

PROCEEDINGS OF THE BROWN COUNTY
HUMAN SERVICES COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Human Services Committee** was held on Wednesday, May 22, 2013 in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin

Present: Chair Evans, Supervisor La Violette, Supervisor Hopp, Supervisor Haefs
Excused: Supervisor Robinson
Also Present: Jeremy Kral, Jenny Hoffmann, Juliana Ruenzel, Tim Schmitt, Barb Natelle, Supervisor Zima.

I. **Call Meeting to Order.**

The meeting was called to order by Chair Pat Evans at 6:01 p.m.

II. **Approve/Modify Agenda.**

Motion made by Supervisor LaViolette, seconded by Supervisor Hopp to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

III. **Approve/Modify Minutes of April 24, 2013.**

Motion made by Supervisor Hopp, seconded by Supervisor Haefs to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

Comments from the Public None.

Report from Human Services Chair, Patrick Evans None.

Presentation by Lois Tradd re: Macht Village Program

Motion made by Supervisor Hopp, seconded by Supervisor Haefs to suspend the rules to allow interested parties to speak.

Lois Tradd, 7581 Rossenburg Road, Greenleaf, WI

Tradd came forward as she heard the County was cutting funding for the Macht Village Program (MVP). Her experience with MVP started last July when she entered a counseling program at Concordia University and started an internship at Macht Village. She was told by Macht Village that they manage severely emotionally disturbed children and their families. In talking with Macht Village, Tradd asked what happens if the children fail the program and she was told that this program was the end of the line and there is no place else for these children to go. Tradd had been unaware of this program which has been in the area for 10 years. She expected that she would be reading records and taking history along with interaction with the children but she was told she did not need to read the histories and rather should just experience the program. This is a current behavior program that deals with current behavior of these kids. She feels the way to sum this program up is expectations and hers was that she was going to read case histories and watch counseling activities in the program. As she worked with the program and its exceptional staff, she learned that the staff

has expectations of the children and the children have expectations of the staff and that is how the program works. It works on respect which is a two way street of the kids respecting staff and staff respecting the kids. If anything disrespectful goes on it is usually because emotionally something happens that the child cannot handle. Whatever happens, there is mutual respect and problems are dealt with on a one on one basis and every time a behavior happens it is treated as a new behavior. Tradd felt that this program is so highly successful because the staff is so highly educated and trained to do this and it is extremely repetitive in nature. If a child has a behavior, the behavior is processed which entails that the child is held responsible. It deals with these kids getting control of themselves. Staff does not control the child but rather the child is directed to control themselves. The purpose of the children being in this program is so that they learn to interact with others and build relationships and learn how to deal with other people and situations so when things happen they are able to get control of themselves and realize they have a part in their behavior.

Tradd continued that as far as the environment goes, she would say it is bare bones. There are no pictures on the walls and no fancy games, but they do participate in group activities with board games such as Life and Monopoly. She realizes that you are only as good as what you and your coworkers are and this is certainly true at MVP. She feels that the staff is what makes the program so successful as they are consistently repetitive and do not hold grudges or accuse, but they deal with the behavior with their whole focus on the child. They work in age appropriate groups with constant vigilance as there are some children that need one on one attention and they also watch the environment because anything could be used as a weapon.

As far as the program goes, Tradd felt the quality of the program cannot be rivaled and for the kids it is exceptional. The program has a crisis team which means that the children are able to stay in their homes and in school and if there is a problem the crisis people will go out and address the problem. The respect the children have when they see the crisis person show up makes them feel safe in the sense that they have support and know what they can expect and will get control over themselves. They work a lot on body basics such as standing quietly in line and respecting the personal space of others with no pushing and shoving.

Tradd concluded by saying she thought it was a great injustice for the County not to fund this program. She also indicated that not only was she an intern there, but she is also a taxpayer in Brown County and as a taxpayer she would like to see the program continue.

Hopp thanked Tradd for coming and the information she provided. He indicated that he received documentation yesterday that he has not had a chance to review yet. He is obviously willing to discuss this but did not feel he could speak to this in an educated manner until he has a chance to review the information he received.

