

## **PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS**

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, January 21<sup>st</sup>, 2004, at 7:00 p.m.**, at City Hall, 100 N. Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered at the regular monthly meeting:

Call to order.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Kaye, Zima, Evans, Vander Leest, Vanden Plas, Marquardt, Kuehn, Collins, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Excused: Johnson

Not Present: Hansen (arrived at 7:20 p.m.)

Total Present: 24 Total Excused: 1 Not Present: 1

### **No. 1 -- Adoption of agenda with the additions.**

A motion was made by Supervisor Kuehn and seconded by Supervisor Watermolen “**to approve the agenda as modified.**” Voice vote taken. Motion carried unanimously with no abstentions.

### **No. 2 -- Approval of minutes of County Board Meeting of January 21, 2004.**

A motion was made by Supervisor Antonneau and seconded by Supervisor Miller “**to adopt.**” Voice vote taken. Motion carried unanimously with no abstentions.

### **No. 3 -- Announcements by Supervisors.**

Supervisor Kaye reminded Supervisors that March 3<sup>rd</sup>, Public Safety Committee meeting will take a tour of the Jail. He added that State Statutes requires that this tour be conducted once per year and he invited all Supervisors to attend.

Supervisor Clancy announced the Wrightstown Area Library Committee is having an Optimist Pancake and Porkie Breakfast, including a basketball tournament, plus other entertainment, including Bill Jartz. All the proceeds go to the relocation and funding of the Library in Wrightstown. This event is taking place on Sunday, February 8<sup>th</sup> from 8:00 a.m. to 11:00 a.m. at the Wrightstown High School, with various games, including a basketball tournament, to follow the breakfast. Supervisor Clancy encouraged everyone to attend.

Supervisor Marquardt announced Sunday, January 25<sup>th</sup> at 2:00 p.m. there will be an open voter registration with the reenactment of Susan B. Anthony's 1886 visit to Green Bay held at the Green Bay Y.W.C.A. It is being co-sponsored by the Green Bay Business and Professional Association, Y.W.C.A., Brown County Historical Society and Heritage Hill. She added that on February 6<sup>th</sup> from 6:00 p.m. to 9:00 p.m. and February 7<sup>th</sup> at 12:30 p.m. to 8:00 p.m., Breeze-Fest is being held, weather permitting. Supervisor Marquardt added there is a free family night at the Broadview Y.M.C.A. with various activities Friday and Saturday.

Supervisor Antonneau announced he didn't receive the special delivery per Sheriff's Department, that other Supervisors are referring to.

Responding to Supervisor Antonneau, Supervisor Daul said the delivery made to Supervisors included the minutes of Planning and Development Meeting from last Thursday Night. She requested the minutes be delivered because there was no mail on Monday and she felt it was important that the Supervisors receive them prior to the County Board meeting.

**No. 4 -- Communications. None**

**No. 5 -- Late Communications.**

**No. 5a -- From Supervisor Lund regarding Suamico's representative on the Brown County Planning Commissions term expires on March 1, 2004. We have shared representation for the past 3 years with the Village of Hobart. I would ask that because of the change in status in Suamico from town to village that it would be appropriate that Suamico would no longer share representation on this important board with another municipality that it does not share common borders with. Suamico is a community of almost 10,000 residents and this alone should grant it an autonomous voice on this board. Please review this request and send it forth to the proper committee.**

Refer to Planning, Development and Transportation Committee.

**No. 5b -- From Supervisor Schadewald regarding a request for copies of the statistical data used to formulate the Blue Ribbon Committee Task Force conclusions regarding the Mental Health Center.**

Refer to Human Services Committee.

**No. 5c -- From Supervisor Nicholson requesting a duty roster from the Patrol Division of the Brown County Sheriff's Department for all three shifts for the last three months.**

Refer to Public Safety Committee.

**No. 5d -- From Supervisor Nicholson requesting to create a new policy that the Brown County Sheriff's Department should utilize the State Patrol or other agency to investigate crashes involving their squads to get an outside opinion. The purpose of the policy change is to ensure an unbiased investigation.**

Refer to Public Safety Committee.

**No. 5e -- From Supervisor Nicholson requesting to create a new policy on usage of State Patrol for minor, serious and fatal accidents. If the scene requires reconstruction, because of serious injury or fatality, the State Patrol reconstruction officer would be called to complete the full reconstruction.**

Refer to Public Safety Committee.

**No. 5f -- From Supervisor Fred Graves, Jr. requesting a change in name of the Bay Shore Cecil Depeau Park to Cecil Depeau Bay Shore Park.**

Refer to Education and Recreation Committee.

**No. 6 -- Appointments by County Executive.**

A motion was made by Supervisor Schadewald and seconded by Supervisor Watermolen **“to approve the appointments of No. 6a and 6b with one vote.”** Voice vote taken. Motion carried unanimously with no abstentions.

**No. 6a -- Reappointment of Jerry Van Sistine and Neil Richtman to Handicapped Children’s Education Board.**

**No. 6b -- Appointment of Steve Nervegna to Nicolet Federated Library Board.**

A motion was made by Supervisor Schadewald and seconded by Supervisor Watermolen **“to approve appointments #6a and #6b”.** Voice vote taken. Motion carried unanimously with no abstentions.

Supervisor Hansen arrived at 7:20 p.m. and took her seat.

**No. 7a -- Report by County Executive.**

County Executive Kelso announced she is pleased to present the Blue Ribbon Committee Report on the Mental Health Center. She explained the basis of the study began by looking to see what we would be using the building for and based on that, we would decide what kind of a building we needed. After presenting the basis of which the Blue Ribbon Committee was to work from, Ms. Kelso invited Mr. Henry Wallace, Chairman of the Blue Ribbon Task Force Committee to come forward. Mr. Wallace gave a detailed power-point presentation of the facts and findings of the Committee. Following the power-point presentation, Mr. Wallace answered questions from several County Board members. The power-point report is on file in the County Clerk’s Office.

