

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, June 6, 2016 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

Present: Chair Lund, Vice-Chair Moynihan, Supervisor Van Dyck, Supervisor Hoyer, Supervisor Buckley, Supervisor Erickson, Supervisor Schadewald
Also Present: Chad Weininger, Brittany Zaehringer, Christina Connell, Dan Process, Paul Zeller; Supervisors Kaster, Evans, Dantine, Linssen, Landwehr and Zima; news media and other interested parties

**Audio of this meeting is available by contacting the County Board office at 920-448-4015*

I. Call meeting to order:

The meeting was called to order by Chair Lund at 5:30 p.m.

II. Approve/modify agenda.

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to modify the agenda to strike verbiage after the asterisk on Item 6; take Items 19 & 20 after 13, and strike Items 20a, b & c. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/modify Minutes of May 9, 2016.

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

Comments from the Public None.

1. Review Minutes of:

a) **LEAN Steering Committee (April 7, 2016).**

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

Supervisor Van Dyck arrived at 5:35 p.m.

Legal Bills

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

With regard to the von Briesen bills, Evans questioned if they were going to be getting a greater breakdown? Zima stated they were blindsided by the affair in the Corporation Counsel's office and then they saw the bills over \$5,000, it was \$27,000 last month, then there was another \$60,000 and questioned if there were bills even before this on this matter?

Weininger asked if they could let go of the \$352 and \$4,004 because they had to do with collective bargaining. Evans interjected that he didn't know that and questioned how much more work were they doing with von Briesen. Weininger informed that they did most of their employee issues and had representing them on labor contract. He didn't have a long history here and didn't know how long they were with the county. Evans requested that the committee hold the bills and have them next month with a greater explanation.

Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to approve. *Moynihan rescinded his motion.*

Motion made by Supervisor Erickson, seconded by Supervisor Schadewald to pay the bills with the exception to the bills related to von Briesen and Roper requesting further explanation as to what the payments were for. Vote taken. MOTION CARRIED UNANIMOUSLY

Zima reminded the committee of the problems they had in the past. When they finally got the detail on some of the charges, they didn't pay them all. Things should be in detail. Zima added that he and other supervisors were interested in what the breakdown of this company was regarding the resignation of Corporation Counsel, what were the total bills with regard to that operation. He thought they put into effect a rule that said that any contract services for attorney fees that were itemized in the budget be spent according to the budget that was approved by the County Board. Any other monies that were in the contract service account couldn't be spent until it before the committee to have it justified because they make policy decision at budget time regarding that. He asked that the chair find out where the policy lied with regard to how contracted services for attorney fees had to be spent.

Referral from May County Board

- 3. Referral of bills under "Corporation Counsel" to Executive Committee for explanation to the County Board.**

Although this discussion was related to Item #3, this discussion ensued under Item 2: Weininger believed they should have seen a more detailed report on the \$9,935 as well as the \$13,247 which was for an investigation, the \$352 was labor related and not related to any investigation and the \$4,004 was dealing with collective bargaining. The other bills, if it pleased the committee he could get more detailed descriptions to the bills that Evans was referring to. Lund felt that even if they were litigation they should know what they are referring to. HR matters could be many different things.

Evans felt seeing this in writing was important. Schadewald informed that the detailed information was provided in the May Executive Committee agenda packet material.

Motion made by Supervisor Moynihan, seconded by Supervisor Schadewald to approve the bills held. Vote taken. MOTION CARRIED UNANIMOUSLY

Communications

- 4. Communication from Supervisor Kaster re: Review the new Medical Examiner/Forensic Pathologist Department operation and relationship with funeral homes – include input from funeral homes. *Referred from May County Board.***

Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to hold for one month. Vote taken. MOTION CARRIED UNANIMOUSLY

- 5. Communication from Supervisor Erickson re: That staff look at including the purchase of a drone in the 2017 budget to be collectively used by Planning, Public Works, Airport, Zoning, Parks, NEW Zoo and any other county departments that may have a need for these types of video or pictures. *Held for one month.***

