the bridges and would also be the first person to step in when someone is off. Fontecchio continued that Brown County does a lot of the maintenance on the bridges already, so they are familiar with them.

Moynihan asked why the state approached the county on this. Fontecchio informed what he was told was that the state talked to the city who agreed to give up the bridge tenders and then came to the county and asked if they would take over the operations. The State of Wisconsin utilizes county highway staff at the Sturgeon Bay bridges and also in Fond du Lac, so this is in line with what the DOT does already in other counties.

Buckley asked what the difference in pay is between what the city pays and what the county would pay and further, what the city tenders do during the winter. Fontecchio did not have information on the city operations, but said the county positions would be basically the same as the highway crew so if there is anyone on the highway crew that is interested in these positions it would be equal pay.

Van Dyck asked if we are currently billing the state for these five individuals, no matter what they are doing and Fontecchio responded that we do. Van Dyck questioned who is doing the snow plowing that these positions would do now. Fontecchio said these positions would be extra people who would be filling in shifts or doing extra work. Because of all the lane miles added to the state system, they could definitely use extra plows. During the non-plowing events, there is plenty of state work such as tree trimming and fence repairs that can be going on. Lund said these positions do not work on any of the county roads, they stay on the state projects and Fontecchio said that is correct.

Fontecchio explained that there are always people off in the department for various reasons. They are lucky to fill all of the plows on any given storm. This leaves nobody to help with scraping ice and that kind of thing, so these may not all be up on Highway 41, they may be doing other roads. Right now there is no extra capacity and he looks at these five positions as an absolute benefit. Van Dyck asked if the work they will be taking on is net incremental new work that is not being done or basically reallocating work that is being done

now. Fontecchio responded that it is a little of both; there will be more work being done on the state system as a result of having five more guys. If a guy is on vacation, the state guy will come, but that is not really net new, but at least he has someone to do the job rather than being short a guy. If there is a guy short on the state system, someone has to do two routes to cover. Hoyer asked if the state system incurs a lot of overtime and Fontecchio said it really depends on the storms. The amount of overtime has been cut down over the years with new schedules. There are not people working 18 hours a day anymore.

Lund asked about the bridge tending and what would happen with failures that could occur. Fontecchio said extra crew members will be trained as backup so if something happens, they can augment with that.

Sieber recalled that a number of years ago, the seasonal park rangers were plow drivers in the winter which did not go so well. He said that is something we should learn from and Fontecchio said the ability to competently operate a plow will be a pretty big qualifier. Moynihan feels this is comparing apples to oranges and has concerns of having someone working a console and then moving on to operating a grader. He is open to the arguments, but he does have some concerns.

Van Dyck also has concerns, but neither have anything to do with the ability to perform the jobs. First, he does not feel we have given enough regard to this neutral funding. It is five additional people and someone has to supervise them. Someone is investing more time in supervising these people so it is not time neutral. His bigger concern is there are a lot of state funded positions, but in most cases they are doing a specific job and if the program is eliminated the positions are eliminated. He appreciates the intent with this, but longer term if the funding ends the positions will be eliminated, but that is easier said than done because these positions would be doing work on state projects and as we have seen in the past, when the funding ends, the Public Works Director will be asking the County Board for funding for the positions because they cannot get the work done without them. The concept that this is being put in for one particular program is a little misleading and he is understanding how Green Bay does this where they are getting reimbursed directly from the state but he would like to know what else these positions are doing and whether the city is on the hook for that or how it works. He understands the initial intent but he warns that the Board should be prepared to add the positions to the org chart in the future.

Erickson said this has been discussed thoroughly at PD & T and he feels this is a win – win. We are not looking to hire five people that do not know how to operate a plow. Odds are all of these people will likely come from within the department so they will all already be plow drivers. They will only have to learn how to operate the bridge system, which does not seem to be too difficult because it is all electronic. This will give us the extra help we need. Erickson reiterated this is a win win. He does not see the funding ending because the bridges have to operate.

Buckley said he looked up what the current bridge tenders make with the city and it looks like they make about \$35,000 for nine months of work. Buckley questioned why we would not just keep the current pay and drop it to five which would save the state a lot of money. Fontecchio said the state said it would be an advantage to Brown County having these extra five guys to assist with plowing during the winter months. They thought it was an advantage to both the state and county and would ensure there was good coverage of the state system. All of the numbers were provided to the state and they were fine with it, including specially pay. Buckley asked Lefebvre, who also is on the City Council, if this has been discussed at the city level. Lefebvre said they have not yet discussed this, but she said the county should also realize that the current city bridge tenders do not want to lose their jobs. Buckley does not understand why the state would want to pay more. Fontecchio said this was not his idea. The DOT is a huge client of Brown County and half of what the county highway crew does is for the county and the other half is for the state. When the DOT asks for work to be done the county typically says yes because it is one of the main reasons they are alive. This request was a little different, but Fontecchio does not look at this as anything against the current bridge tenders or the city. He noted the DOT already reached out to city administration and let them know they were thinking of making a change and asking them if they would be okay with them offering the work to the county and the city said yes. Fontecchio does not know all of the details as to why that happened or what's going on. Then when the state came to the county and asked if we would be interested and said they would keep these five guys on year round, of course it was attractive to Fontecchio to have more manpower during winter storms. The pay was pretty straight forward; if he wants guys to entertain the idea of these jobs the pay is going to have to be the same. He said he has information on this on the board in his office for the crews to look at and he feels there is a good likelihood the foreman position will be filled with a good guy.

After that there may be several more interested and then from there they will go to the eligibility list. Fontecchio is trying to honor the DOT request and as a department head, of course he feels it is a good idea because they will have extra help in the winter months. These five guys will report directly to the Operations Manager who already has some experience from a previous job in supervising bridge tenders. From Fontecchio's perspective, he is not afraid to try new things.

Lund said he is not necessarily against this, but asked when Green Bay is going to remove the positions from their table of organization. Fontecchio said it is his understanding that city employees have been notified that as of December 1, 2019 Brown County will be taking over. Weininger said there is really nothing for the city to vote on because if the state takes the funding away, the positions would be done. Moynihan said he will be voting no this evening, but will entertain further information as it becomes available.

Motion made by Supervisor Erickson, seconded by Supervisor Hoyer to approve. Vote taken. Ayes: Lund, Buckley, Erickson, Hoyer, Sieber Nay: Van Dyck, Moynihan. MOTION CARRIED 5 to 2

16. **Resolution Regarding Table of Organization Change for the Public Works Department – Addition of Facility Mechanic Position.**

Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Department of Administration & Human Resources

17. **Director of Administration and Human Resources Oral Report.**

Weininger informed administration is continuing work on the 2020 budget and so far things are going fairly well. Actuary numbers will be in by September 1 and that is when it will be known where the health insurance should be at, but right now it is trending pretty well and Weininger does not expect too many changes.

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

County Executive – No Report.

Other

18. **Such other matters as authorized by law. None.**
19. **Adjourn.**

Motion made by Supervisor Buckley, seconded by Supervisor Van Dyck to adjourn at 7:21 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Administrative Specialist