**No. 7b -- Report by Board Chairman.**

Chairman Simons thanked the Blue Ribbon Task Force for their unselfish efforts in compiling this report and presenting it to the County Board. He stated the Blue Ribbon Task Force gave up much of their time and he wanted them to know how much that is appreciated.

No. 8 -- Other Reports.

No. 8a -- TREASURER'S FINANCIAL REPORT FOR THE MONTH OF OCTOBER 2003

Following is a statement of the County Treasurer of the Cash on Hand and in the General Account of the Brown County Treasurer as of OCTOBER 31, 2003:

Associated Bank	\$ 7,746,358.64
Wisconsin Development Fund	0.00
Sweep Account (Repurchase Agreements)	0.00
Deposits In Transit	70,368.78
Emergency Fund	(25,450.49)
Non-sufficient Fund Checks Redeposited	5,263.67
PBA Sweep Account	(458,659.56)
Deposit Adjustment	0.00
Bank Error(s)	0.00
<b>Total</b>	<b><u>2,337,881.04</u></b>
Less Outstanding Checks	(1,732,897.21)
Other Reconcilable Items	0.00
<b>Balance Per Cash Book</b>	<b>\$ <u>604,983.83</u></b>

Following is a statement of the County Treasurer of the Working Capital reserves placed in time deposits in the designated public depositories within Brown County for the purpose of investments as of OCTOBER 31, 2003:

Year-to-Date Interest Received – Prior Month	\$ 1,860,499.53
Interest Received – Current Month	<u>148,415.94</u>
Year-to-Date Interest received on Unrestricted Funds	\$ <b>2,008,915.47</b>
Working Capital Reserves Invested	100,312,603.28
Restricted Investments	<u>20,513,621.56</u>
Total Funds Invested	\$ <b>120,826,224.84</b>

I, Kerry M. Blaney, Brown County Treasurer, do hereby certify that the above statement of Cash on Hand and in the General Account as of OCTOBER 31, 2003 and the statement of investments for the month of OCTOBER have been compared and examined, and found to be correct.

\s\ Kerry M. Blaney  
County Treasurer

A motion was made by Supervisor Watermolen and seconded by Supervisor Kuehn “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Carol Kelso, County Executive Date: 2/4/2004

**No. 9 -- Standing Committee Reports.**

**No. 9a -- REPORT OF ADMINISTRATION COMMITTEE OF JANUARY 8, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on January 8, 2004 and recommends the following motions:

1. Review minutes of:
  - a. Housing Authority (12/15/03).  
Receive and place on file.
2. Communication from Supervisor Schadewald regarding: Review of two bills, over \$4,000 each, for consulting fees paid by Brown County. (Held from previous meeting.)  
Receive and place on file.
3. Facilities Management – Communication from Supervisor Schadewald regarding: Requesting information concerning the amount of office remodeling and their costs for 2003 and anticipated costs for 2004. (Referred from December County Board.) Receive and place on file.
4. Human Resources Monthly Committee Report (December 2003). Receive and place on file.
5. Treasurer – Treasurer’s Financial Report for the month of October 2003. Receive and place on file.
6. Department of Administration – Asset Maintenance Fund Request. Approve.
7. Department of Administration – Response to Questions regarding: 2003 Budget Transfer Log (from previous meeting). Receive and place on file.
8. Audit of bills. (Bills were paid.)

A motion was made by Supervisor Antonneau and seconded by Supervisor Graves **“to adopt”**.

Supervisors Kuehn and Zima abstained from Item #1a.

Supervisor Marquardt requested Item #6 be pulled for information. Voice vote taken to approve the remainder of the report. Motion carried unanimously with no abstentions.

Item # 6 – Department of Administration – Asset Maintenance Fund Request. Committee action: Approve.

Supervisor Marquardt, explained that the minutes do not explain exactly what the committee is approving. She explained action on #6 is a request to take money out of the Asset Maintenance Fund to replace some radio towers in De Pere. She did not feel the committee report reflected that information.

A motion was made by Supervisor Watermolen and seconded by Supervisor Schadewald **“to adopt the Administration Committee Report”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_

Date: 2/4/2004

No. 9b -- **REPORT OF EDUCATION AND RECREATION COMMITTEE OF  
JANUARY 12, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in regular session on December 18, 2003, and recommends the following motions:

1. Review minutes of:
  - a) Neville Public Museum Governing Board (10/21/03).
  - b) Library Board (10/17/03).Receive and place on file.
2. Arena/Expo Centre – Attendance Report (October and November 2003). Receive and place on file.
3. Arena/Expo Centre – Update presentation on state of tourism on Brown County for 2003 and future (Kari Sliva, President/CEO of Packer Country of Tourism Office.) Receive and place on file.
4. Arena/Expo Centre – Review roof repair estimates for arena (Bill Dowell, Facilities Management Director). Receive and place on file.
5. Arena/Expo Centre – Facilities Management – Discussion of Arena roof repair options. Receive and place on file.
6. Museum – Museum Visitor County (October and November 2003). Receive and place on file.
7. Museum – Director’s report. Receive and place on file.
8. Library – Communication from Supervisor John Vander Leest regarding: Request the Library Director work to find sponsors for the Bookmobile and report back to Education and Recreation Committee. (Referred from November County Board.) Develop a countywide policy, or guidelines, regarding sponsorships or donations.
9. Library – Director’s Report. Receive and place on file.
10. Golf Course – Daily Financial and Attendance Report (November 16, 2003). Approve.
11. Golf Course – Superintendent’s report. Receive and place on file.
12. Parks – Request for Budget Transfer: Increase in expenditures with Offsetting Increase in Revenue: Donation of \$4,030.24 toward husbandry and care of moose from the Woods and Waters 100 Club. Approve.
13. Parks – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Donation of \$2,500 toward Coldwater and Salmonoid exhibit support from the Green Bay Area Great Lakes Sport Fishermen. Approve.
14. Parks – Request for Private Access at the Reforestation camp by adjoining property owner, Mike Hackl. Approve with the usual provisions.
15. Parks – Mountain Bay and Fox River Trails update by Doug Hartman, Resource Manager/Education Supervisor, Brown County Parks. Receive and place on file.

