

## PROCEEDINGS OF THE BROWN COUNTY EXECUTIVE COMMITTEE

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Executive Committee** was held on Monday, December 12, 2011 in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin

---

**Present:** Mary Scray, Chair; Jesse Brunette, Bernie Erickson, Pat Evans, Tom Lund, Guy Zima

**Excused:** DeWane

**Also Present:** Troy Streckenbach, Fred Mohr, Deb Klarkowski, Sara Perrizo, Brian Lamers & Highway Dept staff, Brian Shoup, Judy Friederichs, Mary Johnson, Supervisor John VanderLeest  
Other Interested Parties

---

I. **Call Meeting to Order:**

The meeting was called to order by Chair Mary Scray at 6:30 p.m.

ii. **Approve/Modify Agenda:**

Items were taken out of order, although shown in proper format here.

**Motion by Supervisor Erickson, seconded by Supervisor Evans to approve the agenda as amended. MOTION UNANIMOUSLY APPROVED**

iii. **Approve/Modify Minutes of November 3, 2011:**

**Motion by Supervisor Erickson, seconded by Supervisor Zima to approve. MOTION UNANIMOUSLY APPROVED**

**Communications:**

1. **Communication from Supervisor VanderLeest re: Request to include a commitment of future excess Room Tax Monies in Brown County toward the Resch Center, Shopko Hall, and Arena Complex Capital needs. This would be included in our resolutions related to supporting the KI Expansion. *Motion at 10/3/11 mtg: To hold one month with a request that the County Executive and Supervisor VanderLeest bring back information related to future maintenance costs for the arena complex; Motion at 11/3/11 mtg: To hold (Supervisor VanderLeest not present):***

Supervisor VanderLeest and County Executive Streckenbach addressed the committee regarding a commitment from Brown County related to excess room tax monies. VanderLeest pointed out that current maintenance of the arena and Resch Center is not adequate and it his understanding that excess room tax dollars cannot be used for this purpose.

Streckenbach explained that investigation of general maintenance of buildings and facilities finds that the general rule is to allow 2% to 4% for this purpose. When looking at the total value of the arena campus this would equate to \$1.1 million at 2%, or \$2 million at 4%. He believes there should be a partnership between the enterprise overseeing the property in addition to the County. How much PMI and the County are contributing or appropriating towards this allocation is being reviewed. Streckenbach pointed out that future contracts with PMI and the VCB are coming up and long term maintenance costs will be discussed. He opined that the County should "divorce" itself from the VCB component and directly contract with PMI solely.

The stabilization fund, as agreed to in 1999, should hold \$5.1 million and currently has a balance of \$5.6 million. He indicated this fund was set aside for the purpose of paying down

debt, expansion, capital, or tourism related activities. There have been discussions with the Village of Ashwaubenon to refinance their bonds which would allow a savings.

Supervisor Evans informed the committee of a Room Tax meeting scheduled for January 11<sup>th</sup>. Evans indicated he is promoting expansion of the KI Convention Center, suggesting that in addition to a commitment for room tax dollars toward the Arena complex, that \$7.5 million be committed to the KI expansion.

**Motion by Supervisor Evans, seconded by Supervisor Erickson to commit excess Brown County Room Tax Dollars toward the Resch Center, Shopko Hall, and Arena Complex capital needs, in addition to a \$7.5 million county commitment to the KI Convention Center expansion.**

Supervisor Zima indicated he would not support any motion to commit County dollars to the KI expansion without seeing sound numbers. The County Board submitted a resolution in the last months to the City which supported the concept of an expansion, stating they would not commit a specific dollar figure until they have more facts. Other members of the committee supported Zima's remarks. Attorney Mohr was directed to bring back to committee the previous Resolution which approved the concept of expanding the KI Convention Center.

