

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, October 7, 2019 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, WI.

Present: Chair Lund, Supervisor Erickson, Supervisor Sieber, Supervisor Hoyer, Supervisor Van Dyck, Supervisor Buckley, Supervisor Moynihan

Also Present: Corporation Counsel David Hemery, Supervisors Dantine, Lefebvre, Suennen and Tran, Director of Administration Chad Weininger, Internal Auditor Dan Process, District Attorney David Lasee, Victim Witness Program Coordinator Kim Pansier, Assistant Park Director Matt Kriese, other interested parties.

I. Call meeting to order.

The meeting was called to order by Chair Tom Lund at 6:18 pm.

II. Approve/modify agenda.

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to approve. Vote taken.

MOTION CARRIED UNANIMOUSLY

III. Approve/modify Minutes of September 9, 2019.

Motion made by Supervisor Hoyer, seconded by Supervisor Sieber to approve. Vote taken.

MOTION CARRIED UNANIMOUSLY

Comments from the Public. None.

Appointment of Citizen Member to Citizens Redistricting Advisory Sub-Committee.

1. Appointment of Daniel O. Theno by Chair Lund to the Citizens Redistricting Advisory Sub-Committee.

Motion made by Supervisor Sieber, seconded by Supervisor Hoyer to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Review Minutes of:

2 a. Benefits Advisory Committee (July 26, 2019).

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

b. Citizens Redistricting Advisory Subcommittee (September 30, 2019).

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

Legal Bills

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

Motion made by Supervisor Erickson, seconded by Supervisor Van Dyck to pay the legal bills. Vote taken.
MOTION CARRIED UNANIMOUSLY

Communications

4. **Communication from Supervisor Deslauriers re: Pertaining to Brown County Open Records.**
Because the 2009 Records Retention 'Schedule A' in Brown County Ordinances does not specifically itemize if or how modern forms of communication are saved, I am requesting that Corporation Counsel draft a summary document that will specifically state how Brown County captures and retains emails, text messages, phone call records, videos, and meeting recordings. I am requesting that this summary be presented at the County Board Meeting and be published on the Brown County website.

Please include links to any policies that obligate employees and elected officials to use County owned infrastructure and devices, how open record requests are handled when County infrastructure or devices are not used for official business, and clarification on how the County captures and safeguards records that are deleted by the participant prior to the time frame specified by the records retention 'Schedule A'.

Action at August Executive Cmte: To refer to Corporation Counsel for review and recommendation and bring back results at the regularly scheduled October Executive Committee meeting.

Motion made by Supervisor Sieber, seconded by Supervisor Van Dyck to hold until the December Executive Committee meeting. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Internal Auditor

5. **Board of Supervisors Budget Status Financial Report (Unaudited) & Veterans' Recognition Subcommittee Budget Status Report (Unaudited) – August 2019.**

Internal Auditor Dan Process informed the County Board Office will likely go over the budgeted amount for travel and training, the majority of which is related to the WCA conference. There are funds available elsewhere in the budget to make up the difference.

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

6. **2019 Audit Plan (Status Update).**

Process recalled at the last meeting he was asked to bring back the audit plan for 2019 and advise what the status is. The plan in the agenda packet shows the audit plan for 2019 along with what has been done on each of the projects.

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to approve as amended. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Corporation Counsel

7. **Oral Report.**

Corporation Counsel Dave Hemery informed no decision has been received yet on the sales tax litigation but he hopes to have something from the Court in the next 1 – 2 weeks. With regard to the Securis matter, mediation will be held later this month and Hemery hopes to have the mediation done in one day. He will keep the Committee updated. Hemery also talked briefly about the opioid litigation and said it is moving along but he reminded the Committee there are many different classes with many different plaintiffs and many different defendants and he will keep the Committee updated on the class that the County falls under. This is very complicated, but at this time there is nothing significant happening in the class the county falls under, but he will keep the Committee updated when there is something of significance to report.