16. Parks – Request by Supervisor Van Deurzen for Parks Department personnel draft a sketch of possibilities of camping at the Brown County Fairgrounds. Update and current fair master plan by park staff and Tom Jennings of Mayo Corporation whom developed the existing fair master plan. Move forward with the temporary permit for a campground immediately and work on getting some costs.
17. Parks – Zoo Monthly Activity Report for months of October and November 2003. Receive and place on file.
18. Parks – Director’s Report. Receive and place on file.
19. Audit of Bills. Pay the bills.

A motion was made by Supervisor Antonneau and seconded by Supervisor Nicholson “**to adopt**”. Voice vote taken. Motion carried with Supervisor Miller voting nay.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 2/4/2004

**No. 9c -- REPORT OF EXECUTIVE COMMITTEE OF DECEMBER 8, 2003**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on January 12, 2004 and recommends the following motions:

1. County Executive. No action.
  2. Legislative Subcommittee Report. (No report.)
  3. Internal Auditor Report. No action.
  4. Communication from Supervisor Rick Schadewald regarding: Requests Internal Auditor to complete an analysis of the Clerk of Courts Office operations. (Referred from December County Board.) Receive and place on file.
  5. Communication from Supervisor Fewell regarding: Request discussion of private companies advertising in county buildings. (Referred from December County Board.) Instruct Corporation Counsel to send a reminder letter, citing the County Code regarding this to all department heads.
  6. \* Corporation Counsel – Communication from Supervisor Hansen regarding: Request Mr. Jacques put in writing to the Attorney General your response on why a veto can be done on a committee item. (Referred from Administration Committee.) Have Corporation Counsel, Mr. Jacques, write a letter to the Attorney General asking for that response, and to have that done within the next 30 days.
- \* REFER BACK TO EXECUTIVE COMMITTEE AS PER THE COUNTY BOARD ON 1/21/2004.
7. Resolution regarding: Sheriff Department reclassification of Secretary II to Administration Secretary/Change in Table of Organization. (Referred from Public Safety Committee.) Committee approved. See Resolutions, Ordinances January County Board.

8. Resolution regarding: Authority to Execute a 2003-2004 Labor Agreement with the Brown County Mental Health Center Employees, Local 1901. (Tabled for 30 days from previous meeting.) Reject resolution. Ayes: 5(Simons, Antonneau, Moynihan, Kaye, Daul); Nays: 2 (Fewell, Hansen). Motion Carried.
9. Resolution regarding: Authority to Execute a 2002-2003 Labor Agreement with the Brown County Professional Sanitarians. Hold for thirty days for review by Mr. Vander Kelen and Administration.
10. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85(1)(e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82(1) of the Wisconsin State Statutes. (No Closed Session held.)

A motion was made by Supervisor Graves and seconded by Supervisor Vander Leest **“to adopt”**. Supervisor Schadewald requested Item #4 be taken separately.

Supervisor Evans requested Item #6 be taken separately.

Voice vote taken on remainder of the report. Motion carried with Supervisor Miller voting nay.

Item #4 – Communication from Supervisor Schadewald regarding: Requests Internal Auditor to complete an analysis of the Clerk of Courts Office operations. Committee action: Receive and place on file.

Supervisor Schadewald explained the reason he put this communication in is because it has been several years since an audit has been done in the Clerk of Courts. He added this is a big money operation, ranging in millions of dollars. Supervisor Schadewald said the last time an audit was done in the Clerk of Courts, it showed a savings of thousands of dollars. He requested Chairman Simons to work with the Internal Auditor to work this audit into her schedule.

Sara Perrizo, Internal Auditor, responded she will try very hard to work an audit of the Clerk of Courts into her future work plan.

A motion was made by Supervisor Kuehn and seconded by Supervisor Vanden Plas **“to adopt the committee’s action to receive and place on file item #4”**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #6 – Communication from Supervisor Hansen regarding: Request Mr. Jacques put in writing to the Attorney General your response on why a veto can be done on a committee item. Committee action: Have Corporation Counsel, Mr. Jacques, write a letter to the Attorney General asking for that response, and to have that done within the next 30 days.

Supervisor Evans asked clarification of Corporation Counsel John Jacques; asking if this stems from a previous dispute? John Jacques, responded yes, adding he would be writing a letter to the State Attorney General and each Supervisor would receive a copy of his letter. Supervisor Evans asked if this was voted on at committee and Mr. Jacques replied he thought it passed unanimously at committee level. Mr. Jacques stated there has to be a “factual basis”, a specific factual occurrence, otherwise the Attorney General will not issue an opinion. Supervisor Evans asked the time frame on this opinion and Mr. Jacques responded that it depends on how high of a priority the Attorney General puts on this issue.