Chairman Evans informed that Supervisor Clancy had contacted him Friday and asked over the weekend if something could be added to the agenda. Evans added it to the agenda and started making phone calls and found out that the State of Wisconsin Department of Health Services Division of Long Term Care was discontinuing the program and he made it clear that it is not Brown County that is specifically discontinuing the program but rather the State of Wisconsin. Tradd stated she understood but that she was aware of an appeal pending and the County did not need to pull out until the appeal was decided. Tradd indicated that there were also other counties involved in the program and Evans stated that he would like to know what counties those are. Evans stated that they are processing the information on this subject as fast as they are getting it and he is looking for whatever compromise they can come up.

Supervisor Zima stated he had a long history in government and in the early part of his career he was on the Human Services Committee and he recalled Human Services having the largest portion of the County budget.

He felt that the Human Services Committee has done marvelous things in the County but one of the things that the Committee needs to be aware of is that historically all of these people were institutionalized. The reason that so much money had been saved in building the smaller mental health center is because a lot has changed that has allowed some of these people to be placed in group homes and other alternatives out in the community; however, there was a population that was extremely difficult and this is the population that is being referenced at this meeting. The County approached Dr. Macht and asked her to help create a program as she had been successful in other places. Zima continued that Macht Village is really a present from God for this difficult population and this is not an exaggeration. Zima continued that the County spends a lot of money and this program is peanuts as to what was being paid in the past. Consideration should be given to what will happen to these children if they are moved out of the program and environment they are in. Families do not want to lose their kids and the only reason some of them have been able to keep their kids is because of MVP.

Zima felt that the County departments who are well aware of the services being provided to these families at MVP should be getting behind, with the support of the Human Services Committee and County Board, to get the State to get their minds right and review this. He felt a lot of this was petty. He wants the Committee to understand that Macht Village has filled a very big hole for the County and provides something for these families that allows them to keep their children and fit as normally into the community as possible and it is done in a unique, successful manner. Zima stated that there has been a lot of staff turnover and he would like to hear from County staff on this because he knows the quality of the staff from the people who are involved in the program. He felt that Human Services staff should get behind resolving this problem with the State as it would be a travesty to have this program end.

Zima asked if the County has the right to continue the funding until the appeal is heard and Evans said he is checking into this. Interim Human Services Director Jeremy Krall indicated that he believed the answer to Zima's question theoretically is yes. Kral continued that Brown County Human Services Department made a good faith effort to take actions necessary to protect vulnerable children but did end their contract with Macht Village effective on May 21, 2013.

Zima stated that if there was any issue with regard to safety of the children in the program the State would have shut the program down immediately. Evans asked if the County could theoretically continue with services and Kral reiterated that his understanding was that that is the case and reiterated that the children served by Brown County Human Services are safe.

Hopp asked Kral when he became aware of this issue and Kral stated that they have been aware to some level for a couple of months; however, they were not aware of what action the State intended to take until the May 6 letter, a copy of which is attached, when it was indicated that the State was going to pull the eligibility for funding. Hopp stated that the documentation he had been provided with contained a number of discrepancies and asked Kral how he formulated the decision to end the contract with Macht. Kral responded that it was a culmination of what is included in the letter as well as conversations with State personnel who were doing the investigation.

Supervisor Haefs stated that the State brought this information forward and the State pulled the funding and Kral stated that that was correct, pending appeal. Had MVP not appealed the ruling their ability to receive Medicaid funding would have been suspended as of May 21, 2013. Haefs then asked what the County's role was and Kral stated that they maintained a contract with Macht Village to provide services which are Medicaid funded so that is the tie in. Upon learning the results of the State's findings, Brown County cancelled the contract for cause. Evans stated that the administration has the power to do that, however, this Committee would not have that authority.

Ian Agar, Long Term Care Manager with Human Services stated that the circumstances have been difficult in large part because of legal concerns and in that regard they would have liked to have communicated with families sooner.

Corporation Counsel Juliana Ruenzel stated that Human Services did have the right to cancel the contract. They are tied to the contract with the State and it should be remembered that the requirements by the State is what Human Services is going by. If the State says that Macht Village is in breach, then more or less, because the County is on contract with Macht Village, we could be held in breach and therefore Brown County terminated the contract to abide by what the State requires the County to abide by, the terms that the State has for the County to follow. Ruenzel mentioned that the State mentioned in their letter that they did provide additional training and technical assistance to Macht Village to come in compliance and it appears that that was unsuccessful.