**MOTION WITHDRAWN**

**Motion by Supervisor Zima, seconded by Supervisor Erickson that studies continue and that the Internal Auditor and Board Attorney review what the City of Green Bay has collected and report back.**

**MOTION APPROVED UNANIMOUSLY**

2. **Communication from Supervisor Tom Lund re: Put \$20,000 in County Board budget for outside legal counsel and establish a policy for this usage. *Referred from November County Board:***

Supervisor Lund asked for consideration to place dollars in a fund for outside legal counsel if a dispute would arise between the Board, their attorney, and Corporation Counsel. He asked that approval for outside counsel be made by the Board, not an individual supervisor. Money would come from the General Fund.

**Motion by Supervisor Lund, seconded by Supervisor Erickson to set aside \$10,000 from the General Fund for outside legal counsel, use of which to be decided by the full County Board.**

Supervisor Zima requested that the matter be held for one month so that Attorney Mohr can review the matter. Mohr was asked to prepare a report outlining the work he does for the Board.

**MOTION WITHDRAWN**

When Counsel Streckenbach was asked his opinion, he replied he would wait for the report and final recommendation. He pointed out that approval would require a three-quarter vote of the County Board.

**Motion by Supervisor Zima, seconded by Supervisor Lund to hold until the January meeting and a report received from Attorney Fred Mohr.**

**MOTION UNANIMOUSLY APPROVED**

**Legal Bills:**

3. **Review and Possible Action on Legal Bills to be Paid:**

**Motion made by Supervisor Erickson, seconded by Supervisor Zima to approve payment of legal bills. MOTION UNANIMOUSLY APPROVED**

**Reports:**

4. **County Executive Report:**

a. **Budget Status Financial Report for October 2011:**

County Executive, Troy Streckenbach, reported that \$30,000 will be returned to the General Fund from the Executive budget.

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to receive and place on file. MOTION UNANIMOUSLY APPROVED**

5. **Internal Auditor Report:**

a. **Budget Status Financial Report for October 2011:**

Internal Auditor, Sara Perrizo, reported that this office is also under budget and that \$4,000 will be returned to the General Fund.

**Motion made by Supervisor Zima, seconded by Supervisor Evans to receive and place on file. MOTION UNANIMOUSLY APPROVED**

b. **Other:**

Ms. Perrizo informed the committee that she will be sitting on the panel to interview for the position of Director of Public Works. She indicated that the study group is in the process of setting up a Table of Organization which will be discussed with the new Director.

Her next project will be a review of the IS equipment for efficiencies, etc.

Perrizo reported that she has been asked by the Administration Committee to research the purchase of computer laptops or notebooks for the Board to be used at meetings. Because she gets her direction from this committee, she asked their opinion. She indicated the computers would have e-mail and internet access and would be approximately \$200 with a lifetime of less than ten years. Plug-ins would be required.

Supervisor Lund explained that the Admin committee was interested in knowing if such a purchase would save postage and printing costs. Perrizo indicated that presently the cost for this service is approximately \$4,000.

Chair Scray indicated that although it is a good concept, suggested it be discussed with the new IS director in the future.

**Motion made by Supervisor Zima, seconded by Supervisor Evans to receive and place on file. MOTION UNANIMOUSLY APPROVED**

6. **Board Attorney Report:**

a. **Discussion re: Chapter 4 as it relates to the Highway Department:**

Larry Adelbush, Highway Shop Superintendent, referred to his memo sent to committee members regarding his concerns of future changes to be implemented under the new Chapter 4 rules and regulations as they relate to the Highway Department (attached). Specifically, he cited concern that the work week begins on Sunday, indicating this will effect the 40 hour work week and present billing issues with area municipalities as it now exists. He also expressed concern with manpower

if new billing practices are implemented and with call-in minimums. Adalbush asked for consideration of the following:

- Start the work week on Monday
- Pay an employee one and one-half times the normal rate of pay for hours worked outside of the regular work day.
- Allow employees paid leave as part of their 40 hour work week for overtime calculations.
- Do not count overtime hours worked as part of the 40 hour work week.
- Pay a minimum 2-hour call in pay at one and one-half times the normal rate of pay for any call in work performed.