Supervisor Zima stated there is some minor housekeeping that needs to be done on this issue. He made a motion **“to refer back to committee”** so we can dispense of this item as soon as possible. Motion seconded by Supervisor Evans. Vote taken. Roll Call #9c(1):



Ayes: Antonneau, Graves, Nicholson, Miller, Haefs, Kaye, Zima, Evans, Vander Leest, Van Deurzen, Simons, Lund

Nays: Gower, Hansen, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Fewell

Excused: Johnson

Total Ayes: 12                      Total Nays: 13                      Excused: 1

At this time Supervisor Kuehn requested his vote to be changed from “nay” to “aye”, explaining he pushed the wrong button.

A motion was made by Supervisor Evans and seconded by Supervisor Van Deurzen **“to allow Supervisor Kuehn to change vote from nay to aye on item #6 and thereby referring Item #6 back to committee”**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Schadewald and seconded by Supervisor Collins **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_                      Date: 2/4/2004

**No. 9d--                      REPORT OF HUMAN SERVICES COMMITTEE OF DECEMBER 17, 2003**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on December 17, 2003, and recommends the following motions:

1. Review minutes of:
  - a) Veterans’ Recognition Subcommittee (11/4/03).
  - b) Human Services Board (11/6/03).
  - c) Homeless Issues & Affordable Housing Subcommittee (11/18/03).
  - d) Community Options Program Appeals Committee (11/24/03).

Receive and place file a-d.
2. Communication from Supervisor Miller regarding: Human Services Department explain the discontinuance (some ten years ago) of the acceptance of Federal reimbursement for day activities for developmentally disabled individuals. (Held from November meeting.)
  - a) Refer to Internal Auditor. Ayes: 3 (Miller, Evans, Collins); Nays: 4 (Fewell, Fleck, Clancy, Zima). Motion Failed.
  - b) Refer to staff. Ayes: 4 (Zima, Miller, Evans, Collins); Nays: 3 (Fewell, Fleck, Clancy). Motion Carried.
3. Update of the individuals who are being served by Positive Parenting and the number of those individuals who qualify for CIP waiver and those individuals who do not qualify for CIP waivers. (Requested by Chair Fewell.) Receive and place on file.
4. Update on status for RFP for review of Human Services delivery systems. Receive and place on file.

5. Update on all expenditures relating to the remodeling or refurbishing of the nursing home administrator's office at the Mental Health Center. (Requested by Chair Fewell.) Receive and place on file.
6. Update on the placement of the adolescent and adult psyche units, including issues and concerns related to using the same staff serving both of these populations and any feedback that the Department of Health and Family Services has given regarding the proposed changes. (Requested by Chair Fewell.) Receive and place on file.
7. Audit of bills. Pay the bills.

A motion was made by Supervisor Collins and seconded by Supervisor Clancy "to adopt". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 2/4/2004

**No. 9e -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF JANUARY 15, 2004**

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE met in regular session on January 15, 2004, and recommends the following motions.

**Land Conservation Subcommittee**

1. Thursday's Note date dated December 18, 2003. Receive and place on file.
2. Resolution to approve Brown County 2004-2008 Land and Water Resource Management Plan. Committee approved. See Resolutions, Ordinances January County Board.
3. Update on Wildlife Damage Program (Jon Bechle). Receive and place on file.
4. Director's report. Receive and place on file.

**Planning, Development and Transportation Committee**

1. Review minutes of:
  - a) Planning Commission Board of Directors (12/3/03).
  - b) Solid Waste Board (10/20/03).
  - c) Harbor Commission (10/6/03).
  - d) Planning Commission Board of Directors Elderly & Disabled Transportation Subcommittee (11/11/03).Receive and place on file items a-d.
2. Airport – Director's report. Receive and place on file.
3. Port and Solid Waste – Update of transfer station in Village of Hobart. (No report.)
4. Port and Solid Waste – Report of Tri-County Waste Agreement. (No report.)



- b) Fire Investigation Task Force Board of Directors (11/13/03).
  - c) Fire Investigation Task Force General Membership (11/13/03).
- Receive and place on file items a-c.
2. Public Safety Communications – Update regarding: Two receiver towers in De Pere (Paul Ebel). Receive and place on file.
  3. Public Safety Communications – Update regarding: Cost effectiveness of combining frequencies in surrounding area. Hold until next month.
  4. Public Safety Communications – Update regarding: Data collection (Printak). Receive and place on file.
  5. Public Safety Communications – Director’s report. Receive and place on file.
  6. Emergency Management – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Emergency Management has been awarded a 2003 ODP Hazardous Materials Emergency Planning Grant in the amount of \$5,000. (Funds to be used to hire a LTES to assist with enhancing our Disaster GIS mapping capabilities.) Approve.
  7. District Attorney – Open RFP bids for District Attorney Process Services (see attached). Approve low bidder of API.
  8. Sheriff – Communication from Supervisor Graves regarding: Requesting an explanation of a chart from Sheriff’s department, 2002 Incident Analysis Report (selected incidents by venue). (Referred from December County Board.) Hold until February meeting.
  9. Sheriff – Communication from Supervisor Nicholson regarding: Requesting a presentation by health professionals in regard to providing medical services at the Brown County Jail. (Referred from December County Board.) Pass questions from Supervisor Nicholson on to Sheriff and furnish the information to Health Professionals, LTD.
  10. Sheriff – Communication from Supervisor Nicholson regarding: Review as an alternative the original structure to operate a House of Corrections instead of a jail facility in Brown County. (Referred from December County Board.) Refer the information to committee members and put it on the agenda for next meeting.
  11. Sheriff – Communication from Supervisor Gower regarding: Halfway Houses for Probationers and Parolees. Hold until next meeting.
  12. Sheriff – Communication from Supervisor Gower regarding: Sheriff’s department staffing modifications.
    - a) Sell the three test cars and use the money to restore a mechanic position for however long that money will last. Ayes: 4 (Zima, Nicholson, Gower, Kaye); Nays: 1 (Watermolen). Motion Carried.
    - b) Establish a subcommittee including two members of this committee to review and make recommendations to this committee regarding the vehicles and the operations. Ayes: 3 (Zima, Nicholson, Gower); Nays: 2 (Kaye, Watermolen). Motion Carried.
  13. Sheriff – Key Factor Report 2003 with Jail Average Daily Population by month and overtime by expenditures by division/session 2003 – actual through January, 2003. Receive and place on file.
  14. Sheriff – Communication from Supervisor Andy Nicholson regarding: Review other services that the Sheriff’s department could utilize to try to find savings within the

