

## PROCEEDINGS OF THE BROWN COUNTY EXECUTIVE COMMITTEE

Pursuant to Section 18.94 Wis. Stats., a meeting of the **Brown County Executive Committee** was held on Monday, September 8, 2014 in Room 200, Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

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**Present:** Chair Tom Lund, Supervisor Erickson, Supervisor Moynihan, Supervisor Evans, Supervisor Buckley, Supervisor Van Dyck, Supervisor Fewell  
**Excused:** Supervisor Vander Leest  
**Also Present:** Supervisors Landwehr & Hoyer. Executive Streckenbach, Chad Weininger, Juliana Ruenzel, Brent Miller, August Neverman, Paul Gazdik, Jeremy Kral, Beth Lemke, and other interested parties.

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**I. Call Meeting to Order:**

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

**II. Approve/modify agenda:**

Erickson asked to modify the agenda to hold Item 16c for one month.

Corporation Counsel Juliana Ruenzel informed that the Internal Auditor put together a document, it went to Public Works for review, they commented, and then the Internal Auditor made more comments. The Executive Committee asked her to come back in 60 days with her comments. It was her understanding that Mr. Van Noie did not see her comments.

Evans informed that he would have liked Van Noie present to answer questions. Erickson informed that he had spoken with Van Noie and Van Noie couldn't even comment on this as he hadn't seen it. Ruenzel informed that she had spoken with him this afternoon. Moynihan stated as far as he was concerned, that was the end of it. Internal Auditor Dan Process stated his concern was that his responses may not have addressed the issues. He didn't know if Van Noie wanted another opportunity to take corrective action on some of those findings. Van Noie had disagreed with recommendations so therefore nothing was addressed. Process didn't know if that's where they wanted to leave it. Lund added that everything was by the board's authority to grant on that authority. Buckley felt Van Noie had to come up with resolutions.

*Supervisor Fewell arrived at 5:34 p.m.*

Evans questioned County Executive Streckenbach on what he directed Van Noie to do. Streckenbach responded, while recognizing that the statutes do have some granting authority, they will be moving forward and putting together formal policies and procedures internally for the Highway Department which follow best practices of the recommendations that Process had pointed out in the findings. He reiterated that Van Noie did not know this was on the agenda as this was a request by the Executive Committee to come back in 60 days for Ruenzel to comment. Right now, from Administrations standpoint, they recognize the recommendations; they will be putting in internal processes and procedures for documentation purposes and didn't disagree with the findings. Van Noie recognized and appreciated documentation and written internal procedures. There was a best practice that was followed in the past on how the highway operated. He didn't disagree with the Internal Auditor.

Landwehr was fine with 30 days but he would like to see it come back and on an agenda at a set time because he respectfully disagreed, the director did not appreciate the recommendations, he was very adamant against them as written in his responses. This needed to come back and be addressed not just that they were going to put the policies and procedures together per past practices.

Process added that normally with any audit there was a follow-up process that was done so all of those recommendations depending on what the responses were, normally he was looking for some type of implementation plan with a date. It may not be completed in 30 days but he was still looking for a timeline with some definite completion dates and it would be followed up on a quarterly basis. Lund agreed and believed they needed to have cooperation.

Streckenbach wanted it to be clear that the request was to get feedback from Ruenzel about what the recommendations were and what the statutes allowed. What they had in their packet was her response to their request, it wasn't a request for them to come back with an action plan and an initiation. What they were prepared to do and what they were working on internally was to make sure that they had the appropriate processes in place, documentation on the internal side, making sure that they were following the best practices and looking at the recommendations that Process had brought forward.

Buckley questioned if they could come back with a timeline in 30 days, Streckenbach responded yes.

**Motion made by Supervisor Erickson, seconded by Supervisor Evans to approve as modified.**

**Vote taken. MOTION CARRIED UNANIMOUSLY**

III. **Approve/modify Minutes of August 11, 2014.**

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

**MOTION CARRIED UNANIMOUSLY**

**Comments from the Public:** None.

**Public Hearing**

1. **Public Hearing on the proposed issuance of Brown County, Wisconsin General Obligation Airport Improvement Refunding Bonds, Series 2014C (AMT) (the "Refunding Bonds") in an amount not to exceed \$4,795,000, which bonds are being issued to refund to refinance certain maturities of the County's \$7,000,000 General Obligation Airport Improvement Bonds, Series 2004A dated August 1, 2004 (the "Prior Bonds"). TEFRA notice – See Item 18.**

Executive Committee Chairman Tom Lund read the Public Hearing notice inserted in the agenda packet and asked three times if anyone wished to speak on this matter.

