

PROCEEDINGS OF THE BROWN COUNTY EXECUTIVE COMMITTEE

DRAFT

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Executive Committee** was held on Monday, June 6, 2011 in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin

Present: Mary Scray, Chair; Jesse Brunette, Tom DeWane, Pat Evans, Guy Zima
Excused: Bernie Erickson, Tom Lund
Also Present: Troy Streckenbach, Fred Mohr, Debbie Klarkowski, Bill Dowell,
Supervisors Buckley, Fewell, LaViolette, Moynihan, Media, 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 Evans, seconded by Supervisor Zima to approve the agenda as amended. MOTION UNANIMOUSLY APPROVED

III. Approve/Modify Minutes of May 17, 2011:

Motion by Supervisor DeWane, seconded by Supervisor Evans to approve the minutes. MOTION UNANIMOUSLY APPROVED

Communications:

1. **Communication from Supervisor LaViolette re: Consider changes in policies & procedures that would make the operation of the County Board more efficient and effective, (i.e. meet twice a month; allowing every supervisor to talk on every subject with time limitations and setting an adjournment time such as 11:00 p.m.) *Referred from May County Board:***

Supervisor LaViolette explained her communication relates to changes in policies and procedures of the County Board. She asked for consideration that the Board meet twice a month instead of once, that every supervisor be given the opportunity to talk on each subject, and to set an adjournment time at 11 p.m.

In his position as Board Chairman, Supervisor Zima, stated that suggestions in the past to meet twice monthly were not well received. He indicated that he tries to give each supervisor a chance to speak if they are making good points which are beneficial to the Board, and to monitor any repeating. He indicated that the Board has the right to adjourn at any time.

The consensus was to bring these suggestions before the Board for their feedback and report back to committee.

Motion by Supervisor Zima, seconded by Supervisor DeWane to hold for 60 days for feedback from Board members. MOTION UNANIMOUSLY APPROVED

2. **Communication from Supervisor Buckley re: To discuss status of lawsuit involving the former County Executive, Board Chair, and Board Attorney, to get clarification on any conflict of interest. *Referred from May County Board:***

Supervisor Buckley asked for an update regarding the lawsuit involving the former County Executive, the Board Chair, and the Board Attorney which has been filed by Don VanderKelen, former Labor Negotiator. It was his impression that it is not being taken seriously and that there is a lack of action.

Attorney Mohr explained that the suit against him is separate from that against the County and that he has his own malpractice attorney representing him.

Supervisor Zima suggested and made a motion that he meet with the involved parties the next day to discuss the matter.

Motion by Supervisor Zima, seconded by Supervisor DeWane to hold a meeting with Corporation Counsel, Board Attorney, County Executive and Board Chairman Zima to discuss status of lawsuit and to determine if a Closed Session should be held at the next Board meeting.

Supervisor Buckley indicated this action is inappropriate as Zima is involved in the lawsuit.

MOTION WITHDRAWN

Chair Scray requested that further discussion be delayed to a Closed Session at the next County Board meeting.

Motion by Supervisor Brunette, seconded by Supervisor Evans to refer discussion to a Closed Session at the June 15, 2011 County Board meeting. MOTION UNANIMOUSLY APPROVED

3. **Communication from Supervisor Fewell re: Due to Governor Walker's Budget Repair Bill that limits Union bargaining rights and reduces Brown County to only one bargaining unit, it is imperative that the Brown County Board review the contract and make appropriate changes for 2012 budget year. Referred from May County Board:**

Supervisor Fewell explained that if Governor Walker's Budget Repair Bill is enacted, Brown County unions will be reduced from 19 to 1. He stated it is necessary that Attorney Mohr be informed that the union negotiator contract he holds with Brown County may need to be modified at year end.

In response to questions regarding other contracts he holds with the County and how much he is paid, Mohr explained that he receives \$42,000 annually in his role as County Board attorney. He receives \$66,000 for advisory work to Human Resources (\$5,500 per month), plus \$500 for a secretary. This service was previously done by outside attorneys and averaged \$225,000 annually. The County was paying \$48,000 per year for labor negotiations using Mohr and VanderKelen, which has now been reduced to \$36,000 using Attorney Mohr only.

Fred Mohr indicated that the labor negotiator contract requires a six month termination notice, with the other two contracts requiring a 90 day notice. Any litigation is charged by his hourly rate if he is used.

Motion by Supervisor Evans, seconded by Supervisor Brunette that a six month notice be given to Attorney Fred Mohr informing him that the Labor Negotiator Contract he holds with

Brown County may potentially be modified at year end if bargaining contracts are reduced from 19 to 1 (one) through Governor Walker's Budget Repair Bill.

MOTION UNANIMOUSLY APPROVED

Legal Bills:

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

Motion by Supervisor Evans, seconded by Supervisor Zima to approve payment of legal bills.

MOTION UNANIMOUSLY APPROVED

Reports:

5. County Executive Report.

a. Budget Status Report for March 31, 2011

Executive Streckenbach reported that he has been meeting with Department Heads to discuss options for the 2012 budget. He indicated that the Human Services Department has a concern regarding centralizing Child Support. He plans to meet with Supervisors to discuss their opinions on these matters.

