

**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, February 9, 2009 in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin

Present: Mary Scray, Chair; Bernie Erickson, Patrick Evans, Tom Lund, Andy Nicholson, John VanderLeest, Guy Zima
Also Present: County Executive Tom Hinz, Jayme Sellen, Debbie Klarkowski, Don VanderKelen, Fred Mohr, Mark Quam, Tom Eggebrecht, Diane Pivonka, Sara Perrizo, Alicia Loehlein, Supervisors Andrews/Knier
Media

i. **Call Meeting to Order:**
The meeting was called to order by Chair Mary Scray at 6:03 p.m.

ii. **Approve/Modify Agenda:**
Items were taken out of order, although shown in proper format here.

Motion made by Supervisor Lund and seconded by Supervisor Erickson to approve as modified. MOTION APPROVED UNANIMOUSLY

iii. **Approve/Modify Minutes of January 12, 2009**
Supervisor Scray asked that a clarification be added to #2, Legal Bills, page 2 to read as follows: "Attorney Kalny was not paid for the bills that we feel were in personal counsel to the Executive. This matter is now finished. We have sent letters to Kalny notifying him of this and we are now past 120 days."

Page 3, Paragraph 3, "Supervisor Lund questioned the Governor's budget and the \$5 **billion** (not million dollar hole . . .)"

Page 3, #6, Labor Negotiator Report – "Don VanderKelen came forward and made a suggestion for everyone to familiarize themselves with the State of Wisconsin Statutes **111.70** (not 1.11.70).

Motion made by Supervisor Lund and seconded by Supervisor Zima to approve as modified. MOTION APPROVED UNANIMOUSLY

(Move to #6 on the agenda)

Comments from the Public/Such Other Matters as Authorized by Law: None

(Supervisor VanderLeest & Nicholson arrived 6:20 p.m. and 6:25 p.m. respectively)

Presentation:

1. **Presentation by Jerry Bannon, NWTC Program Improvement Coordinator on Organization Effectiveness:**

County Executive Hinz introduced Jerry Bannon, stating that Mr. Bannon worked for approximately 20 years at Proctor & Gamble and is now a Program Improvement Coordinator on organizational effectiveness at NWTC. Hinz explained that to achieve management and organizational improvement the County is embarking on a county wide organizational effectiveness (LEAN) initiative. Through this initiative, Brown County will develop and implement a consistent approach to redesign business processes and performance improvement while providing the best possible service.

Mr. Bannon gave a power point presentation first noting Brown County's Mission and Philosophy . . . "to provide our citizens with a high level of responsible and efficient public services . . . working in county government requires a committed way of life, one which is dedicated to continually seeking ways to improve the services we provide to the community".

Mr. Bannon addressed "lean strategy", the identification and elimination of non valued-added (waste) activities, with a focus on the customer, continual improvement in the way work is done, a focused, disciplined approach, and one that requires leadership, while producing what the customer requires without waste. Bannon described waste as anything that does not add direct value to the product/service, or anything that the customer would not pay for if given the choice. Wastes include waiting time, inventory, transportation, defects, motion, overproduction, over processing, and under utilization of people.

Mr. Bannon explained that future steps could include leadership training to address reinforcement of the principle of open, honest communication, to continue to gain alignment on the needed leadership to fully execute the county mission and philosophy, to continue the work of improving the efficiency of our services to internal and external customers, and to be proactive in meeting future budget demands.

Legal Bills:

2. **Review Legal Bills to Pay:**

Supervisor Zima pointed out that it may not be necessary to bring invoices for contract services which are on retainer to the committee every month as they are ongoing, one example being the services of Attorney Mohr. Consensus of the committee was agreement.

Motion made by Supervisor Zima and seconded by Supervisor Lund to approve legal bills, noting that retainer contracts do not have to come before the committee for approval every month, but can go directly to Payroll. MOTION APPROVED UNANIMOUSLY

Reports:

3. **County Executive Report:**

Executive Hinz reported the following:

- A trip was made to Ahrens Manufacturing who is using the system for organizational effectiveness explained by Mr. Bannon. They have found it very worthwhile.
- An oversight committee has been created to focus on energy. This committee includes membership of the Oneida Tribe.
- John Luetscher has been hired as the County's new Corporation Counsel.

a. **Legislative Agenda:**

Ms. Sellen reported that renewal of her lobbying license was approved on Friday. She plans a trip to Madison tomorrow, 2/10/09, to attend an update from the Wisconsin Counties Association. She indicated that the Governor's Budget is to be out by 2/17/09. The following items are to be before the Legislature in the near future. Each was discussed and direction given to Ms. Sellen.