- department. (Held from previous meeting.) Refer this matter to Chairman Kaye to handle this with Supervisor Nicholson and report back to the committee.
15. Sheriff – Request number of State Probation and Parole Prisoners, number of Federal prisoners in Brown County Jail. No action. (Information included in #13.)
  16. Sheriff – Resolution regarding: Sheriff Department Reclassification of Secretary II to Administrative Secretary/Change in Table of Organization. (Referred to Executive Committee.) Committee approved. See Resolutions, Ordinances January County Board.
  17. Sheriff – Request for Budget Transfer: Increase in expenditures with offsetting increase in revenue: Increase wages and fringes \$588,750 to allow vacant positions to be filled while increasing jail revenues \$588,750 for the housing of federal inmates from the U.S. Marshall Services. (Deleted from agenda.)
  18. Sheriff – Overtime Reasons for Captain Konrath and Lt. Steffen (for calendar year 2003 through December 20, 2003). As requested in previous meeting by Supervisor Nicholson. Receive and place on file.
  19. Sheriff’s Report. No action.
  20. Audit of bills. Approve the bills.
  21. **Closed Session:** Contemplated closed session pursuant to Section 19.85(1)(c) Wis. Stats. considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. (No Closed Session held.)

ATTACHMENT TO ITEM #7 – PROCESS SERVING – D.A.

PROJECT: PROCESS SERVING DA		
PROJECT #: 1062.1		
DATE: JANUARY 7, 2004		
<b>VENDOR</b>	<b>1<sup>ST</sup> 11 MONTHS</b> Fee/Document Service	<b>2<sup>ND</sup> 12 MONTHS</b> Fee/document service
Ray Vander Perren & Associates	\$ 65.00	\$ 65.00
A1 Info Finders/Prompt Process	\$ 32.50	\$ 32.50
Bay Area Investigations & Process	\$ 30.00	\$ 30.00
Diversified Investigations	\$ 44,000.00	\$ 49,000.00
API	\$ 21.00	\$ 22.00
Attorneys Litigation Support Services	\$ 22.00	\$ 24.00

A motion was made by Supervisor Kaye and seconded by Supervisor Kuehn **“to adopt”**. Supervisor Antonneau requested item #10 and Supervisor Nicholson requested #14 be taken separately. Voice vote taken. Remainder of report adopted with Supervisor Miller voting nay. Item #10 – Communication from Supervisor Nicholson regarding: Review as an alternative the original structure to operate a House of Corrections instead of a jail facility in Brown County. Committee action: Refer the information to committee members and put it on the agenda for next meeting.

Supervisor Antonneau explained he took this item separately for informational purposes. He questioned if the "House of Corrections" issue would be on the next agenda of the Public Safety Committee.

Supervisor Kaye said it is possible that it would be. Supervisor Kaye said he would forward information on this item to Supervisor Antonneau.

A motion was made by Supervisor Daul and seconded by Supervisor Nicholson **"to adopt Item #10 as presented by the Committee"**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #14 – Communication from Supervisor Nicholson regarding: Review other services that the Sheriff's department could utilize to try to find savings within the department. Committee action: Refer this matter to Chairman Kaye to handle this with Supervisor Nicholson and report back to the committee.

Supervisor Nicholson asked Public Safety Committee Chairman, Supervisor Kaye, about a meeting that was to be held.

Supervisor Kaye and Sheriff Kocken both informed Supervisor Nicholson that a committee meeting will be held in the near future, noting this subject will be on the agenda.

A motion was made by Supervisor Fleck and seconded by Supervisor Clancy **"to adopt Item #14 as presented by the Committee"**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 2/4/2004

**No. 10 -- Resolutions, Ordinances**

**No. 10a -- RESOLUTION REGARDING: APPROVAL OF BROWN COUNTY 2004-2009 LAND AND WATER RESOURCE MANAGEMENT PLAN**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the State of Wisconsin has adopted new mandatory State Agriculture non point pollution standards and prohibitions (Ch. NR 151 of the Wisconsin Administrative Code) that are required on all agriculture land; and

WHEREAS, the State of Wisconsin has required (Sec. ATCP50.12(1), Wis. Admin. Code) that Brown County prepare, submit for state approval and adopt a Land and Water Resource Management Plan that identifies how, when, and where new mandatory State Agriculture non point pollutions standards and prohibitions will be implemented in Brown County; and

WHEREAS, Brown County, by its Land Conservation Department, assembled the 2004-2008 Land and Water Resource Management Plan with the assistance and oversight from a diverse Local Advisory Committee and consultation with many agencies, farmers and conservation and agriculture organizations; and

WHEREAS, public hearings were conducted on the proposed Brown County 2004-2008 Land and Water Resource Management Plan on October 20, 2003 and the Plan was put on the Land Conservation Web site at [http://www.co.brown.wi.us/Land\\_Conservation/index.html](http://www.co.brown.wi.us/Land_Conservation/index.html) and all comments received about the proposed Brown County Land and Water Plan Resource Management Plan were in support of the Plan; and

WHEREAS, the State of Wisconsin has approved the Brown County 2004-2008 Land and Water Resource Management Plan at the Wisconsin Land and Water Conservation Board Meeting held on December 3, 2003;

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors that it hereby approves the 2004-2008 Brown County Land and Water Resource Management Plan.

