

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 virtually on Thursday, May 13, 2021.

Present: Chair Sieber, Supervisor Landwehr, Supervisor Deneys, Supervisor Van Dyck, Supervisor Buckley, Supervisor Brusky
Excused: Supervisor Schadewald
Also Present: Supervisor Borchardt, Supervisor Lefebvre, Internal Auditor Dan Process, Corporation Counsel David Hemery, Director of Administration Weininger

I. Call meeting to order.

The meeting was called to order by Chair Sieber at 5:30 pm.

II. Approve/modify agenda.

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

III. Approve/modify Minutes of April 21, 2021.

Motion made by Supervisor Brusky, seconded by Supervisor Deneys to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Comments from the Public – None.

1. Review Minutes of:

a. Racial Equity Ad Hoc Committee (April 21, 2021).

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

b. Supervised Release Committee (January 22, March 26, April 16 & April 30, 2021).

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

Communications

- 2. Communication from Supervisor Deneys – Amend Chapter 2 of the Brown County Ordinances to require that if a Chair of the County Board or Committee elects to have a meeting and allows for public comments via US postal service mail or email for said meeting, that said public comments received through these methods shall be read into the record by the Chair during the public comment section of the meeting. *Action at January 28, 2021 Executive Committee: To hold until subsequent Executive Committee meeting.***

Supervisor Deneys recalled this was brought up at the time meetings were starting to be held virtually but this has not really been an issue since then, so he is agreeable to receiving and placing this on file.

Board Chair Buckley expressed concern about receiving and placing this on file in case we have to go back to virtual meetings in the future. Sieber responded that he has had conversations regarding this with Corporation Counsel and was advised that there is nothing in Roberts Rules of Order that would prevent this from being brought back up in the future.

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

3. Communication from Supervisor Brusky – Request to amend the Brown County Code of Ordinances to allow County Board members to appear virtually and be considered present for voting purposes at County Board and Standing Committee meetings. *Referred from April County Board.*

Supervisor Brusky said the past 14 months have been difficult in many ways for Brown County government, but there have also been some significant positive outcomes as well. Across the county every department has learned new ways of doing things that would not have even been considered if we were not forced to re-think how things could be done. One of these things is how meetings can be held. We found that County Board meetings, standing committee meetings, subcommittee meetings, etc. can be held entirely in a virtual way or in a combination of virtual and in-person. Brusky continued that it is time to use the technology that we have available to us to become more efficient, more practical, more helpful and more wise. What she is proposing is that the Brown County Code of Ordinances be changed to allow for virtual attendance of supervisors when in-person attendance is out of the control of the supervisor. This would be when through no fault of their own, the supervisor cannot safely or physically attend an in-person meeting. What is listed in the communication (a copy of which is attached for reference) can be altered by the Board through the fleshing out of our collective wisdom, but it certainly is time to bring the Code up to the 21st century level when technology affords the opportunity to do so. Our comfort level is understandably with the past way of doing things, but this past year has proven that we and our technological abilities can successfully be broadened, and she is asking that we do that.

Supervisor Lefebvre agrees with Brusky and said things such as family funerals come up that may prevent a supervisor from attending a meeting and this could really affect a supervisor's district and the supervisor should be allowed to discuss it. She understands a communication could be put in, but that does not mean anything if you are not there to answer questions. Deaths are often unexpected, and a supervisor cannot make arrangements ahead of time. There are other things that could come up such as a broken bone that prevents a supervisor from driving to a meeting. The virtual option is available and in the past supervisors have been allowed to attend meetings virtually. This would just be for unexpected things that come up when a supervisor cannot physically be at the meeting.

Supervisor Van Dyck informed he will not support this because in the 10 years he has been on the board, up until this year which has been highly unusual, this has not been an issue. He feels if there is a situation in the future such as we have had this past year, we can deal with it on a situation by situation basis. He is not in favor of having this codified because it is too wide open. This would also mean that every committee meeting and every board meeting would have to be held in a location which would allow for a virtual hook up which we currently do not have. He noted that the Ed and Rec Committee will be holding their meetings at multiple locations throughout the summer and not all of the locations have what is being asked for in this communication. Van Dyck reiterated this is way too broad and opens us up to having this abused in the future. It is a nice gesture, but by the same token, he has not seen where this has been an issue for any of the things listed in the communication up to this point and he feels this is trying to create a solution to a problem that seemingly has not existed up until now.