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

- 6. Communication from Supervisor Lund: I would ask the Executive Committee to review the process of resignations and separation of department heads and how this is communicated to the County Board; ~~*in particular with regard to the resignation of Corporation Counsel with possible closed session. See Items 20a, 20b & 20c.~~ *Referred from May County Board - Revised 6/3/16.***

Lund informed that he had spoken with Director of Administration Chad Weininger and he stated the board had the ability to set policy in which Administration had to follow. They could change Chapter 4 to require any separation or resignations to come before the County Board through the chairman of a

committee. Lund didn't think the County Board should end up in a situation not knowing why people resign.

Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to direct Supervisor Lund to work in concert with Administration to develop a policy in regard to Supervisor Lund's communication. Vote taken. MOTION CARRIED UNANIMOUSLY

- *6a. Communication from Supervisor Erickson re: Discussion and possible action requiring department heads to keep County Board Resolution binder along with internal policy binder to ensure county board policies are followed, and present them yearly to Administration to ensure compliance.**

Motion made by Supervisor Erickson, seconded by Supervisor Schadewald to refer to the July meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

Resolutions, Ordinances

- 7. Resolution Authorizing use of General Fund for Employee Wage Adjustments.**

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

- 8. Resolution re: Reclassification of the Service Desk Specialist Position in the Technology Services Table or Organization.**

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

- 9. Resolution re: Reclassification of the Senior Payroll & Benefits Specialist Position in the Human Resources Table or Organization.**

Van Dyck asked for an explanation, he agreed in making a change to the classification but didn't understand why the jump from paygrades with a range of \$62,699 to \$94,000. How was their position wage in comparison to that number? Human Resources Director Brittany Zaehring informed that the analysis that the HR Department did was more in depth than what was used for Wipfli, it was just provided so they could see it. They were asking this position to oversee their benefits budget, when they add in all of the benefits it was over \$25 million dollars. It was an area that had not had any attention paid to it, not only since the position was vacant since last June but the turnover prior to last June in that position had been almost the same turnover that there had been in her position. They had been woefully under regulating and monitoring benefits and they needed someone who had the skillset to actually do this and as they had gone out to the marketplace for over a year, they had not been able to attract any talent. Also, when they come here, they want to feel like they will be able to have some movement and continue and not come in and be stuck right where they are so she felt based on the fact that for over a year they haven't been able to fill this position, they had been turned down twice by candidates and now the top two candidates that they have, this was the range they were looking for between \$75K and \$80K and she felt this was fair in comparison. In looking at other counties, the actual job duties, just because a county calls something one thing, doesn't mean that's what the actual duties do. When they looked not only these counties but at the market, they felt this was appropriate placement in the range. The classification that they were trying to put them in gave them some room over time for approved increases. Van Dyck's concern was still the top at \$94K. The minute they make this change it could potentially open up to allow a hiring at \$94K and they ran into this situation before. He didn't have a problem raising the rate. It was a bigger issue within the county as a whole. Zaehring informed that that was not in her budget so that's not what she was doing, the salary range, not including benefits and fringes, was \$78K. She referred to the last page which shown the fringe.

Schadewald stated these were ranges for a position that had been vacant which impacted millions of dollars. In conjunction with that, the county was heading into a year where their funding for health

insurance was unsustainable. They were pushing it off and last year again there were changes that the Administration Committee made but they got pushed off at the County Board level. They were in a hole and they had to look at benefits extensively this year, to the tune of \$2.79M in adjustments. Schadewald referred to a handout (attached) in which he spoke to. \$2.79M just to put money in for HRAs, it was unsustainable. This was a big year for benefit analysis and he believed they needed to hire someone, they had to become part of the marketplace and he felt the sooner they got someone on board the better this year and the budgetary year is going to be in place. This analysis was not the salary of the person; this was millions of dollars of impact. So that's why the Administration Committee backed this proposal because they saw the need, the county needed this position.