Carole Koski, 5611 Finger Rd., Green Bay, WI

Ms. Koski is the parent of one of the Macht Village children. She stated that MVP always has the best interest of the children in mind. Yesterday a police officer was sent to Bay Port High School to pick up her daughter. She indicated that her daughter is probably one of the most expensive kids in Brown County and she has a number of issues and is probably one of the most mentally ill children in the County. Koski continued that her daughter is currently in a foster care program because Koski cannot keep her safe and was in fear of her own life. Because of the termination of the contract with MVP, when the police officer picked up her daughter from school they brought her to Shelter Care where she could learn to pick up a lot of other behaviors from the kids there. They did not send her with any clothing and they did not send her with her medications that she needs for seizures and extreme mood disorders. Her daughter is a meltdown in the making and the only people that can control her and help her get back on task in these circumstances are the MVP staff. Koski's daughter has been involved with MVP since she was 10 and she is now almost 18. They have gone from a child who sat underneath the desk at school in a special ed program to being successful since 7th grade. She has not been expelled from school, although there have been suspensions for some little things. She is now in regular ed classes with an aide and if it wasn't for MVP, she would have never had this chance. Koski questioned where these children would go without MVP, perhaps Winnebago or Brown County. That is not a life. Her daughter is talking now about getting a job and at one point she did not even think she would finish school. She stated that Macht Village is very needed.

Julie Gregorich, 1311 Mather St., Green Bay, WI

Ms. Gregorich provided the Committee with a handout, a copy of which is attached. Her son, Joseph, has autism, Tourette's syndrome, ADD and developmental issues and all the challenges that go along with those diagnoses. She shared her story with the Committee by reading her handout.

Supervisor La Violette thanked Gregorich for her presentation and asked how long it takes for an appeal. Kral answered that that is outside of their control and he stated this could happen quickly or it could take many months.

Hopp thanked Gregorich and questioned what her off the cuff take on this was. He stated that as a supervisor skimming the info, there was a reason this all started and he would like her personal take on this as a person who is involved with MVP. Gregorich stated that her take is that kids in the long term waiver program come with a lot of red tape. The interventions they need are hard to deal with and she thinks that makes them hard clients to have. Every place gets investigated but because of one person's word against the other, you need to have the right to appeal and show your side. She stated that what the Committee has been provided with is only the State's side and she said that the wording is very scary in these documents.

She continued that the facts of the complaints, with the exception of one incident, were all very minor and dealt more with how things were reported than what actually happened.

Zima said that if the County's own Human Services Department does not stand up for whatever reason, then the Committee has to stand up. He wanted to bring to the Committee's attention that he feels that the County has more negative exposure by warehousing these kids somewhere else other than where they are right now. The status quo is in place at MVP and has been in place for a long, long time and there are more in attendance at the meeting who will speak about the stability that has been created by this program and now, our bureaucrats in some kind of panic want to cut the program and move these people from this extremely stable environment of which there really are no cases at all of any abuse in any shape, form or manner and push them off somewhere else. He referenced earlier comments made by Ms. Koski about the police taking her daughter to Shelter Care and indicated that that is where delinquents go. Taking this fragile portion of the population that has been stabilized doing something positive, even talking about getting a job, and sending them out with a police escort to Shelter Care is ridiculous. Zima felt that the County has much more exposure doing the kinds of things they are right now than to keep the status quo until this is resolved bureaucratically up above. Now the County is taking actions that are absolutely ridiculous. He stated that if this Committee did not overturn this tonight they are adding to it and if something happens to Ms. Koski's daughter at Shelter Care there will be big trouble. Zima felt that although the wording in the incidents may appear threatening, if you look at the basis of it, there is really nothing there. He urged the Committee to listen to the people who receive the services and get this back on track and get the State to get their minds right. Zima stated that he wanted to see action out of the Department and felt that the safest thing they could do was whatever they can to help these people and get this resolved at the State level and keep this good program which is saving the County money and saving kids going.

Doug Dehler – Attorney for MVP

Mr. Dehler stated that he is the attorney for MVP who filed the appeal. He stated that an Administrative Law Judge has been assigned to this and no other County has taken the action of an appeal. Every other county has agreed that the State has told the Counties that they should not be taking action based on the May 6 letter. These counties include Outagamie, Wood and Manitowoc. Dehler indicated that he had spoken with Attorney Kevin Bailey who works with the State Division of Long Term Care and he advised that he had specifically called Brown County and advised Brown County that they should not take any action based on its May 6 letter. Dehler estimated that they would hear something on the appeal within the next two months.