Supervisor Deneys said Van Dyck hit a lot of the points he was going to bring up. Deneys said it is his understanding under Roberts Rules that this is dictated by the Chair of the board or the committee. Corporation Counsel David Hemery responded that Robert Rules does not provide for virtual appearances, but it also does not say you cannot do them. What it does say is that to vote you must be present at the meeting. If the county would desire to allow supervisors to virtually participate in meetings, the Code could be written in such a way that they would be considered present for voting purposes. Roberts Rules are typically considered a starting point and then there is the ability to modify the rules through the Code. Deneys asked who determines if a person is considered present at a meeting if the Code is not modified. Hemery said the procedure the county has been using during the pandemic is that the decision is made by the Chair. Deneys informed he has some issues with modifying this where it is up to an attendee to determine whether they can attend or be counted as attending and whether a virtual aspect has to be provided to them. Deneys said codifying this so every meeting had a virtual capability would be very difficult since meetings are held in various locations. He recalled that the last County Board meeting was a joint in-

person meeting and virtual meeting and those that appeared virtually were counted as voting so that hurdle has been crossed. At this time Deneys has a real issue with codifying this.

Supervisor Borchardt recalled being unable to attend a meeting in the past because of a medical issue with a loved one. She feels having this codified would be a useful tool because things do come up unexpectedly that prevent supervisors from attending meetings, but they still want to be effective and efficient in their duties as a supervisor. She feels going forward, to show our constituents that a supervisor can still do this job, even in tough situations this should be codified. She also feels this is a transparency thing, to show that even though something may be out of a supervisor's control, they are still in control of certain things. She urged the Committee to vote to codify this.

Brusky informed that in the communication she submitted, she did specify *when technology allows*. If it were not possible to do, then it would not be expected to be done, such as if a committee holds their meetings in an unusual location. She also noted that it has been allowed recently to have virtual and in-person meetings, such as the March and April County Board meetings, but it has not always been allowed. Brusky struggled all year to attend these meetings. She wanted to attend the meetings but was not always allowed to officially be counted as present, and certainly not allowed to vote. She continued that we had a national and worldwide crisis, and because some people did not want to recognize that as being valid, she and her constituents were denied representation and constituents that know of this do not appreciate it. If the committee wants to narrow this down to exclude things in her communication or include additional things, she is fine with that, but she feels we need to acknowledge that there is a need for this. Brusky continued that she sees the need personally and others do too. We now know what is possible from a technology standpoint. To be kind and help people in bad situations is the right thing to do. Brusky will debate any specific point to narrow this down or broaden it, but there are instances where this should be allowed, and this has been a problem. She is not advocating for going on vacation, but she would be open to join in a debate on this, and she would be willing to take situations one by one to determine what would be allowable.

Lefebvre informed Roberts Rules say you have to be present to vote, but it does not say anywhere you physically have to be present. Roberts Rules were put in place many years ago and there was not technology at the time. Virtually you are present because you can be seen and heard, and she believes that is the same thing as being physically in a room. Hemery clarified that to be considered present, you have to physically be there and that is why the Code would have to be amended if we are going to continue allowing supervisors to appear virtually and be present for voting purposes. Lefebvre continued that she does not really feel this would be proper for vacations and a lot of this would be more appropriate for the board meetings because that is the most important meeting for supervisors to attend. She recalled attending a county board meeting in one of the boxes at the Resch and said she felt disrespected and that she was not part of the meeting. If she could have attended the meeting virtually, she would have and that option should have been made available as she had a doctor's note stating she could not attend meetings in person because she could not be around people that were not masked. Lefebvre feels we need to be accommodating because supervisors have an obligation to their constituents to be at the meetings and it should not be up to one person, the Chair, to decide. This is something that should be in the Code and Lefebvre feels people need to be given the benefit of the doubt. She thinks people will be honest and will not request to attend virtually without a good reason.