Respectfully submitted,  
LAND CONSERVATION SUBCOMMITTEE

A motion was made by Supervisor Lund and seconded by Supervisor Vanden Plas "to adopt". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 2/4/2004

**No. 10b -- RESOLUTION REGARDING: SHERIFF DEPARTMENT RECLASSIFICATION OF SECRETARY II TO ADMINISTRATIVE SECRETARY – CHANGE IN TABLE OF ORGANIZATION**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, a study of the Secretary II position in the Sheriff's Department was completed and it was determined that based on the confidential duties performed by this position that it be removed from the bargaining unit and placed in the administrative classification and compensation plan, and

WHEREAS, the Human Resources Department and Teamsters, Local 75 have reached agreement on removing this position from the bargaining unit based on the changes in the position description.

THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors that the Sheriff's Department table of organization be changed to delete the position of Secretary II, and create the position of Administrative Secretary, Pay Grade 11 of the Classification and Compensation Plan effective upon passage of this resolution.

BE IT FURTHER RESOLVED that the funds to cover the costs resulting from the adoption of this resolution shall be made available from funds budgeted for this purpose.

Respectfully submitted,  
PUBLIC SAFETY COMMITTEE  
EXECUTIVE COMMITTEE

**Fiscal Note:**

Administrative Secretary

Pay Grade 11, Classification 7 Compensation Plan, 2003 Wage \$14.28

Secretary II, Courthouse Contract 2003 Wage \$13.67

Wage Difference \$.61/hr.

**Estimated Fiscal Impact** \$1,278

**CITY/COUNTY HUMAN RESOURCES DEPARTMENT**  
**MEMO**

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**TO:** Jim Kalny  
Human Resources Director  
**DATE:** February 28, 2002  
**FROM:** Melanie Falk  
Sr. Human Resources Analyst  
**RE:** Reclassification Request – Secretary II, Sheriff’s Department

On June 10, 1998, Jan Christensen, Secretary II, Sheriff’s Department, submitted a request to reclassify her position to a Secretary III. Since that time, she has resigned from the department, and because of the vacancy, Sheriff Hinz and Ms. Christensen’s immediate supervisor, Barb Peters, requested that the position be studied before the position was filled to determine whether the position is properly classified as a Secretary II. In addition, because of additional confidential duties Ms. Christensen assumed prior to her resignation, the Sheriff and Ms. Peters are also seeking a determination in respect to the appropriateness of this position being classified as a union position. For purposes of this report, I have analyzed the job duties of the Secretary II position, and this analysis also addresses the issue of whether it is appropriate to classify the position as a union position.

*I. Research Completed*

- A. Discussion with Jan Christensen, former Secretary II, Sheriff’s Department
- B. Discussion with Barb Peters, Office Manager II, Sheriff’s Department
- C. Discussion with Sheriff Tom Hinz, Sheriff’s Department
- D. Discussion with Captain John Gossage, Sheriff’s Department
- E. Review of Confidential Duties



## *II. Discussion*

The Secretary II (\$12.88/hr-2001 rate) position in the Sheriff's Department is currently vacant. This position is scheduled to work 8:00 a.m. – 4:00 p.m., Monday-Friday and provides administrative support primarily to the Patrol, Support Services, Internal Affairs, Property Identification and Training Divisions of the Sheriff's Department, as well as providing clerical support for the DARE officers. Ms. Christensen stated that over the years, her position had assumed more responsibility. Ms. Christensen's supervisor, Ms. Peters, stated that Ms. Christensen was originally hired to provide clerical support for the Support Services Division, but since that time, new programs such as DARE and the School Liaison program had consumed a great deal of her time.

Ms. Christensen indicated that the most significant aspect of her workload consists of typing and maintaining the records for the DARE program. Ms. Peters explained that approximately 50% of the Secretary II's time is spent performing this function. Ms. Christensen stated that when she first assumed this responsibility in 1992, there was one Officer allocated to seven (7) schools with a total of 423 students. She stated that there are currently four (4) officers and one (1) Captain and (54) schools that participate in this program.

Ms. Christensen stated that each year in the fall, when school begins, the workload related to the DARE program is extremely heavy. The Secretary II is required to enter into a database the names of the students in the DARE program, which has averaged between 1,100-1,300 each semester. The DARE program is a 16-week program taught by the DARE officers. Ms. Christensen commented that preparing for the DARE graduation also consumes a great deal of time. The Secretary II is responsible for coordinating the DARE graduation by soliciting speakers, scheduling the speakers at the schools, coordinating the officers' attendance at all of the schools, preparing the graduation certificates and collecting tokens (or small gifts) from local businesses for the graduating students.

Ms. Christensen stated that she also ensures that birthday cards for the recent DARE graduates are sent and she also coordinates the notification of special events to the DARE students. The Secretary II also maintains the attendance logs for the events, and is responsible for coordinating the mass mailings to local employers requesting donations/contributions to the DARE program and sending thank you letters to those that contribute. In addition, since 1998, Ms. Christensen assumed the responsibility of receipting all DARE donations and maintaining these records.

The Secretary II is responsible for providing clerical support to the Internal Affairs division, which includes assisting with the new hire background investigations for Sheriff Department candidates. This position submits requests for credit checks and criminal checks to the appropriate agencies and sends or faxes reference forms for employers to complete. Ms. Christensen stated that she takes notes at the pre-employment interviews conducted by the Internal Affairs Captain and also transcribes from tape the interview

notes. Ms. Christensen stated that she assumed this responsibility in 1997 when the department implemented the pre-employment/background investigation for candidates. Approximately 40% of Ms. Christensen's time is spent providing administrative support to Internal Affairs. Twenty percent (20%) is spent assisting with the pre-employment background investigations and 20% of the time is spent transcribing external or internal investigations.