Indigent Defense

Ms. Sellen explained that the statute regarding indigent defense has not been updated since 1987. It addresses the ability of indigent individuals to qualify for the services of the State Public Defender's Office. The legislature will update indigent standards on an annual basis to reflect current federal poverty guidelines and cost to obtain counsel, and will provide for representation of the State Public Defender for parents in CHIPS cases.

Motion made by Supervisor Zima and seconded by Supervisor Lund to approve. MOTION APPROVED UNANIMOUSLY

Probation & Parole

This statute requires the Department of Corrections to reimburse counties \$40 per day for probation and parole holds. The legislature will rescind statutory pro-ratio language and replace it with mandatory payments at the full statutory rate, will support legislation that would allow county sheriff's departments to place certain probation and parole holds on electronic monitoring, and will support the state building a facility to detain probation and parole holds in Brown County.

Motion made by Supervisor VanderLeest and seconded by Supervisor Erickson to approve.

Ayes: Erickson, Evans, Lund, Scray, VanderLeest, Zima

Abstain: Nicholson

MOTION APPROVED 6-1

Land Information Office

In 1989 Wisconsin Act 339 created a statewide Land Information Program to modernize land records. Each county was required to create an LIO Committee to oversee the program. LIO is funded through a recording fee that is collected in the Register of Deeds' office, currently \$11 for the first page and \$2 for each additional page. Each county retains \$5 of the first page to fund land records modernization and to develop public access. A slump in the real estate market has resulted in a large decline in the recording of real estate documents thus bringing less revenue to fund this mandated program.

Ms. Sellen noted that in July of 2008 the Brown County Board approved a resolution that supports creating a flat fee for the recording of real estate documents at \$25 per document. She pointed out that Register of Deeds' offices throughout the state have supported this rate structure.

Motion made by Supervisor Erickson and seconded by Supervisor Lund to approve.

Supervisor Zima questioned the fee schedule stating it may not be justified as someone who has only one page would pay the same \$25 as someone who has ten or more pages. Supervisor Erickson explained that this issue was discussed at great length at the committee level, stating that on an average the fee will be less than before, however, will distribute money to fund the LIO office mapping and GIS services. Zima opined that if LIO is not meeting the expenses to fund the office, they should adjust the individual pages, rather than set a flat fee, which shows prejudice against the small user. Further discussion resulted in the suggestion that the item be referred back to Ms. Sellen for further review.

Motion made by Supervisor VanderLeest and seconded by Supervisor Nicholson to refer back to Legislative Assistant, J. Sellen, for further review and bring back to committee for discussion.

Supervisor Erickson stated he would not support the motion, that sending it back will only jeopardize the services of the Land Information Office because of the delay.

Ayes: Evans, Lund, Nicholson, Scray, VanderLeest, Zima

Nays: Erickson

MOTION APPROVED 6-1

Juvenile Corrections & Youth Aids

Ms. Sellen explained that counties are required by state statute to provide juvenile delinquency related services. Although the State provides funding to assist in offsetting costs, youth aids do not fully fund the costs. This legislation will require an increase in youth aids to cover increases in state charges to counties for placements in juvenile correctional facilities,

and will support increase in the youth aids appropriation to cover increasing costs of serving delinquent youth in community settings.

Motion made by Supervisor VanderLeest and seconded by Supervisor Evans to approve. MOTION APPROVED UNANIMOUSLY

Community Service Options for Certain Defendants

Current law allows a person who is imprisoned in a county jail to earn "good time" against their sentence by performing community service work. This legislation will give counties the authority to establish a community service work program for persons sentenced to probation, a Huber facility, or those who cannot afford to pay a fine, forfeiture, or court assessment.