Hearing Open to the Public – No Comments.

Hearing Closed to the Public.

**Communications**

2. **Communication from Supervisor Robinson re: That the County Board handle all decisions as separate agenda items and resolutions, and not through approval of committee minutes and notes. Held for a month.**

Supervisor Fewell provided a draft of a Brown County Board of Supervisors Resolution/Ordinance Form (attached) and stated they needed in a professional way to make these available for all supervisors. He would like to see any substances that come out of these committees in resolution form and not just in committee minutes. He believed so much serious business got passed through committee minutes with no detail to what they were really passing. Sometimes it was an ambiguous motion and they pass it. He felt it should be put into professional performance with a resolution or ordinance change. Fill out the form, submit it to County Board, it gets referred to a committee, reviewed by Corporation Counsel, and if there

was going to be a resolution it got put on an agenda. Fewell wanted it to be done timely and not a process that delayed any action.

Moynihan likened this to piggyback with the Late Communications from Supervisors. Fewell responded that this would be the standard form that they could use it for a resolution, ordinance or communication. Moynihan supported what he had before him.

Evans liked the concept but questioned if it was going to replace the current standard way of doing business, being able to pull from standing committee minutes. He could support this as long as the way they were conducting business now was the way they will continue to do it. This form was an enhancement for the supervisors. Erickson agreed with Evans. Fewell responded that ideally if it worked out well, everything would either fit in one of those categories. Moynihan felt it would streamline.

Further questions arose regarding Supervisor Robinsons intent. Buckley didn't have a problem using the form; he suggested revisiting this in a year to the fullest scope of what Robinson wanted, placing everything in resolution form which Buckley and Lund felt was not necessary.

Lund felt if they wanted to change anything on the form they could do it tonight or come back next month with suggestions and go from there.

Moynihan asked Ruenzel, theoretically if a supervisor forwarded a communication, she wanted to see that action out of the committee before she would entertain authoring a resolution. Ruenzel responded that that was her understanding and it was this committee that put that in this place. Lund replied that it was, if supervisors wanted to come up with a resolution and do it on their own that was fine but if they were going to get involved with Corporation Counsel then it had to be approved by the committee or the Committee of the Whole. So with that stated, Moynihan questioned if this wouldn't really work. As far as the communication standpoint. If a supervisor checked communication and resolution, it goes to the committee; Corporation Counsel wasn't going to start on a resolution until the committee approved the communication. They were right back at square one. When it came out of committee, the Chairman had to form a motion in resolution form and forward it to Corporation Counsel and insure that Corporation Counsel had it before them before the board meeting. It was still a nice form but it was contrary. Lund felt it could be a communication for a possible resolution or ordinance change.

Erickson didn't want to open a door that the minute this was turned in, Corporation Counsel was creating a resolution. He didn't want to waste staff time until it went through committee. This could be a tool for turning in a request but it had to go to committee first.

Moynihan felt that when something came out of committee, the Chair could fill out the form and have staff forward it to Corporation Counsel. It was just another element of insurance other than an email or phone call.

Buckley felt this form could provide the intent from a supervisor, it was not saying that it would be produced until it went through committee. It was more of an initial request or referral form.

Fewell felt the issue was that when they start passing committee reports it was very vague what they were passing and then they came back saying they passed a resolution and everyone thinks that everything they passed on a committee report was a resolution. That was the argument, that every act in the committee was now a resolution. Fewell felt they needed a professional

legislative staff person in the County Board office. Lund stated that they had asked for that in the past but were shot down. Fewell understood that but this was where they needed it, it didn't necessarily need to be Corporation Counsel authorizing resolutions. Part of this was a bigger agenda item in the sense that it was probably illegal the way they handled committee reports. Committee reports were not detailed out on the agenda. It should be detailed out so that any reasonable person knew that any committee item that went through any committee could be pulled off and discussed at County Board. He felt they violated open meetings laws all of the time. It was his understanding that Brown County was one of the only counties that passed things through committee reports.

Fewell felt they had to put something next to every committee report such as, "see attached report, any item can be pulled and discussed and re-voted on at that County Board meeting". This was the bigger picture of how you actually let the public know what was going on. Hoyer stated that if you went on the County Board website, the agenda was the same as what Supervisors received including the minutes at least enumerated from all of the meetings, so there was the potential for any of that information to be discussed or pulled. Fewell stated that when they look at the agenda, not the supplemental material, the agenda didn't list it out that way. Lund felt they should hold this for a month and the question should be asked of Corporation Counsel, what they were doing right now for approval of committee meetings, was that an illegal way of doing it. Ruenzel responded that she had never seen it done the way it was done in Brown County. With that being said, people didn't have notice. When she first looked at the agenda, it was clear to her that she didn't have notice of what was going to be discussed at the meeting. The Attorney General will always say that they had to be clear so that any ordinary citizen knew what was going to be discussed.