The Secretary II prepares and maintains the candidate's 201 files, which include application materials and all of the background investigation materials. This file also contains confidential pre-employment exam results and when applicable, polygraph results. These files are highly confidential and access is limited. Once a candidate becomes an employee, this file contains letters of commendation, performance reviews, disciplinary actions when applicable and investigation notes and conclusions. Ms. Peters stated that it is a priority for this position to perform the pre-employment background responsibilities, transcription of external and internal investigations and maintaining the confidential files. If a pre-employment background or other investigation is initiated, Ms. Christensen is required to make this work her priority, and her other non-confidential clerical duties are distributed to other Records division, union clerical staff.

The Secretary II at the Sheriff's Department is responsible for maintaining and disseminating the monthly crime reports to the appropriate Neighborhood Watch participants and area businesses (approximately 500 people). Ms. Christensen stated that she assumed this responsibility in 1997 when the department initiated the reports in response to requests from the neighborhood watch groups and area business owners. To prepare the reports, the Secretary II reviews the crime records for the month, enters the date of the incident, location and nature of the incident. This function is performed on a monthly basis.

In addition to the previously mentioned responsibilities, the Secretary II in the Sheriff's Department also maintains and updates the department policies and procedures manual. When a policy is revised or a new policy implemented, the Secretary II makes the revisions or types the policy as directed for final review. The Secretary II also totals, receipts and deposits the Packer Game parking revenue that is collected by the Sheriff's Department. This function is performed the Monday following a home Packer game and the revenue amount is approximately \$140,000 per game.

The Secretary II provides clerical support for the Patrol Officers by mailing citations as requested or typing correspondence for the Sergeants. The Secretary II is also responsible for coordinating the Sheriff's Department 10-week Citizen's Academy twice a year. This includes preparing the manuals for the participants, preparing the table of contents and outline for the program based upon the speakers' topics and preparing the name tags for the participants. The Secretary II has responsibility for updating and maintaining the Patrol Division seniority list. Ms. Christensen stated that this position is also required to maintain the artwork and maps of the City's banks as well as the bank codes for the Patrol

division. These maps are critical in the event of a burglary or alarm call and are used by the officers when responding to these calls.

The Secretary II provides administrative support to the Accreditation Captain by typing policies and procedures, preparing forms and correspondence as needed. The Secretary II also prepares correspondence and forms as requested for the Training division, Property ID and Patrol divisions, and in the Office Manager II's absence, provides clerical support to the Sheriff and Chief Deputy.

The Office Manager II is currently the only non-represented administrative support position in the Sheriff's Department. In Ms. Peter's absence, Ms. Christensen has been required to type disciplinary notices and disciplinary letters for Sheriff's Department employees. Ms. Christensen has also been required to type administrative advisements for employees that are being questioned as a results of a Sheriff's Department investigation. She has also had access to grievance materials and the Sheriff's or Chief Deputy's notes in respect to grievance issues and disciplinary matters.

Ms. Christensen has also been required to coordinate random drug testing for the department employees in her supervisor's absence. This responsibility includes selecting the employee names for the random testing in accordance with the respective labor agreement; notifying the employee(s) selected for the random testing and the employee's supervisor; following up with the appropriate individuals to ensure that the employee submitted to the random drug test, and filing the results and/or notifying the supervisor in the event the employee did not attend the drug screen.

### *III. Review of Confidential Duties*

In 1997, Ms. Christensen assumed the responsibility of attending and transcribing the pre-employment interviews that are scheduled for various Sheriff's Department applicants. Pre-employment interviews are conducted primarily for Correctional Officer and Patrol Officer candidates. However, background investigations, which include employer reference checks, IRS, Credit and criminal checks are conducted for the majority of Sheriff's Department applicants, including those that are represented by the same bargaining unit (Teamster's Local 75) that currently represents the Secretary II classification.

The Secretary II transcribes all Internal Affairs investigations. Dependent upon the results of the investigation, disciplinary action or termination could result. In addition, the action taken could result in the union grieving the matter on behalf of the disciplined or discharged employee. The Secretary II has access to highly sensitive, confidential materials that are not provided to the union employees or the labor union. In addition, these investigations or confidential materials may be for an employee from the same bargaining unit that represents the Secretary II classification.

There are three bargaining units that represent the majority of the Sheriff's Department employees. The Patrol Officers are represented by a union, and a separate union represents the sworn supervisory staff. The Correctional Officers, while in a separate bargaining unit, are represented by Teamster's Local 75, the same bargaining unit that represents the Sheriff's Department clerical staff, including the Secretary II position.

The Secretary II is the only individual that performs the previously mentioned confidential duties, and this position is required to provide administrative support to the Sheriff and Chief Deputy in her supervisor's absence. In the Secretary II's absence, her supervisor transcribes the investigation reports and maintains the 201 files, and the other represented Records division staff pick up the remaining non-confidential administrative duties. It was questioned whether the Administrative Secretary, Ms. Peters, could assume the Secretary II's confidential duties on a permanent basis, and it has been determined that it would be unreasonable for her to perform those duties.