Chair Scray asked about unemployment numbers and Streckenbach stated that he is working with the Department of Commerce to narrow numbers specific to Brown County. This will become part of his monthly report.

The County Executive reported there has been discussion of a multi-jurisdictional TIF district which will allow municipalities to work together regarding dual services. He will follow-up as this proceeds.

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

b. Discussion re: Update re: Old Mental Health Center Building (standing item)

Bill Dowell explained that although there have been interested parties who have toured the building, the outcome is usually that it would be too costly to renovate, especially the older part. Until the end of July the County continues to provide utility costs and security. Options were discussed by the committee including changing the focus to demolishing the building, with Supervisor Zima suggesting at least the old part. Demolition of the total building has been estimated at \$1 million.

Supervisor Evans asked if the market value of the land is known if the building was to be demolished and Dowell agreed to determine this figure. Dowell indicated there are also items such as beds, cabinets, etc stored within that could be auctioned.

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

6. Board Attorney Report

a. Walker Repair Bill Update:

Attorney Mohr reported that as of this date, the Walker Repair Bill has been ruled invalid by a Dane County Judge. It is now up to the Supreme Court to rule whether or not they will accept the case. Speculation at this time is that Walker may attempt to attach the repair bill to the budget bill. Mohr indicated that if that were to occur and

the bill passes, the county would have major problems, estimating it could mean 200 - 300 layoffs.

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

Vacant Budgeted Positions (Request to Fill):

7. Discussion re: Layoff Policies & Procedures:

Chair Scray indicated that Supervisor Dan Haefs has questioned whether positions should be approved when there is possible future layoff. Ms. Klarkowski informed the committee that currently all labor agreements are in place until December 31, 2011. Klarkowski indicated there is regular discussion when vacancies occur related to options before positions are recommended to be filled.

Attorney Mohr stated there are procedures in place regarding layoff, although all contracts are different. He agreed to report further on this matter at the July meeting.

Supervisor Zima stated it is important for new hires to understand that funding is limited and layoff is a possibility.

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

8. Circuit Courts – Court Reporter (vacated 7/4/11):

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

9. Highway – Highway Laborer/1st Mechanic (vacated 12/1/10)

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

10. Human Services - Staff RN (vacated 3/29/11)

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

11. Medical Examiner – Office Manager 1 (vacated 10/13/10)

Debbie Klarkowski indicated that at this time the County Executive is recommending that this position be placed on hold until time that a future study can be completed regarding possible reassignment of duties.

Motion by Supervisor Evans, seconded by Supervisor DeWane to refer to staff for study of possible reassignment of duties. MOTION UNANIMOUSLY APPROVED

Resolutions

12. Resolution re: Change in Table of Organization – UW-Extension Increase Grant Funded Position (Community Garden Coordinator LTE):

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

12a. **Review of Omnibus Transportation Motion:**

Supervisor Zima brought to the attention of the committee sections of the Omnibus Transportation Motion that would affect the Brown County Highway Department, specifically #18 which relates to bidding requirements for Public Works projects. The bill would *"Prohibit any county or municipality from using its own workforce to perform a highway improvement project on highways under its jurisdiction, or highways under the jurisdiction of another local government, if the project costs \$100,000 or more . . ."* It was suggested that the Executive, Corporation Counsel, Human Resources, and all County Board members contact state legislators stating their opposition to this bill related to transportation because of the effect on Wisconsin counties.

Also under discussion was #19 related to restrictions on work done for private entities which would *"prohibit any local government, using its own workforce, from performing the construction of roads, sewers, water, stormwater, wastewater, grading, parking lots, or other infrastructure or construction related services on behalf of a private entity, including infrastructure projects where the responsibility for the cost of the infrastructure belongs to a private entity, effective three months after the general effective date of the bill"*.

Zima reported that the Wisconsin Counties Association is in support of the motion.

Motion by Supervisor Zima, seconded by Supervisor DeWane to refer to the County Executive, Corporation Counsel, Human Resources, and County Board members, collectively and individually, requesting that they contact state legislators stating opposition to the Omnibus Transportation Motion and the Wisconsin Counties Association support of it. MOTION UNANIMOUSLY APPROVED

Closed Session:

13. **A Closed Session may be held pursuant to Wis. Stats. 19.85 (1)(e) for deliberating or negotiating the purchase of public properties, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (Labor Negotiations)**

Motion by Supervisor Zima, seconded by Supervisor DeWane to enter into Closed Session.

Roll Call. All Present

MOTION APPROVED UNANIMOUSLY

(Recording Secretary excused 8:30 p.m.)

Motion by Supervisor _____, seconded by Supervisor _____ to return to regular order of business. Roll Call. All Present. MOTION APPROVED UNANIMOUSLY

Other:

14. **Such Other Matters as Authorized by Law: None**

Motion made by Supervisor _____ and seconded by Supervisor _____ to adjourn at _____ p.m. MOTION APPROVED UNANIMOUSLY

Respectfully submitted: Rae G. Knippel, Recording Secretary