Discussion by the committee resulted in a suggestion that language be added that this work program be only for non-violent offenders. Supervisor Evans stated he would not support this action as it was "factually inaccurate".

Motion made by Supervisor Lund and seconded by Supervisor Zima to add language relative to non-violent offenders.

Ayes: Erickson, Lund, Nicholson, Scray, VanderLeest, Zima

Nays: Evans

MOTION APPROVED 6-1

E911 Funding

2003 Wisconsin Act 48 created a 3 year grant program to reimburse local governments and wireless telephone service providers for certain costs incurred in providing enhanced wireless 911 emergency call service. Funding was provided by a temporary user fee which expired in November of 2008.

This proposed legislation will treat future technologies which can dial 911 equally concerning standards and surcharge amounts, will enact a user fee to pay for the capital costs and maintenance of 911 systems, and will allow 911 centers access to the latest technology, along with a financial incentive to take advantage of such technology.

Motion made by Supervisor Nicholson and seconded by Supervisor Zima to approve. MOTION APPROVED UNANIMOUSLY

Special Assessment for an Annual Fee to Administer the Private Onsite Wastewater Treatment System Program

This legislation will give counties the option to place an annual fee in the form of a special assessment on property tax bills for the administration of the POWTS (private onsite wastewater treatment systems) program.

Motion made by Supervisor Lund and seconded by Supervisor Erickson to approve. MOTION APPROVED UNANIMOUSLY

Levy Limits

Levy limits were placed in the state's biennial budget which prohibit local governments from increasing their tax levy by more than 2% or new construction, whichever is greater. As Brown County has traditionally been a responsible, fiscally conservative county, Supervisor VanderLeest expressed concern with the legislation, specifically the first bullet point which would "eliminate or increase flexibility of levy limits". He asked that the word "eliminate" be removed.

- Support legislation that would *eliminate or* increase flexibility of levy limits.

VanderLeest also suggested that language be added to request that incentives be given to local governments to hold down levy.

Motion made by Supervisor VanderLeest and seconded by Supervisor Lund to approve the bullet point to support legislation that would increase flexibility of levy limits (deleting the word *eliminate*), adding to give incentives for local governments to hold down levy. MOTION APPROVED UNANIMOUSLY

- Support exemptions to the levy limit for items that counties do not control, i.e. *health insurance costs* or unfunded state mandates.

VanderLeest again took exception to the language referring to health insurance costs. Discussion resulted in the suggestion that "health insurance costs" be deleted.

The impact of mandates was discussed with Supervisor Zima indicating that the Board has always been opposed to unfunded mandates. He stated he is opposed to the state imposing levy limits in the first place and questioned if it was even constitutional. At the very least levy limits should recognize a county who stays within the limit over a five year average.

Ms. Sellen asked whether an addition should be made that levy limits would be based on allowable rather than actual. The committee agreed with this suggestion.

Motion made by Supervisor Lund and seconded by Supervisor VanderLeest to delete "health insurance costs", so that the bullet point reads, "Support exemptions to the levy limit for items that counties do not control, i.e. unfunded state mandates. MOTION APPROVED UNANIMOUSLY

Additional discussion related to unfunded mandates resulted in a motion by Supervisor Lund as follows:

Motion made by Supervisor Lund and seconded by Supervisor VanderLeest to add a bullet point that there be no future unfunded mandates from the State. MOTION APPROVED UNANIMOUSLY

Supervisor Zima suggested that the committee add language to support that the levy limit be based on previous year's levy limit rather than actual.

Motion made by Supervisor Zima and seconded by Supervisor VanderLeest that the levy limits be based on an allowable vs. actual budget with a five year average.

Supervisor Scray stated she would not support this action as she is of the opinion that if the levy limit works for one year, it should work for additional years. Supervisor Nicholson also stated he would not support this action.

Ayes: Evans, Erickson, Lund, VanderLeest, Zima

Nays: Nicholson, Scray

MOTION APPROVED 5-2

Public Bidding of Public Works Projects

Current state statute requires bidding for any public work project costing more than \$25,000. Ever increasing costs of building materials and labor has severely limited counties' ability to build projects at a low cost under this law. This legislation would increase the limit on public bidding of public works projects.