**Motion made by Supervisor Erickson, seconded by Supervisor Lund to suspend the rules to allow interested parties to speak.**

**MOTION UNANIMOUSLY APPROVED**

**Dan Schraufnagel – New Franken**

Indicated that all Highway staff is very committed to their jobs and work hard to get all duties completed. They just want to be treated fairly.

**Bob Welsing - Suamico**

Mr. Welsing indicated he is assigned to the Austin Straubel Airport. He indicated that workers just want to know what to expect and to be informed.

**Motion made by Supervisor Evans, seconded by Supervisor Zima to return to regular order of business.**

**MOTION UNANIMOUSLY APPROVED**

After a lengthy discussion by the committee and several scenarios given, it was suggested that Mr. Adalbush and Mr. Lamers meet with the County Executive, Human Resources, and the Board Attorney to discuss their concerns and attempt to find solutions.

**Motion made by Supervisor Zima, seconded by Supervisor Evans to have Larry Adalbush and Brian Lamers from the Highway Department meet with the County Executive, Human Resources, and the Board Attorney to discuss Highway Department concerns as they relate to Chapter 4. MOTION UNANIMOUSLY APPROVED**

- b. **Resolution re: Authority to execute a 2012 Labor Agreement with the Brown County Sheriff's Department Supervisory Employees:**

Board Attorney Mohr distributed a summary of the Sheriff's Department Supervisory total package costing (attached). He indicated that the proposal has been passed by the Sheriff's supervisory employees unit. Changes to the agreement were highlighted as they relate to holiday pay, personal days, overtime, health insurance etc. Mohr reported no pay increase over the life of the contract. Recommendation is to approve.

**Motion made by Supervisor Lund, seconded by Supervisor Evans to approve. MOTION UNANIMOUSLY APPROVED**

- c. **A Closed Session pursuant to Wis. Stats & 19.85 (1)(e) 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. (Labor Negotiations):**

No Closed Session was held. Attorney Mohr reported that requests to negotiate contract wages are being received.

**Vacant Budgeted Positions (Request to Fill):**

Although Supervisor Erickson asked if any of these positions could wait until the end of February to fill, Debbie Klarkowski and department heads indicated it necessary to fill as soon as possible. Several are due to retirement, with others due to inter-departmental transfers.

7. **Finance/Purchasing – Administrative Clerk Purchasing (vacated 12/15/11):**  
**Motion by Supervisor Lund, seconded by Supervisor Zima to approve.**  
**MOTION UNANIMOUSLY APPROVED**
  
8. **Health Department – Public Health Nurses (x2) (vacated 12/16/11 & 12/29/11):**  
**Motion by Supervisor Evans, seconded by Supervisor Brunette to approve.**  
**MOTION UNANIMOUSLY APPROVED**
  
9. **Highway Department – Assistant Superintendent (vacated 12/23/11):**  
**Motion by Supervisor Erickson, seconded by Supervisor Evans to approve.**  
**MOTION UNANIMOUSLY APPROVED**
  
10. **Highway Department – Engineering Technician II (vacated 12/9/11):**  
**Motion by Supervisor Erickson, seconded by Supervisor Evans to approve.**  
**MOTION UNANIMOUSLY APPROVED**
  
11. **Highway Department – Fleet Manager Position (vacated 12/23/11):**  
**Motion by Supervisor Erickson, seconded by Supervisor Lund to approve.**  
**MOTION UNANIMOUSLY APPROVED**
  
12. **Highway Department – Highway Laborer (vacated 12/1/11):**  
**Motion by Supervisor Erickson, seconded by Supervisor Lund to approve.**  
**MOTION UNANIMOUSLY APPROVED**
  