Buckley agreed with Van Dyck on having some concerns. He realized they had upcoming challenges in the benefits area; however, he questioned how hard they looked in the past for this position and even now. Zaehring couldn't speak to the first two listings as she wasn't with Brown County. When she arrived, she did some work on the job description; they resent it out to Society for Human Resource Management (SHRM), the organization that did certification for employee benefits, which had not been done in the past. They sent it to other HR specialists who had contacts within the health insurance arena. They reached out and made sure Humana employees knew what was going on. She didn't have a number specifically but what she saw, Humana was paying higher than what the county was paying. Buckley felt it was a pretty good salary at \$80,000.

Schadewald stated you had to have a range, but after you hire the person their future increases were not the range, they are what the County Board approves so the only way it can get to be bad is by the County Board, it was HR. The marketplace right now, they had not been keeping up and they found it in every department. The county was not competitive so they were not getting the people they wanted because they were not able to offer the salaries. It was happening in a lot of places, businesses were able to offer more and insurance and such.

Zaehring stated to keep in mind that they were not bringing someone in who was going to be managing a going concern, there were no policies in benefits, right now they had a specialist who was the only benefits person and she started last August. There was no supervision and she was barely keeping afloat. They don't only need someone who understood benefits, she needed someone who could come and basically create a benefits department. They needed complete development of this department and managing the assets.

Moynihan informed that at the end of the day, this was the cost of doing business of the business of Brown County. Year after year they see the mass exodus of employees and this is the reason why they were not retaining people because of the wages. He wholeheartedly agreed with the re-class and the approval thereof.

Buckley added that it was about the wages as well as the working conditions.

Motion made by Supervisor Schadewald, seconded by Supervisor Moynihan to approve. Vote taken. Nay: Buckley, Van Dyck. MOTION CARRIED 5 to 2.

Although shown in proper format, Items 2 and 3 were taken at this time.

Reports

- 10. Brown County Financial Statement Results – Levy Funded Departments as of April 2016.**

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

- 11. Human Resources Report.**
a) Turnover Report for April 2016.

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

b) 2016 Vacancies Report.

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

c) Position Approval List.

Motion made by Supervisor Schadewald, seconded by Supervisor Moynihan to approve. Vote taken.
Nay: Buckley. MOTION CARRIED 6 to 1

12. County Executive Report.

a) Budget Status Financial Report for April 2016.

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

13. Internal Auditor Report.

a) Board of Supervisors Budget Status Financial Report – April 2016 (Unaudited).

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

b) Monthly Status Update: May 1 – May 31, 2016.

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

Although shown in proper format Item 19 was taken at this time.

Treasurer

14. ACTION - Final Review and approval of sale of tax deed property from previous month:

Parcel #	Municipality:	Address:	(May) Price Set at:
R-8-1	Town of Rockland	Old Martin Road	\$ 220

Motion made by Supervisor Schadewald, seconded by Supervisor Erickson to approve the sale of Parcel R-8-1 to Ron & Carol Vandewalle for \$220. Vote taken. MOTION CARRIED UNANIMOUSLY

15. Discussion/Action regarding previous owner (Javier Inca) request to purchase back the following Parcels per BC Ordinance 3.06 (5)(c):

Parcel 1-20-1	1070 Roscoe St.
Parcel 14-997	1130 Stuart St.
Parcel 6-469	901 Irvington St.

(c) Preference to Former Owner. The County Board shall, at its option, provide that in the sale of tax deeded lands, the former owner who lost his title through delinquent tax collection enforcement procedure, or his heirs, may be given such preference in the right to purchase such lands as determined by the County Board. Such sales shall be exempt from any or all provisions of Section 75.69 Wisconsin Statutes. This paragraph shall not apply to tax deeded lands which have been improved or dedicated to a public use by such municipality subsequent to its acquisition.

9/9/2014 Updated August 2014 3(5).