Motion made by Supervisor VanderLeest and seconded by Supervisor Lund to approve. MOTION APPROVED UNANIMOUSLY

Segregated Transportation Fund

In February of 2008 the County Board passed a resolution requesting segregated fuel tax revenues and vehicle registration fees be put in the Segregated Transportation Fund to be used solely for transportation purposes. In the past two state budgets, over \$527 million has been diverted from this fund to the state's General Fund. This legislation opposes and discourages the state budget practice of transferring funds from the Segregated Transportation Fund to the general purpose revenue portion of the state budget.

Motion made by Supervisor Lund and seconded by Supervisor Nicholson to approve. MOTION APPROVED UNANIMOUSLY

State Prosecutor Staffing Levels

An audit performed in 2007 showed that district attorney's offices were understaffed by 117.22 FTE positions statewide, with Brown County short 7.31 positions. This legislation would support an increase in the number of state prosecutors in Brown County.

Motion made by Supervisor Lund and seconded by Supervisor Nicholson to approve. MOTION APPROVED UNANIMOUSLY

Child Support Funding

In 2005 the Federal Deficit Reduction Act cut funding for state child support programs by removing matching federal funds. This legislation would provide county child support agencies with an additional \$3 million annually to backfill federal funding cuts.

Motion made by Supervisor Evans and seconded by Supervisor VanderLeest to approve. MOTION APPROVED UNANIMOUSLY

Sheriff Escorts for Special Events

The Brown County Sheriff's Department is responsible for safely transporting high profile people to special events in the County. This legislation would support a change in state statute that specifically authorizes police vehicles, with warning lights activated and while using due regard, to escort any vehicle procession through traffic signals or stop signs.

Motion made by Supervisor VanderLeest and seconded by Supervisor Evans to approve. MOTION APPROVED UNANIMOUSLY

4. **Labor Negotiator Report:**

a. **Human Services Quality Positions Update:**

Debbie Klarkowski distributed information relative to the transfer of the Planning, Evaluation & Quality Management Director from the Human Services Department to the Human Resources Department (attached). She stated there is no fiscal impact.

Mr. Quam, however, informed the committee that this is a grant position which most likely will not transfer. Mr. VanderKelen reiterated there is no fiscal impact because of Human Resource vacancies.

Motion made by Supervisor VanderLeest and seconded by Supervisor Lund to approve and forward to legal counsel to draft a resolution. MOTION APPROVED UNANIMOUSLY

b. **Review of Time Off Guidelines for Employees:**

Supervisor Zima stated it has been brought to his attention that at the present time, employees leaving after the first of the year are eligible to collect their yearly vacation even if they only work a few days. It is recommended that this practice be changed so that benefits are pro-rated for time worked the previous year of employment.

Motion made by Supervisor Zima and seconded by Supervisor Lund to approve with the understanding that benefits will be pro-rated over the last year of employment. MOTION APPROVED UNANIMOUSLY

- c. **Update on 12 Hours Safety Policy:**
This issue relates to employees working a 12 hour shift and the effect of safety. Recommendation was made to refer to Attorney Mohr for the drafting of a resolution to be presented to the County Board.

Motion made by Supervisor Zima and seconded by Supervisor Nicholson to approve and forward to legal counsel to draft a resolution to be presented to the County Board.
MOTION APPROVED UNANIMOUSLY

- d. **Open Positions Vacancy Analysis:**
Because Brown County is embarking on a county wide organization effectiveness initiative explained above in #1, Ms. Klarkowski indicated that an analysis will be done in the future of all vacant positions before they are filled.

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

- e. **Resolution re: Authority to execute a 2009 Labor Agreement with the Brown County Professional Public Health Sanitarians:**

Motion made by Supervisor Evans and seconded by Supervisor Erickson to approve. MOTION APPROVED UNANIMOUSLY

5. **Internal Auditor Report:**

- a. **Updated Uniform Policy Draft:**
Ms. Perrizo distributed an updated policy relative to uniform purchase (attached). She explained there are ten departments within the County who would be affected by this policy.