13. **Human Services – Administrative Secretary (vacated 1/6/12):**  
**Motion by Supervisor Brunette, seconded by Supervisor Lund to approve.**  
**MOTION UNANIMOUSLY APPROVED**
  
14. **Human Services – Assistant Director of Nursing (vacated 12/23/11):**  
**Motion by Supervisor Evans, seconded by Supervisor Brunette to approve.**  
**MOTION UNANIMOUSLY APPROVED**
  
15. **Human Services – Clinical Social Worker (vacated 11/2/11):**  
**Motion by Supervisor Evans, seconded by Supervisor Lund to approve.**  
**MOTION UNANIMOUSLY APPROVED**

16. **Human Services/CTC – Housekeeper 1 (x1.5)(vacated 4/30/11 & 11/26/11):**

**Motion by Supervisor Evans, seconded by Supervisor Lund to approve.  
MOTION UNANIMOUSLY APPROVED**

17. **Human Services – Social Worker/Case Manager-CPS (x3)(vacated 10/3/11 (x2) & 11/1/11):**

**Motion by Supervisor Zima, seconded by Supervisor Evans to approve.  
MOTION UNANIMOUSLY APPROVED**

18. **Information Services – Programmer/Analyst II (vacated 12/2/11):**

**Motion by Supervisor Erickson, seconded by Supervisor Brunette to approve.  
MOTION UNANIMOUSLY APPROVED**

**Other:**

19. **Such Other Matters as Authorized by Law:**

**January Meeting – 5:30 p.m. – Thursday, January 12<sup>th</sup>**

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to adjourn at 9:35 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Rae G. Knippel  
Recording Secretary

## Corporation Counsel

305 E. WALNUT STREET  
P.O. BOX 23600  
GREEN BAY, WI 54305-3600



John F. Luetscher

PHONE (920) 448-4006  
luetscher\_jf@co.brown.wi.us

FAX (920) 448-4003

November 30, 2011

Education & Recreation Committee  
Brown County Board of Supervisors

**RE: Room Tax Issues**

Dear Committee Members:

Some time ago Chairman Brunette asked me to attend your December 1<sup>st</sup> meeting to address Room Tax Issues and I agreed. Later, the Department of Human Services requested I attend an important meeting dealing with changes in the Economic Support Unit in 2012. I agreed and then learned the meeting is from 1:00-4:00 p.m. in Wisconsin Rapids. I may not return to Green Bay in time to attend your meeting, so I am providing requested information in this letter.

### INCREASE IN ROOM TAX

Cities, villages and towns levy and collect room taxes. In Brown County, the cities and villages collecting room tax are organized into a "zone." The municipalities in the "zone" were required to create a room tax commission. The commission monitors room tax collections and expenditures. The commission is comprised of members from municipalities and the lodging industry. The County is not a member but staff, including myself, attends meetings when necessary.

The Room Tax Commission has discussed and informally endorsed a proposal to increase the room tax levied and collected by members in the "zone" from 8% to 10% if the revenue generated by the two-percentage point increase is used to increase funding for the Green Bay Visitors and Convention Bureau (VCB). This proposal has support in several of the municipalities collecting room tax and I expect this matter will continue to be discussed in 2012.

The County does not have a direct role in this discussion about increasing the room tax. Indirectly, we do have interest. First any pledge of revenue from an increased room tax to VCB must be revocable in the event the revenue from the 8% room tax is inadequate to pay debt service on the bonds the County guaranteed for the construction of the Resch and KI facilities.

Second, the current funding for VCB is from rent PMI pays for the lease of the Resch Center Complex. Accordingly, the County has an interest in what additional funding is furnishing to VCB.