Treasurer Zeller informed the foreclosure hearing occurred on April 8, 2016, all owners were notified of that and this was the culmination of the foreclosure proceedings. The Circuit Court Judge deeded the

parcels to Brown County. The previous owner contacted the Treasurer's office and Corporation Counsel's office on April 14, 2016 to request 90 additional days to pay. Neither the Treasurer nor Corporation Counsel can provide that and his reading of the statute would indicated that the only remedy that the former owner had was to purchase the properties back from Brown County. These properties were all awaiting a sale decision by this committee. Each of these parcels had a total in rem foreclosure cost; Parcel 1-20-1 \$4,158.74 plus \$30 recording fee Register of Deeds Office; Parcel 14-997 \$13,237.80 plus \$30 recording fee; Parcel 6-469 \$8,016.36 plus \$30 recording fee.

Assistant Corporation Counsel Brent Haroldson informed from his perspective the service was adequate and Mr. Inca contacted him indicating he didn't receive notice. He had multiple addresses on file with the Treasurer's office. At the time he was living in Milwaukee and never updated them with an updated address. He was not only notified via certified mail on December 3rd, publication was made consistent with statute on December 13th, 20th and 27th. Mr. Inca did not show up at the hearing on April 8th and had contacted after the fact and at that point the judgement had been signed by the judge and vested title in Brown County. Mr. Inca was requesting that he be allowed to redeem the properties for the 2012 taxes but that didn't help on the delinquencies still out there from 2013 through 2016. The likelihood of getting the property for that amount was just going to result in this action starting again later this fall. As the Treasurer had stated, he had some recourse to repurchase the properties and this committee had some authority to allow him to do so, given that his title in Brown County name right now, it seemed reasonable that the tax delinquency would be the sale price and that's by statutes. The ordinance gave this board the discretion to sell at that price; he was not saying they had to. He declined his request to vacate that judgement until there was any sort of decision by this board. The 90-days for all the other parcel owners expired on July 13, giving him an additional 90 days from today's date gave him more time than anyone else had the opportunity to have that received the same notice and the same opportunities to appear and make that request. He will follow with the board's instructions on how to proceed. The difficulty and what he needed to look into was the fact that it was now titled in Brown County's name and if they were selling it for the entire delinquency amount that was one thing but to sell it for one year he would have to look and see if they could add the previous years.

Zeller informed that those prices would be paid up taxes and would include the property taxes and the special assessments applied by the City of Green Bay for unpaid utility bills, unpaid water, etc. We would be made whole and then we would revert back into the previous owner's name. It was officially a sale, a deed transfer and they had to go through all the formalities of selling the parcel, just like any other parcel. Moynihan felt that if they sold these parcels, maybe there should be an associated cost for staff hours involved.

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

Javier Inca was present to speak to the reasons he believed an additional 90 days should be granted to be able to come up with the fees to cover the tax delinquencies and have his request to vacate the judgement.

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

A lengthy discussion ensued with regard to why Mr. Inca decided not to pay his taxes, what resided at the properties currently as well as options and possibilities of him paying back the delinquencies. At one point Supervisor Schadewald suggested giving Inca until July 31, 2016 to pay in full what is due on Roscoe, Stewart or Irvington so he could maintain a residence for his family.

Motion made by Supervisor Buckley, seconded by Supervisor Van Dyck to deny Mr. Javier Inca's request for purchase. Vote taken. MOTION CARRIED UNANIMOUSLY

16. Discussion/Action – Evaluation of a City of Green Bay Redevelopment Authority offer to purchase Brown County owned parcels located in the City of Green Bay.