Ms. Peters is responsible for supervising, directing, monitoring and evaluating the work of ten (10) union, clerical staff members of various disciplines. In addition to her supervisory duties, Ms. Peters is responsible for coordinating all of the Sheriff's Department purchases including preparing requisitions, assisting with the preparation of bid specifications, verifying and preparing billings and maintaining account records. This position is also responsible for maintaining the financial data of the department's credit card procurement system, verifying and approving payments for purchases of goods and services, and working with the County's Internal Auditor and other auditors on finance and audit reports. Ms. Peters has responsibility for assisting with the preparation and monitoring of the budget for the Sheriff's Department as well.

The Office Manager II maintains the records on all department vehicles and serves as the Records Custodian for the department in respect to records requests. This position, as mentioned previously, is responsible for providing administrative support to the Sheriff and Chief Deputy. This includes assisting with the preparation and filing of labor relations records including disciplines, transcribing, composing and typing correspondence and complex reports, statistics, agendas, public notices, etc., and responding to inquiries and complaints from the public. As a result of Ms. Peters' job responsibilities, it would not be realistic to assign the confidential duties currently performed by the Secretary II to Ms. Peters on a permanent basis.

The WERC has consistently held that for an employee to be considered a confidential employee, that individual must have "access to, knowledge of, or participation in confidential matters relating to labor relations". It is further noted that for information to be confidential it must deal with the employer's strategy or position in collective bargaining, contract administration, litigation or other similar matters pertaining to labor relations and grievance handling between the bargaining representative and the employer and not be information which is available to the bargaining representative or its agents.

In respect to the Secretary II position, approximately 40% of this position's time is spent transcribing or assisting with the background investigation of new Sheriff's Department employees, transcribing investigative notes and summaries for Sheriff's department investigations and maintaining the employee 201 files. In addition, the Secretary II has provided back up administrative support to the Sheriff and Chief Deputy during her supervisor's absence. It should also be noted that Ms. Peters is the only non-represented administrative support employee at the Sheriff's Department comprised of approximately 319 employees.

*IV. Recommendation*

While the confidential duties performed by the Secretary II are not responsibilities that consume the greatest deal of her time, if an investigation must be initiated, those duties become her priority. The WERC has affirmed that while a minimal amount of exposure to confidential work is typically not enough to exclude an individual from a bargaining unit, an employee may be found confidential where the employee is the only one available to perform the confidential duties. It has been determined that the only other non-represented administrative position cannot absorb the clerical responsibilities as they relate to the department investigations on a permanent basis because of her workload. In addition, it is necessary that an employer be able to conduct its labor relations through employees whose interests are aligned with those of management. The Secretary II position currently has access to and performs confidential duties related to labor relations issues. Therefore, I am recommending that the Secretary II position be removed from the Teamster's (Local 75) bargaining unit and placed in the Brown County Classification and Compensation plan as this analysis determined that the Secretary II is a confidential employee.

**CITY/COUNTY HUMAN RESOURCES  
MEMO**

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**TO:** Steve Morrison  
Human Resources Director  
**DATE:** October 17, 2003  
**FROM:** Debbie Klarkowski  
Human Resources Analyst  
**RE:** **Secretary II – Sheriff's Department**

In February of 2002, a recommendation was made regarding the reclassification of the Secretary II position at the Sheriff's Department. The recommendation being, due to the confidential duties performed by the Secretary II, the position be removed from the teamster (Local 75) bargaining unit and placed in the Administrative Classification and Compensation Plan. A copy of the 2002 recommendation is attached.

The County and the Teamsters (Local 75) reached agreement on removing this position from the bargaining unit, based on the changes to the job description. Therefore, this position has been reviewed and point factored. Based on the duties and responsibilities of this position, the

position point factored out to Pay Grade 11, at an annual salary of \$29,707 - \$35,472. Other positions in this pay grade include Administrative Secretary – Airport and Human Resources Assistant. These positions are similar in nature providing administrative and clerical support to a department.

**Recommendation**

The position of Secretary II – Sheriff’s Department should be placed in Pay Grade 11 of the Administrative Classification and Compensation Plan and the title should be changed to Administrative Secretary – Sheriff’s Department.

**Fiscal Impact**

Secretary II – Courthouse Contract 2003 Wage	\$13.6678
Administrative Secretary – Administrative Class & Comp	\$14.2822
Wage Difference	\$ .6144

Estimated Fiscal Impact: \$1,277.95

A motion was made by Supervisor Kaye and seconded by Supervisor Watermolen “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by:           \s\ Carol Kelso, County Executive           Date: 2/4/2004

**No. 11 -- Such other matters as authorized by law.** None.

A motion was made by Supervisor Haefs and seconded by Supervisor Moynihan “to suspend the rules for two late communications”. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 11a -- From Supervisor Hansen regarding: a request that the Proclamation and pledge of civility from the New Patriotism Subcommittee that passed unanimously at the November 5<sup>th</sup> meeting be reviewed and finalized by John Jacques, Corporation Counsel and submitted to the Executive Committee at our next meeting.**

Refer to Executive Committee and John Jacques, Corporation Counsel.

**No. 11b -- From Supervisor Nicholson regarding: review and consider reinstating a Traffic Chief for the Sheriff’s Department, as was done in the past.**

Refer to Public Safety Committee.

**No. 12 -- Bills over \$10,000 for period ending January 5, 2004.**

A motion was made by Supervisor Watermolen and seconded by Supervisor Lund “to pay the bills”. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 13 -- Closing Roll Call.**

Present: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Vanden Plas, Marquardt, Kuehn, Collins, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Excused: Johnson

Total Present: 25 Total Excused: 1

**No. 14 -- ADJOURNMENT TO WEDNESDAY, FEBRUARY 18, 2004, AT 7:00 P.M., LEGISLATIVE ROOM #203, CITY HALL, 100 NORTH JEFFERSON STREET, GREEN BAY, WISCONSIN.**

/s/ DARLENE K. MARCELLE

Brown County Clerk