### SURPLUS FUNDS IN ROOM TAX STABILIZATION FUND

In 1999 municipalities levying and collecting room tax, the County, the Green Bay Area Room Tax Commission, and the Development Authorities entered a Cooperation Agreement and a Pledge and Security Agreement. In the Cooperation Agreement, the parties agreed, among other things, to impose room taxes to finance the KI Center and the Resch Center. In the Pledge Agreement, room tax revenue was pledged for the purpose of, among other things, making debt service payments on the bonds issued for the KI Center and the Resch Center. The County agreed to guarantee the bond issues if the room tax revenue generated with an 8% room tax becomes inadequate to pay the debt service. The Trustee for the bonds, Associated Bank, created a Room Tax Stabilization Fund to accumulate room tax revenue not needed for current debt service. This fund has grown over the years and it now contains a balance exceeding what is needed for the stabilization fund.

The Cooperation Agreement and other financing documents detail how surplus funds in this account can be used.

The Cooperation Agreement states at section 5.07:

"If the Room Tax Commission holds and retains Surplus Net Room Tax Revenues, then such Surplus Net Room Tax Revenues shall at the election of the County be made available to the Authorities

- (i) For payment of debt service on the Bonds,
- (ii) For Municipal Development Cost,
- (iii) To reduce the size of the Bond issues,
- (iv) For early redemption of bonds;

or be made available for such other tourism activities and promotion as approved by the County.

You can see the Cooperation Agreement restricts the ways the surplus funds can be expended. Moreover, bond counsel for these bond issues has advised the trustee, Associated Bank, the trustee can reasonably require evidence of how payments from the fund will be used for tourism activities and promotion if that election is made.

I conclude these "Surplus Net Room Tax Revenues" are available to be expended for specific purposes pursuant to the parties' agreements and the bond documents. The trustee will verify the funds are used for such an authorized purpose.

I hope this information is helpful to the Committee.

Respectfully,

John F. Luetscher  
CORPORATION COUNSEL

JFL/rrm



HIGHWAY DEPARTMENT

Brown County

2198 GLENDALE AVENUE  
GREEN BAY, WI 54303  
PHONE (920) 492-4925 FAX (920) 434-4576  
EMAIL: bc\_highway@co.brown.wi.us

BRIAN L. LAMERS, CPA  
HIGHWAY COMMISSIONER

December 9, 2011

Chairperson Mary Scray & Members of the  
Brown County Executive Committee

RE: Highway Department / Chapter 4 Concerns

Dear Executive Committee Members,

I am hereby submitting for your review and consideration the enclosed information regarding some concerns I have about future changes that will be implemented under the new Chapter 4 rules and regulations at the Highway Department.

As of December 23, 2011, following 42+ years of employment with the Highway Department, I will be retiring; therefore my concerns regarding these issues are not presented for myself, but for what is best for not only the Brown County Highway Department, but for the community we provide services for.

The Highway Department has operated with a minimal staff for many years, and it's only due to the hard work, dedication and cooperation of our employees that we are able to provide the high level of service that we now provide. We have been extremely fortunate to have our employee's full cooperation, always ensuring that they made themselves available for snowplowing, ice control and emergency work, even though they received no compensation to do so. Whether they were off on vacation, bereavement, etc., they would listen to the weather forecasts and change their plans, rest up and prepare themselves for an upcoming storm/event – all at no cost to Brown County.

Our operators work in the most extreme/hazardous of conditions and endure long hours in high stress and demanding conditions. Snowstorms can often require an employee to work 16 hour shifts, take 4 hours off – many times sleeping in their truck or on a mattress in a breakroom at one of the shops and then reporting back in to work another 16 hours. When storms last several days, these operators will continue this gruesome routine until they have the roadways safe to travel again for the motorists of Brown County.

I am being told that the Payroll Department HAS to start the work week on Sunday. If this is true, then when an emergency occurs (i.e., snow storm, ice storm, sign damage, road repairs, traffic signal knockdowns/mal-functions, etc.) on a Sunday, our employees will be called in on "straight time" and their time will be charged to whatever entity they are doing the work for. Then they proceed to work their regular time during the week. I am being told that once they achieve their 40 hours (Sundays included), they will be sent home; or upon discretion of management and are needed, they will be paid overtime at that point. However, the entity they work for at this point will then be charged the overtime costs. There is work that still has to be done, snowstorms or not, in fact snowstorms increase our daily work load; therefore sending employees home is just not an option.