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

Budget Adjustment

8. **Budget Adjustment Request (19-073) – Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.**

This budget adjustment is to move \$6,500 savings from Jail/911 Ceiling Tile Replacement to Jail/911 Carpet & Flooring Replacement. Both are sales tax projects.

Motion made by Supervisor Hoyer, seconded by Supervisor Sieber to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

9. **Budget Adjustment Request (19-074) – Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriate.**

This budget adjustment is to move savings from HPOD Ceiling Mold Remediation (92,912 sales tax budget, 29,048 non-sales tax budget) to the Duck Creek Fuel System Upgrade (also a sales tax project) as those bids have come in higher than the estimates used to budget this project.

Motion made by Supervisor Sieber, seconded by Supervisor Hoyer to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

10. **Budget Adjustment Request (19-085) – Reallocation between two or more departments, regardless of amount.**

This budget adjustment is to request funding for the Pamperin Park flood damage. The insurance deductible is \$250,000 since the park is in a flood plain. It is proposed that flood damage be paid for with the \$7,664 of unallocated environmental impact fees received in 2017 that remain in the General Revenues Fund, \$23,852 of environmental impact fees originally set aside for storm water management at the Brown County Research and Business park, and a transfer from the General Fund that was originally approved for the Casualty Insurance Fund.

Motion made by Supervisor Van Dyck, seconded by Supervisor Moynihan to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

11. **Budget Adjustment Request (20-001) – Any increase in expenses with an offsetting increase in revenue.**

This budget adjustment includes contract change approval. Stop Loss provider contract change to be awarded to H.C.C. Life Insurance Company. The county is estimating to save \$61,918 in premiums. There will be no offsetting decreases in revenue.

Director of Administration Chad Weininger explained that approving the budget adjustment includes approving the attached contract. The Stop Loss provider is being changed. The same level of coverage will be provided but the premiums will be about \$61,000 less.

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to approve the budget adjustment and contract. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Resolutions & Ordinances

12. **Resolution Regarding Table of Organization Change for the District Attorneys' Office Victim/Witness Assistant Program Specialist Positions.**

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

13. **Resolution Regarding Table of Organization Change for the Health and Human Services Department – Community Services Division – Youth Support Specialist.**

Motion made by Supervisor Hoyer, seconded by Supervisor Sieber to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

14. **An Ordinance to Create Chapter 44 of the Brown County Code of Ordinances Entitled “Lobbyist Requirements”.**

Motion made by Supervisor Sieber, seconded by Supervisor Hoyer to approve. Vote taken. Ayes: Sieber, Hoyer, Moynihan, Lund, Erickson, Van Dyck Nay: Buckley MOTION CARRIED 6 to 1

15. **An Ordinance to Amend Subsection 2.04(2)(A) of Chapter 2 of the Brown County Code of Ordinances (Standing Committee Consecutive Term Limits).**

Supervisor Moynihan informed he will not vote for this as he feels it is a solution looking for a problem. He feels when a Supervisor has experience in a specific area, they should serve on a committee related to that experience rather than on a committee they do not have any experience or expertise with.

Supervisor Erickson agreed with Moynihan that experience is very valuable. Constantly switching committees would give a Supervisor some experience, but he feels it goes back to the cliché *jack of all trades, master of none*. When someone stays on a committee for a long time, the learning curve is not there and it is an easy transition with each new term that may bring new members, but there are still the members who have been on the committee for some time that they can follow. For these reasons, Erickson is not in favor of this.

Supervisor Buckley added that the first term on a committee is typically a learning period where you are learning what is going on and how things work. Even in the second term Supervisors are still learning about working with the department heads, etc. and he does not want to see Supervisors being moved around just when they start to figure things out and get comfortable. Buckley understands the intent of this, but also feels it is a solution looking for a problem. He feels it takes 2 – 4 years for a Supervisor to really feel comfortable in working with a Committee.

Erickson added that if a Supervisor wants to know about a specific committee and what is going on, they should go to the committee meetings.

Hoyer feels Supervisors getting expertise in a variety of different areas, in spite of what they could bring to a committee, and learning about the other components of county operations is important.