Parcels for consideration:

	GB Properties	Brown Cty	Est. 2016	BC owed	BC owed	BC owed	Municipal
PARCEL	PARCEL ADDRESS	General TIP	Prop Tax	Title Fees	Class 3 \$\$	GAL \$\$	PRICE \$
7-740	1132 Harvey St.	4,820.48	-	50.00	98.00	5.00	4,973.48
7-738	1142 Harvey St.	3,346.07	-	50.00	98.00	5.00	3,499.07
19-423	1724 Eastman Ave.	2,953.34	-	50.00	98.00	5.00	3,106.34
7-328	909 Smith St.	1,877.39	-	50.00	98.00	5.00	2,030.39
7-411	1361-1363 Smith St.	11,542.77	-	50.00	98.00	5.00	11,695.77
1-20-1	1070 Roscoe St	2,463.70	466.00	50.00	113.00	5.00	3,097.70
14-997	1130 Stuart St	9,348.30	1,767.15	50.00	113.00	5.00	11,283.45
18-31	821 Shea Av.	1,538.62	291.00	50.00	113.00	5.00	1,997.62
18-49	Gallagher Av	288.84	55.00	50.00	113.00	5.00	511.84
18-50	Gallagher Av	288.84	55.00	50.00	113.00	5.00	511.84
18-51	Gallagher Av	288.84	55.00	50.00	113.00	5.00	511.84
18-52	Gallagher Av	288.84	55.00	50.00	113.00	5.00	511.84
19-141-A	435 Newhall St	5,849.18	1,288.00	50.00	113.00	5.00	7,305.18
19-273	235 Newhall St	10,069.61	1,904.00	50.00	113.00	5.00	12,141.61
20-64	1151 Reber St	1,454.31	275.00	50.00	113.00	5.00	1,897.31

20-162	1019 Berner St	19,010.81	1,456.00	50.00	113.00	5.00	20,634.81
3-12	1064 Shawano Av	5,437.83	402.00	50.00	113.00	5.00	6,007.83
3-1175-R	223 S Buchanan St	8,178.73	1,542.00	50.00	113.00	5.00	9,888.73
5-330	1004 Dousman St	8,050.40	1,522.00	50.00	113.00	5.00	9,740.40
6-469	901 Irvington St	6,140.88	828.00	50.00	113.00	5.00	7,136.88
8-279	313 St George St	2,079.09	393.00	50.00	113.00	5.00	2,640.09
	TOTALS	105,316.87	12,354.15	1,050.00	2,298.00	105.00	121,124.02

Motion made by Supervisor Hoyer, seconded by Supervisor Buckley to open the floor to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY

Green Bay Neighborhood Division

Van Dyck didn't have a problem with the proposal and questioned Parcel

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

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

17. Optional closed session (if Executive Committee desires) agenda item to discuss any issues involving bargaining the potential sale of the above listed parcels (as provided by WI Statute 19.85) 19.85(1)(e) (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
18. Treasurer's Office Personnel Updates - Retirement of Account Clerk II effective 6-3-16.

No action needed.

Closed Session re: Grievances

19. Closed Session: Deliberation, non-evidentiary discussion and possible action on the Appeal of the Independent Hearing Officer's Decision in Re the matter of the Grievances of Robert Welsing, Jr. & Anthony Elfe dated May 12, 2016, as filed by said Grievants per § 4.92 of the Brown County Code of Ordinances. Pursuant to Wis. Stat., § 19.85(1)(a), any meeting of a governmental body may be convened in closed session for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. And, pursuant to Wis. Stat., §

19.85(1)(b), any meeting of a governmental body may be convened in closed session for purposes of considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter.