EXAMPLE: Snowplow on Sunday for the Town of Scott on straight time, then when needed on say Thursday or Friday for County work, Brown County is then charged the overtime costs. This gives the Town of Scott a great "deal" and runs up the costs for Brown County.

GA

SOLUTION: Why can't we make a simple change and start the work week on Mondays? This would solve not only the overtime issue on Sundays; but the inappropriate billing issues.

I also have very strong concerns that we will be short manpower due to not paying overtime on Sundays. Employees will not be as willing to come in on Sundays for straight time knowing that they may be sent home at any time during the week once they have completed 40 hours of work.

Our department overtime is usually due to emergency situations, such as snow/ice storms, major accidents, etc. These are not ideal work conditions, which place our guys out in the very same elements that we are warning the public to stay home in. In my opinion, it's not fair to ask them to leave the safety of their homes to perform emergency work for straight time pay.

Beginning in the winter season of 2010/2011, Human Resources enacted a policy whereby our employees are required to work 40 hours before they were paid overtime outside of normal work day. However, if they take a day of vacation during the week and are called in on a Saturday, they are not paid overtime for their Saturday work, until they have completed 40 hours of work. So if they claimed vacation for that time off during the week, they could not make themselves whole using that vacation time, they have to physically work the hours until they reach 40 hours. This penalizes a person for taking time off (vacation, bereavement, sick, personal, etc.) for being off during the week. This therefore limits how a person uses their time off from work and discourages them from reporting to work for over time if they have been off during the week. This in turn reduces the number of employees for call in and will also "force" employees to take weeks off at a time versus just a day here and there.

#### CHAPTER 4 OF THE BROWN COUNTY CODE:

4.06 Amendments. This chapter states that it may be amended, when required by the Brown County Board of Supervisors in the same manner as it was adopted.

Therefore I am hereby requesting that the Brown County Executive Committee consider amending Chapter 4 of the Brown County Code to include the following:

1. Start the work week on Monday.
2. Pay an employee one and one-half times the normal rate of pay for hours worked outside of the regular work day.
3. Allow an employees paid leave count as part of their 40 hour work week for overtime calculations.
4. Do not count overtime hours worked as part of the 40 hour work week.
5. Pay a minimum 2-hour call in pay at one and one-half times the normal rate of pay for any call in work performed.

I appreciate this opportunity to present these concerns to you. I will be in attendance at your next scheduled meeting of Monday, December 12, 2011 to address any questions or concerns regarding this matter. However if you wish to speak with me prior to that, please feel free to contact me at (920) 609-4700.

Sincerely,

BROWN COUNTY HIGHWAY DEPARTMENT



Lawrence W. Adlebush  
Shop Superintendent

6a

**BROWN COUNTY SHERIFF SUPERVISORY  
TOTAL PACKAGE COSTING**

24.00 FTE'S	<u>2011</u>	<u>2012</u>	
WAGES	1,980,613.21	1,980,613.21	0.00%
LONGEVITY	8,402.42		
TOTAL WAGES:	<u>1,989,015.63</u>	<u>1,980,613.21</u>	N/A

\$ INCREASE	(8,402.42)
% INCREASE	-0.42%

Health Insurance Total Cost (annual) 362,246.93 Add'l 1% contribution (7,244.94)

DENTAL 29,419.44 Cost minus 13% contribution 369,491.87

LIFE 4,399.32 0.00% 29,419.44

FICA 7.65% 152,159.70 7.65% 4,399.32

WRS 17.00% 338,132.66 17.20% 151,516.91

TOTAL PACKAGE: 2,875,373.67 340,665.47

\$ INCREASE	6,512.39
% INCREASE	-0.23%

TOTAL COST: -0.23%