The policy will be administered through the County Purchasing Department who will establish a list of vendors from which uniform items can be purchased. Employees will first obtain departmental approval, make their purchases from one of the pre-identified vendors, who will then bill the County.

Motion made by Supervisor Evans and seconded by Supervisor Lund to refer to the County Executive for Management Team review with a report at the next Executive Committee meeting.
MOTION APPROVED UNANIMOUSLY

- b. **Update on Golf Course Audit:**
Ms. Perrizo reported that she has visited the Golf Course with the intent to complete an audit on internal controls, beginning with the Safari Steak House. Because of an apparent lack of procedure surrounding their point of sale system she will return to meet with the management and will be reviewing two to three years of numbers to assure accurate recording. She will report back to committee.

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

County Board:

6. Questions from County Board Office:

a. Digital Voice Recording Software:

County Board Secretary, Alicia Loehlein, presented information relative to the possible purchase of digital voice recorders and software for use in taking committee meeting minutes (attached). She explained that digital recording offers a clear high quality sound, as compared with the current micro-cassette dictation tapes. It also would offer the option of built-in flash memory or the utilization of a memory stick media card which would provide unlimited capacity with the ability to bookmark agenda items for easy playback. Ms. Loehlein requested approval to proceed with further research regarding a digital voice recorder system with the included software.

It was suggested that a trial use period be considered and Supervisor Evans recommended Camera Corner for this purpose. Ms. Loehlein stated that she has looked at an Olympus and Sony, which are in the \$500 range.

**Motion made by Supervisor Evans and seconded by Supervisor Lund to proceed with researching a digital voice recording system for use in the County Board office.
MOTION APPROVED UNANIMOUSLY**

b. Scheduling of Committee Secretaries:

Chair Scray indicated that County Board Secretary, Alicia Loehlein, has scheduled coverage of committee meetings until the second person is hired in the County Board office.

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

c. Update of County Board Office Positions:

Chair Scray informed the committee that interviews have been scheduled for Friday of this week.

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

Resolutions/Ordinances:

7. **Resolution re: UW-Extension Department Change in Table of Organization (Addition of Limited Term Employee. (Referred from Planning, Development & Transportation Committee):**

A grant has been received from the University of Wisconsin-Eastern District Office for 2009 to allow the addition of a LTE Coordinator at Camp Bird. This position will be added to the UW-Extension Table of Organization.

Motion made by Supervisor Erickson and seconded by Supervisor Evans to approve. MOTION APPROVED UNANIMOUSLY

8. **Resolution re: Change in Sheriff's Department Table of Organization – Replace two Brown County Officer positions with two contract positions. (Referred from Public Safety Committee):**

The County Board added positions to the Sheriff's Department's Drug Task Force budget for the year 2009. The Village of Ashwaubenon and the City of DePere have agreed to provide officers to the Drug Task Force on a contractual basis beginning in March. Therefore funding for the contracted positions will be offset by eliminating two of the County officers which were added in the 2009 budget and the Sheriff's Department Table of Organization will be decreased by two Deputy Sheriff positions.

Motion made by Supervisor Evans and seconded by Supervisor Nicholson to approve. MOTION APPROVED UNANIMOUSLY

9. **Resolution re: Waiver of Fees for the Usage of Facilities and Property owned or maintained by Brown County:**

This resolution relates to fees for the usage of facilities and property owned and maintained by Brown County which may be waived by the appropriate standing committee if all criteria are met. Such criteria includes that the fee would create a hardship, that the Department has established a need for in-kind services, and that the requester provides in-kind services in substitution for the regularly charged fees.

Motion made by Supervisor Evans and seconded by Supervisor VanderLeest to approve. MOTION APPROVED UNANIMOUSLY

- 10 **Closed Session: For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to 19.85 (1) (e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82 (1) of the Wisconsin State Statutes, and also for the purpose of conferring with legal counsel for Brown County as to legal advice concerning strategy as to litigation pending pursuant to Sec 19.85 (1) (g) of the Wisconsin State Statutes: None**

11. **Such other matters as authorized by law:**

**Motion made by Supervisor Evans and seconded by Supervisor Erickson
to adjourn at 8:10 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Rae G. Knippel
Recording Secretary