**Motion made by Supervisor Moynihan, Seconded by Supervisor Hoyer to move into closed session.
Roll Call: Buckley, Van Dyck, Hoyer, Moynihan, Lund, Erickson, Schadewald.**

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to return to open session at 7:43 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

- 20. Reconvene in Open Session: Discussion and possible action on the Appeal of the Independent Hearing Officer's Decision in Re the matter of the Grievances of Robert Welsing, Jr. & Anthony Elfe dated May 12, 2016, as filed by said Grievants per § 4.92 of the Brown County Code of Ordinances.**

In the matter of Anthony Elfe, Case No. 2016-001, on June 6, 2016, due to Grievant filing a Notice of Appeal of the Decision of the Independent Hearing Officer (IHO) in this case, the Brown County Board of Supervisors (BCBOS) conducted a Grievance Session pursuant to Chapter 4 of the Brown County Code of Ordinances as Revised on 07-31-2012, where the Record and Decision from the Hearing before the IHO in this case were considered, including the testimony given and the exhibits entered into evidence at said Hearing, and the BCBOS now Finds and Orders as follows: The Executive Committee of the Brown County Board of Supervisors finds that: 1. The decision of the IHO in this case was to deny and to sustain the grievance; 2. The IHO did have jurisdiction to conduct the Hearing before the IHO in this case; 3. The Record of the Hearing before the IHO in this case does provide rational basis for the IHO's Decision in this case; 4. The Record of the Hearing before the IHO in this case does not demonstrate that, by a preponderance of the evidence standard, the decision of the Administration was arbitrary or capricious; 5. The Findings of Fact contained in the IHO's Decision in this case are not clearly erroneous; 6. A different remedy/penalty appropriate to the circumstances should not be issued. The decision of the IHO in this case is to deny and sustain the grievance is hereby sustained. The Executive Committee recommends the County Board uphold the decision of the IHO sustaining in part and denying in part the grievance filed by Mr. Elfe as well as the IHO's decision upholding Mr. Elfe's Termination.

**Motion made by Supervisor Hoyer, seconded by Supervisor Moynihan to approve.
Vote taken. Nay: Erickson. MOTION CARRIED 6 to 1**

In the matter of Robert Welsing, Jr., Case No. 2016-002, on June 6, 2016, due to Grievant filing a Notice of Appeal of the Decision of the Independent Hearing Officer (IHO) in this case, the Brown County Board of Supervisors (BCBOS) conducted a Grievance Session pursuant to Chapter 4 of the Brown County Code of Ordinances as Revised on 07-31-2012, where the Record and Decision from the Hearing before the IHO in this case were considered, including the testimony given and the exhibits entered into evidence at said Hearing, and the BCBOS now Finds and Orders as follows: The Executive Committee of the Brown County Board of Supervisors finds that: 1. The decision of the IHO in this case was to deny and to sustain the grievance; 2. The IHO did have jurisdiction to conduct the Hearing before the IHO in this case; 3. The Record of the Hearing before the IHO in this case does provide rational basis for the IHO's Decision in this case; 4. The Record of the Hearing before the IHO in this case does not demonstrate that, by a preponderance of the evidence standard, the decision of the Administration was arbitrary or capricious; 5. The Findings of Fact contained in the IHO's Decision in this case are not clearly erroneous; 6. A different

remedy/penalty appropriate to the circumstances should not be issued. The decision of the IHO in this case is to deny and sustain the grievance is hereby sustained. The Executive Committee recommends the County Board uphold the decision of the IHO sustaining in part and denying in part the grievance filed by Mr. Welsing as well as the IHO's decision upholding Mr. Welsing's Termination.

Motion made by Supervisor Hoyer, seconded by Supervisor Moynihan to approve.

Vote taken. Nay: Erickson. MOTION CARRIED 6 to 1

With regard to the below motion, Moynihan wholeheartedly disagreed with waiting until July. If they could do the due diligence over the weekend reading the material, he was sure a lot of Supervisors could do so too by next Wednesday. He didn't want to take the risk and miss any timelines. Lund felt if it was a matter of timeline, they could make sure that by tomorrow they would know if they were within the rights to go July.

Motion made by Supervisor Erickson, seconded by Supervisor Schadewald that all the testimony is sent and lawyers briefs and the IHO's discussion and that discussion take place at their July County Board meeting so everyone had sufficient time to read, with the stipulation that if any timelines were going to be missed that they hold this at the June meeting. Vote taken. Nays: Moynihan, Hoyer.