Supervisor Dantine noted that his district encompasses a portion of the east side of Green Bay that is very farming oriented and it would not be advantageous to have someone not oriented to farming on Land Con Subcommittee because they would not have any idea about the subject matter. He does not feel this ordinance is a good idea.

Supervisor Tran pointed out that in Washington DC the Republican Party put a six year moratorium on who can be chairman of a committee and then they must move on. She feels this ordinance is the way to go.

Motion made by Supervisor Hoyer, seconded by Supervisor Sieber to approve. Ayes: Hoyer, Sieber, Van Dyck Nay: Buckley, Moynihan, Lund, Erickson MOTION FAILED 3 to 4

Department of Administration & Human Resources

16. **Director of Administration and Human Resources Oral Report.**

Weininger did not have anything to add that was not included in the agenda packet.

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

Closed Session

17. Potential Intergovernmental Agreement for Employee Parking.

- a. **Open Session: Motion and Recorded Vote pursuant to Wis. Stats. Sec. 19.85(1), regarding going into closed session pursuant to Wis. Stats. Sec. 19.85(1)(e), i.e., for deliberating or negotiating and conducting other specified public business, whenever competitive or bargaining reasons require a closed session, in particular, regarding potentially entering into an Intergovernmental Agreement for Employee Parking.**
- b. **Convene into Closed Session: Pursuant to Wis. Stats. Sec. 19.85(1)(e), the governmental body shall convene into closed session for purposes of deliberating or negotiating and conducting other specified public business, whenever competitive or bargaining reasons require a closed session, in particular, regarding potentially entering into an Intergovernmental Agreement for Employee Parking.**
- c. **Reconvene into Open Session: The governmental body shall reconvene into open session for possible voting and/or other action regarding potentially entering into an Intergovernmental Agreement for Employee Parking.**

Weininger informed there was no need for the Committee to go into closed session because it does not look like the deal the county was trying to work out with the City of Green Bay is going to work. There is a developer to take the site and the county having parking there would only be available for about 60 days. The county will continue to look at parking options and if something else comes up, Weininger will bring that to the Committee. He also talked about the Bank Mutual site and said that with snow removal and other maintenance, it would be cost prohibitive for employees to get inexpensive parking so that site will not work either.

Motion made by Supervisor Sieber, seconded by Supervisor Buckley to receive and place on file Item 17 a, b & c. Vote taken. MOTION CARRIED UNANIMOUSLY

18. Labor Negotiation Strategies Regarding Sheriff's Department Non-Supervisory Employees 2020 Labor Agreement.

- a. **Open Session: Motion and Recorded Vote pursuant to Wis. Stats. Sec. 19.85(1), regarding going into closed session pursuant to Wis. Stats. Sec. 19.85(1)(e), i.e., for conducting other specified public business whenever competitive or bargaining reasons require a closed session, in particular, regarding Labor Negotiation Strategies Regarding Sheriff's Department Non-Supervisory Employees 2020 Labor Agreement.**
- b. **Convene into Closed Session: Pursuant to Wis. Stats. Sec. 19.85(1)(e), the governmental body shall convene into closed session for purposes of conducting other specified public business whenever competitive or bargaining reasons require a closed session, in particular, regarding Labor Negotiation Strategies Regarding Sheriff's Department Non-Supervisory Employees 2020 Labor Agreement.**
- c. **Reconvene into Open Session: The governmental body shall reconvene into open session for possible voting and/or other action regarding the Sheriff's Department Non-Supervisory Employees 2020 Labor Agreement.**

Hemery informed no closed session is needed on this item. Weininger added that the non-supervisory employees have submitted an offer and the county will soon be submitting their offer. The county is doing their due diligence and looking at comparables and will keep the Committee updated on developments.

Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to receive and place on file Item 18 a, b & c. Vote taken. MOTION CARRIED UNANIMOUSLY

Other

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

20. Adjourn.

Motion made by Supervisor Sieber, seconded by Supervisor Moynihan to adjourn at 6:41 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Administrative Specialist