Supervisor Landwehr said it keeps being mentioned that this is up to the Chair and reminded that in the past year as a County Board we voted to have in-person meetings. Chair Buckley has taken a lot of abuse over the past year about this and Landwehr does not feel he deserves that because it was the full Board who voted this way. Landwehr will not support this. There have been a number of technology issues and shortcomings over the last year having some meetings like this, and the communication was not always very good. Landwehr feels having this codified will lead to a lot more TS issues and there will have to be county staff on standby for every meeting to work through issues and if things are not able to be resolved, supervisors who were intending to attend virtually will be upset. Landwehr also recalled some of the more contentious items in the past where the public has had hours of comments or the Board has had hours and hours of debate and it is possible that supervisors attending virtually would not be listening and paying attention as well as they would in person. He is not comfortable with supporting this at this time.

Board Chair Buckley said he has tried to remain quiet in the many meetings this has been brought up at. He shared a clip from a prior committee meeting which stated, "As Chair of this Committee, it is my prerogative to decide how and where (the committee) will meet". If he were to run a County Board meeting that way, some of this may be warranted, but that is not how he chose to preside over County Board meetings. Throughout the pandemic, we have tried to accommodate the wishes of the County Board as well as wishes of others who did not want to come to in-person meetings. Early on there were a lot of technology issues and there are still issues at some meetings. Buckley recalled that on two separate occasions he requested input from the County Board on in-person meetings versus virtual meetings and on both occasions in-person was the option chosen. Going all virtual would have been much easier because it takes hours and hours of time and a number of staff to do walk throughs and set up the venue before meetings and staff has better things to do. Then when a virtual aspect is added at the last minute it complicates things further. Buckley noted at the beginning of the pandemic we did not have the technology in place to do virtual meetings, but over time we have worked this through, but even at the last meeting Buckley was not happy with how it worked out. He has also heard that those who are hearing impaired have a hard time hearing. Buckley continued that there is a cost to half virtual meetings, whether it is staff time or venue time.

Buckley continued that in-person meetings run much smoother and there is a lot more discussion before and after the meetings which really helped the County Board work together. If we are going to do part virtual, Buckley questions where the line will be drawn – would it be just supervisors or would it be staff, department heads and public comments. He 100% disagrees with the way the County Board and staff members have been put out by certain people that have tried month after month to accommodate these people. It is not a one size fits all situation and he does not have any problem with trying to make reasonable accommodations for someone who brings a note from a doctor. In some cases, the accommodation may be a virtual component, but over the course of the pandemic, we have done this. Taking away the Chair's ability to make reasonable accommodations when needed makes it harder and harder to run the meetings. Buckley continued that at some point in time we have to draw the line and he feels we followed every recommendation from environmental health on how to run meetings safely and he is not aware of any spread of anything from a County Board meeting. Buckley thanked everyone involved in putting the meetings on. It has been very frustrating over the last several months as to how some people have been portrayed about accommodations and he appreciates Landwehr recognizing that. The Board has tried to accommodate and will continue to do so the best they can, but there are 26 members on the County Board and we are doing the best we can to accommodate but at some point in time we have to get back to our job at hand.

Brusky asked Director of Administration Chad Weininger to weigh in on whether it costs more to have a virtual component because he gave Brusky the indication that it did not. Weininger clarified that with the advancement of technology and going to the new Resch Expo, there was a new piece of equipment that was purchased which should allow for the additional costs to be eliminated. If we hold meetings at the Resch Expo and we use that sound system, we have to have a staff person there regardless to manage the sound audio, so there would be no additional cost. If we had to hold a meeting elsewhere, there would be.

Brusky noted it was said that there have been efforts of the Chair to accommodate, and yet there were times when permission could have been easily given for people to participate virtually but it was denied and she does not know why because it did not cost any money. There was a sincere desire to participate, but there seemed to be a stubborn motive to deny the person, herself, unless she physically came. There were 250 doctors that advised to stay away from unsafe practices and that seemed to have been ignored. Brusky continued that as a health professional she takes that very seriously, especially when her age is factored in. She doesn't feel there really were reasonable accommodations and therefore she does not think this should be left to one person. As far as the reference to recommendations of the environmental division of the Health Department, the Health Officer would not have recommended that the Board meet in person. They made recommendations to meet in person, just as they went into taverns and told tavern owners how to do the best they could, but they would not recommend crowding of people in a tavern; they worked with people who insisted they were going to open their business or do whatever they decided to do. Brusky personally asked this at the Human Services meeting. She questioned why we can't accept the technology instead of having to prove ourselves by appearing and being able to physically see a person. We know people have valid reasons for not coming to County Board and standing committee meetings and Brusky feels we should take it upon ourselves to accommodate people. In an extreme case like the pandemic, why wouldn't we allow someone who is only trying to protect themselves. She noted that she had not missed one county