Lund suggested putting the Executive Committee agenda with all the motions from each item underneath, it would be clear as to what would be on the agenda when they approved those minutes. It would be part of the packet of the agenda, referencing a page: agenda with motions from that committee. Ruenzel stated it should list the agenda items and the actions. Moynihan and Evans would like to see an example of what it was going to look like.

**Motion made by Supervisor Buckley, seconded by Supervisor Moynihan to refer to the Chairman of the Executive Committee. Vote taken. MOTION CARRIED UNANIMOUSLY**

3. **Communication from Supervisor Dantine re: To have Administration look into the problem of employee parking and its cost and report back. *Held for a month.***

Director of Admin Chad Weininger stated they were waiting to hear back from the Mayor's office. He suggested setting up a meeting with the mayor and with members of the Executive Committee.

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

4. **Communication from Supervisor Hoyer re: Offer couple/family benefits to county employees with domestic partnerships in 2015 budget. *Referred from July Admin Committee.***
  - a) **Resolution Offering Healthcare Benefits to Registered Domestic Partners Employed by Brown County. *Held until the U.S. Appeals Court took action on the constitutionality of the***

***matter. \*Information to be passed out at the meeting.***

Hoyer informed that the Seventh Circuit Court of Appeals upheld the district ban. Ruenzel informed that there were post judgment motions that could be made yet, that was still with the Seventh Circuit. She was guessing there were going to be post judgment motions that were made based on this decision and they were also going to file with the Supreme Court, so it was still up on appeal. Lund informed that the state had 14 days to come up with arguments. It was Ruenzel's understanding that the Supreme Court was waiting for two cases to come up, the Indiana case and the Wisconsin case because they were going to consolidate all the cases and do everything together. Lund assumed it wasn't going to be heard this year and it would be awhile.

Hoyer reiterated his request to have the committee consider the resolution and to offer health care benefits.

Lund questioned if Administration gave him any possible ideas of what the cost ramifications would be. Lund didn't know how they could tell because it was a private matter. Hoyer informed that they were looking at a small amount of employees, which potentially shift from no benefits or from single to married.

Fewell stated that the legal question still was that if they were to honor health benefits for domestic partners for next year, were they going to do this on a one year basis, because if gay marriage passed, and it became the law of the land, were they were going to have two classes of citizens. He wasn't sure how the state was going to rectify that. There were going to be people who were getting domestic partnerships that didn't have to get married because they were already getting those benefits. And then there were going to be people who were gay married. Fewell stated that he might be the first to file a discrimination lawsuit with regard to that because again, that put them in a place where why can't heterosexual people be in a domestic partnership instead of a marriage. It had to get cleared up because once gay marriage is legal, how can it be taken away from people in domestic partnerships if they choose not to get married. He felt it was convoluted. Lund agreed.

Hoyer stated that ultimately, if the state was going to close the registry, they wouldn't be alone dealing with this issue in terms of seeing how other counties and organizations dealt with it. With regard to the resolution, Hoyer asked Fewell if he would feel more comfortable if instead of continuing benefits to domestic partnerships, if same sex marriages pass, to actually say, we will no longer recognize domestic partnerships so there wouldn't be the continuity or two different levels. Fewell would guess that they would need to have Corporation Counsel tell them what they needed to do to do that, he didn't know if they could. Hoyer informed that they could do what they wanted.

Ruenzel's feelings were that the legislature in the State of Wisconsin was smart enough that if this became law they were going to repeal 770 immediately. Fewell responded that she was making a big assumption. She felt if they weren't smart enough that people will be approaching them on it. If you start giving benefits and taking them away, the confusion was going to come in the department that had to deal with the benefits.

Lund stated it was for the 2015 budget, he didn't think until possibly this time next year that marriages will be legal in the Wisconsin. It will take a while to get all of this stuff done. Then it will go back through the legislation. He didn't look at this as a fast track in two months marriages will be legal in the Wisconsin. If they want to pass this, he will take it as a rule for 2015 and not beyond, as that's how the resolution read. Fewell questioned that if gay marriage was legal, will they send a letter to all domestic partnerships and tell them that their benefits will continue if they get married.

**Motion made by Supervisor Evans to modify the resolution to replace under *Now, Therefore, Be It Resolved* “beginning with the 2015 budget” with “beginning in 2015” and strike under *Be It Further Be Resolved* the wording: “with continuing benefits remaining to those with domestic partnerships who applied under this current policy while offering the benefits to any legally married employee”. No second.**

Hoyer felt the motion would allow them the flexibility to sunset it in the way that was most appropriate. Lund felt they would have to talk about that when it happened.