MOTION CARRIED 5 to 2

Item 14 was taken at this time.

- ~~*20a. **Open Session: Discussion and possible action regarding convening in closed session to discuss the resignation of the Corporation Counsel and specific personnel matter reviewed within the Corporation Counsel Department.**~~
- ~~*20b. **Closed Session: Discussion regarding the resignation of the corporation counsel and specific personnel matter reviewed within the Corporation Counsel Department. Pursuant to Wis. Stat., § 19.85(1)(c), any meeting of a governmental body may be convened in closed session for purposes of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. And, per Wis. Stat., § 19.85(1)(f), any meeting of a governmental body may be convened closed session for purposes of considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.**~~
- ~~*20c. **Reconvene in Open Session: Discussion and possible action regarding resignation of the corporation counsel and specific personnel matter reviewed within the Corporation Counsel Department.**~~

Other

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

22. Adjourn.

Motion made by Supervisor Buckley, seconded by Supervisor Moynihan to adjourn at 9:05 p.m. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Alicia Loehlein
Recording Secretary

IN THE MATTER OF THE GRIEVANCE OF

Brown County
Board of Supervisors
Grievance Session Decision

ANTHONY ELFE

Name of Grievant

Case No. 2016-001

On JUNE 6, 2016, due to Grievant filing a Notice of Appeal of the Decision of the Independent Hearing Officer (IHO) in this case, the Brown County Board of Supervisors (BCBOS) conducted a Grievance Session pursuant to Chapter 4 of the *Brown County Code of Ordinances (Revised 07-31-2012)*, where the Record and Decision from the Hearing before the IHO in this case were considered, including the testimony given and the exhibits entered into evidence at said Hearing, and the BCBOS now Finds and Orders as follows:

THE BROWN COUNTY BOARD OF SUPERVISORS FINDS THAT:

1. The decision of the IHO in this case was to deny sustain the grievance.
2. The IHO did did not have jurisdiction to conduct the Hearing before the IHO in this case.
3. The Record of the Hearing before the IHO in this case does does not provide a rational basis for the IHO's Decision in this case.
4. The Record of the Hearing before the IHO in this case does does not demonstrate that, by a preponderance of the evidence standard, the decision of the Administration was arbitrary or capricious.
5. The Findings of Fact contained in the IHO's Decision in this case are are not clearly erroneous.
6. A different remedy/penalty appropriate to the circumstances should should not be issued.

THE BROWN COUNTY BOARD OF SUPERVISORS ORDERS THAT:

- The decision of the IHO in this case to deny sustain the grievance is hereby **sustained**.
 Even though the decision of the IHO to deny the grievance in this case is hereby sustained, as the record reflects by a preponderance of the evidence that the Grievant engaged in behavior that warrants the Administration to impose a remedy/penalty, the remedy/penalty imposed by the Administration was not appropriate to the circumstances, and a different equitable remedy/penalty appropriate to the circumstances shall be issued in this case as follows:
 (See Written Details Section below).

- OR -

- The decision of the IHO in this case to deny sustain the grievance is hereby **reversed**.
 The BCBOS hereby renders a new decision and remedy as follows:
 (See Written Details Section below).
 The BCBOS hereby requests that the IHO take further evidence as follows:
 (See Written Details Section below).
 The BCBOS hereby assigns an IHO to create a recommendation for the BCBOS's review as follows:
 (See Written Details Section below).
 The BCBOS hereby determines to hold a new hearing and make an independent decision as follows:
 (See Written Details Section below).

Written Details Section (if any):

THE EXECUTIVE COMMITTEE RECOMMENDS THE COUNTY BOARD UPHOLD THE DECISION OF THE IHO SUSTAINING IN PART AND DENYING IN PART THE GRIEVANCE FILED BY MR. ELFE AS WELL AS THE IHO'S DECISION UPHOLDING MR. ELFE'S TERMINATION.

THIS DECISION IS FINAL AND IS NOT SUBJECT TO APPEAL.