board meeting; it was important enough to her to work her and her family's life around it and she was not accommodated. She acknowledged that there was a little more accommodation towards the end, but certainly not in the beginning and added that she went to almost every technology training center to learn how to do the virtual meetings and she got to a point where she was comfortable. If the Supreme Court has virtual meetings, Brusky feels the Brown County Board of Supervisors can get enough training and allow enough problems to exist and then rectify them and move on. The Brown County Court system is also using virtual meetings and Brusky does not know why someone would be denied being able to appear virtually.

Sieber said the technology does exist to do virtual meetings and he feels there are legitimate reasons for people to appear virtually and he would not mind having this put in the Code, but he feels it needs to be a little narrower than what is outlined in Brusky's communication. He feels military service, quarantine and declaration of an emergency are all valid reasons and he would like to see this limited to once per term without permission from the County Board, so it is not abused and done for vacations and things like that. Sieber continued that hopefully the County Board's new chambers will be at the Central Library and that room will have plenty of technology available to allow virtual appearances if need be. Sieber will be voting against receiving and placing this on file because he would like to see this narrowed down and then hopefully passed.

Motion made by Supervisor Van Dyck, seconded by Supervisor Landwehr to receive and place on file. Roll Call Vote Taken: Buckley – Aye, Brusky – Nay, Deneys – Aye, Landwehr – Aye, Van Dyck – Aye, Sieber – nay. MOTION PASSED 4 TO 2

Internal Auditor

4. Budget Status Financial Report for Board of Supervisors & Veterans Recognition Subcommittee for December 2020 and March 2021 (unaudited).

Internal Auditor Dan Process said the December 2020 reports are pretty dead on. There was a favorable variance within the operating expense and that is attributed to travel and training and the special events category which is related to the Veterans Recognition Subcommittee and the event they hold at the Fair.

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

5. Status Update (January 1 – April 30, 2021).

Process informed his focus has been and continues to be on reviewing inventory controls throughout the county.

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

Other

6. Discussion and possible action on changes to Chapter 2 of the Brown County Code of Ordinances. *Action at January 28, 2021 Meeting: To hold until next Executive Committee meeting.*

Weininger informed he forwarded some information on this to Van Dyck earlier in the day and would like to have this brought back to the next Executive Committee meeting after Van Dyck has had time to review the information. Sieber recalled the intent of this is to streamline approval processes in a number of areas.

Motion made by Supervisor Landwehr, seconded by Supervisor Buckley to hold until next Executive Committee meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

7. Audit of the bills.

Motion made by Supervisor Landwehr, seconded by Supervisor Brusky to acknowledge receipt of the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

8. Such other matters as authorized by law. – None.

9. **Adjourn.**

Motion made by Supervisor Landwehr, seconded by Supervisor Deneys to adjourn at 6:30 pm. Vote taken.
MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Legislative Specialist

For: Executive Committee
From Joan Brusky
Brown County Board of Supervisors/District 14

Communication request: To amend the Brown County Code of Ordinance: that it shall be allowed, in certain circumstances, for County Board Members to appear virtually at County Board Meetings and Standing Committee Meetings, and to be considered present for voting purposes when appearing virtually, as long as meeting location and technology allows for such, excluding virtual attendance and virtual voting on Closed Session item/s on the Agenda.

Normally in-person attendance is preferred for Brown County Supervisors at Brown County Board of Supervisor meetings and Standing Committee Meetings. The Code amendment should provide that a Brown County Supervisor may attend and vote virtually at Brown County Board meetings and standing committee meetings, with the exclusion of Closed Session items on their agendas, if in-person attendance is **out of the control** of the supervisor. This would include virtual attendance due to participation in military service, personal illness, illness of a family member that requires the presence of the Supervisor, quarantine/partial quarantine of all those in the Supervisor's household, a natural disaster, inclement weather that makes travel dangerous (i.e. blizzard, tornado, etc.,) declaration of a local, statewide or national safety/health emergency or when a member is unable to attend a special meeting of the county board that is called when 72 hours or less of notice has been provided.

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