Human Resources Manager Brent Miller clarified that for life insurance and Deferred Compensation you can name whoever you want as your beneficiary currently in the State of Wisconsin. The only thing that would be imminent later would be the health insurance.

Buckley felt there was too much in the air, if they were going to give benefits today and take them away a year from now, it wasn't going to be that easy. If it was going to happen, all ducks needed to be in a row. He wasn't going to have a silly notion thinking that a year from now they were going to take them away, once they are in, they are in. He agreed with Fewell, if you are going to have domestic partnership, it should be between a man and woman, a man and man, a woman and woman and be fair for everyone.

**Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to receive and place on file. Vote taken. MOTION CARRIED 4 to 2  
Ayes: Fewell, Buckley, Moynihan, Erickson  
Nay: Evans, Lund**

#### **Vacant Budgeted Positions (Request to Fill)**

5. **Child Support – Accounting Technician - Vacated 7/31/14.**
6. **Child Support – Clerk/Typist II - Vacated 9/8/14.**
7. **Emergency Management – Emergency Management Coordinator - Vacated 8/11/14.**
8. **Human Services – Clinical Social Worker - Vacated 9/2/14.**
9. **Human Services – Social Worker Supervisor (Child Protection) - Vacated 9/4/14.**
10. **Human Services (CTC) – Assistant Director of Nursing Home - Vacated 8/11/14.**
11. **Museum – Assistant Director - Vacated 11/11/13.**
12. **Port & Resource Recovery – Resource Recovery Associate (.5 FTE) - Vacated 8/6/14.**
13. **Technology Services – Delivery & Receiving Clerk (.53 FTE) - Vacated 8/21/14.**

**Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to take Items 5-13 together. Vote taken. MOTION CARRIED 5 to 1.  
Ayes: Fewell, Moynihan, Erickson, Evans, Lund  
Nays: Buckley**

**Motion made by Supervisor Moynihan, seconded by Supervisor Erickson to approve Items 5-13. Vote taken. MOTION CARRIED 5 to 1.  
Ayes: Fewell, Moynihan, Erickson, Evans, Lund  
Nays: Buckley**

#### **Legal Bills**

14. **Review and Possible Action on Legal Bills to be paid.**

**Motion made by Supervisor Erickson, seconded by Supervisor Fewell to pay the bills. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Reports**

15. **County Executive Report.**

Executive Streckenbach informed that the budget was continuing to moving forward, budget books will be available October 1, 2014.

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

16. **Internal Auditor Report.**

a) **Board of Supervisors Budget Status Financial Report for July, 2014.**

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

b) **Proposed Monthly Update Status Report (August 1 – August 31, 2014).**

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

c) **Discussion and possible action on the Final Internal Audit Report – Purchasing Function for Public Works Highway Department. *See Item III.***

17. **Human Resources Report. No report.**

**Resolutions, Ordinances**

18. **Initial Resolution Authorizing the Issuance of Not to Exceed \$4,795,000 General Obligation Airport Improvement Refunding Bonds of Brown County, Wisconsin.**

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

19. **Initial Resolution Authorizing the Issuance of Not to Exceed \$2,440,000 General Obligation Corporate Purpose Refunding Bonds of Brown County, Wisconsin.**

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

20. **Resolution re: Change in Table of Organization for the Human Services Department (Lead Economic Support Specialist).**

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

21. **Resolution re: Change in Table of Organization for the Technology Services Department (Server, Storage & Virtualization Specialist).**

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

**Other**

23. **Such other matters as authorized by law. None.**

24. **Adjourn:**

**Motion made by Supervisor Evans, seconded by Supervisor Buckley to adjourn at 6:41 p.m.**

**Vote taken. MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Alicia Loehlein  
Recording Secretary



**Brown County Board of Supervisors Resolution/Ordinance Form**

**Supervisor** \_\_\_\_\_ **District** \_\_\_\_\_

**Date Requested** \_\_\_\_\_

**Referred to Committee(s)** \_\_\_\_\_

**CHECK ONE**

\_\_\_\_\_ **Resolution** (please briefly describe Resolution being requested)

\_\_\_\_\_ Fiscal Impact to be included. \_\_\_\_\_ No Fiscal Impact

\_\_\_\_\_ **Ordinance Change** (Please briefly describe Ordinance change)

**Reviewed by Corporation** \_\_\_\_\_

**Date: Review Completed** \_\_\_\_\_