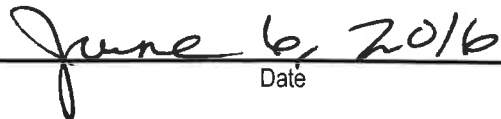
BY THE BROWN COUNTY BOARD OF SUPERVISORS:



Brown County Board of Supervisors Chairperson

Patrick W. Moynihan, Jr.

Name Printed or Typed



Date

IN THE MATTER OF THE GRIEVANCE OF

Brown County Board of Supervisors Grievance Session Decision

ROBERT WELSHING, JR. Name of Grievant

Case No. 2016-002

On June 6, 2016 due to Grievant filing a Notice of Appeal of the Decision of the Independent Hearing Officer (IHO) in this case, the Brown County Board of Supervisors (BCBOS) conducted a Grievance Session pursuant to Chapter 4 of the Brown County Code of Ordinances (Revised 07-31-2012), where the Record and Decision from the Hearing before the IHO in this case were considered, including the testimony given and the exhibits entered into evidence at said Hearing, and the BCBOS now Finds and Orders as follows:

THE BROWN COUNTY BOARD OF SUPERVISORS FINDS THAT:

- 1. The decision of the IHO in this case was to [X] deny [X] sustain the grievance.
2. The IHO [X] did [] did not have jurisdiction to conduct the Hearing before the IHO in this case.
3. The Record of the Hearing before the IHO in this case [X] does [] does not provide a rational basis for the IHO's Decision in this case.
4. The Record of the Hearing before the IHO in this case [] does [X] does not demonstrate that, by a preponderance of the evidence standard, the decision of the Administration was arbitrary or capricious.
5. The Findings of Fact contained in the IHO's Decision in this case [] are [X] are not clearly erroneous.
6. A different remedy/penalty appropriate to the circumstances [] should [X] should not be issued.

THE BROWN COUNTY BOARD OF SUPERVISORS ORDERS THAT:

[] The decision of the IHO in this case to [X] deny [X] sustain the grievance is hereby sustained.
[] Even though the decision of the IHO to deny the grievance in this case is hereby sustained, as the record reflects by a preponderance of the evidence that the Grievant engaged in behavior that warrants the Administration to impose a remedy/penalty, the remedy/penalty imposed by the Administration was not appropriate to the circumstances, and a different equitable remedy/penalty appropriate to the circumstances shall be issued in this case as follows: (See Written Details Section below).

- OR -

- [] The decision of the IHO in this case to [] deny [] sustain the grievance is hereby reversed.
[] The BCBOS hereby renders a new decision and remedy as follows: (See Written Details Section below).
[] The BCBOS hereby requests that the IHO take further evidence as follows: (See Written Details Section below).
[] The BCBOS hereby assigns an IHO to create a recommendation for the BCBOS's review as follows: (See Written Details Section below).
[] The BCBOS hereby determines to hold a new hearing and make an independent decision as follows: (See Written Details Section below).

Written Details Section (if any):

THE EXECUTIVE COMMITTEE RECOMMENDS THE COUNTY BOARD UPHOLD THE DECISION OF THE IHO SUSTAINING IN PART AND DENYING IN PART THE GRIEVANCE FILED BY MR. WELSING AS WELL AS THE IHO'S DECISION UPHOLDING MR. WELSING'S TERMINATION.

THIS DECISION IS FINAL AND IS NOT SUBJECT TO APPEAL.

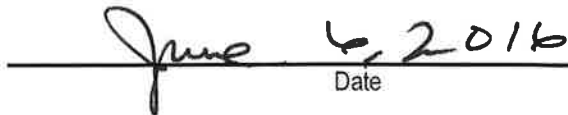
BY THE BROWN COUNTY BOARD OF SUPERVISORS:



Brown County Board of Supervisors Chairperson

Patrick W. Moynihan, Jr.

Name Printed or Typed



Date