La Violette stated she did not feel that she had enough information to make an intelligent decision, but she is wondering what consequence there would be for Brown County if we allow Macht Village to continue to operate until the appeal is heard. Zima stated that we have to be leaders and stand up and say we know the people and know their work and that there is nothing threatening going on.

Jeanette Leslie, 2445 Shady Court, De Pere, WI

Ms. Leslie stated that they had a son in the MVP program. What her son wants more than anything else right now is his two front teeth and this speaks to a lot of different things. She stated the days before the MVP program came into their lives were very dark. Their son lost his front teeth because of a severe meltdown. He was out of school for three years and even Syble Hopp was not equipped to handle him. Leslie would like to speak to the progress her child has made in this program. He is socially aware of things in his surroundings and cares about his appearance. The other thing she would like to speak to is the staff and she recognized Ms. Nelson specifically because Ms. Nelson has lost teeth because of her son but she is not the only staff who has been injured by her son. When MVP came into their lives their son was black and blue from head to toe from hurting himself. Keeping her son safe was a 24/7 job and she would have to call her case worker in

tears for help. She felt that there had to be more that could be done for her son and she needed a way to keep him safe, and then MVP came into the picture.

Clayton Leslie, 822 Spruce St., DePere

Mr. Leslie stated that when his son was kicked out of Syble Hopp, he was out of school and hurting himself for two years. They spent hours a day holding their son down while he bashed himself, ripped their shirts off and scratched them. His son had bowel problems that needed to be fixed and when he hurt he would do things like put holes in the walls. Leslie stated there was bias against his son in the Human Services Department because he was home for two years and they kept asking who could help them and how and they were continuously told there was nothing. One day when Leslie was holding his son down on the floor while he was ripping his shirt off and smashing his head on the floor, he called Human Services again to ask if there was an institution somewhere because they could not live this way and he got someone who was on call and suggested Macht Village.

Leslie continued that the people at MVP saved not only their son's life, but his family's life as well. He stated that there is nothing in the charges that he has read that put his child in danger at any time and he stated that half of the charges did not even pertain to long term waiver kids. Leslie continued that the arrogance that is coming out of the Human Services Department and the lies telling them that there is no appeal are not right. He did not feel that Innovative Services could handle his son and there was no other program other than Macht Village that can handle his son's behaviors and provide 24 hour crisis care. He also noted that in the Medicaid waiver book, which they have, it says they have the right to appeal, yet all of the parents have been told there is no appeal. He finds it weird that Medicaid itself says there are appeals. He will go to hell and back for his child and will fight anyone in the State for his safety, including the Human Services Department. He felt that the lie about the appeal will hit the press and the courts very quickly and they are putting his child at risk. Leslie was very frustrated and said he will hold Human Services responsible for any harm to his son. They can say that they have to take his son out of Macht Village for safety, but they are really putting him in danger. If the other Counties think it is safe and the State says there is no reason they have to pull it, it is a lot of garbage. The day before there were no more services he received a call from the social worker asking what the plan would be and he did not know what he meant. There is no place to send him so he is sending him to MVP and he was advised that he would have to pay for the program himself. This is putting his child at risk. He stated that in the past they would have to do their shopping at midnight because they couldn't take their son and they would have to wait until he was asleep. He can now take his son to the store, take him to Bay Beach and he attributes this to MVP. There is no danger at MVP and Leslie is going to continue sending his son there because that is where he is safe. He stated that through the appeal they should be able to keep sending their son to MVP. If the appeal is lost, that is fine, but through the appeal, the other counties know it and the State knows it, they could keep sending them there. He is not letting this go as what he is talking about is his son's life. His son has friends now and a life and a future.

La Violette was prepared to go back into regular session at this time and make a motion to keep the program operative until the appeal is settled. Evans stated that he can appreciate that, but there are others who want to speak. La Violette stated she would support a motion to keep the program operative until the appeal is completed. Leslie stated that that is all he wants.

Kris & Buffy Duffy, 2191 Lawrence Drive, De Pere, WI

The Duffys have a son in the MVP program. Kris Duffy has a Masters Degree in Information Technologies and he is trying to look at this in an analytical manner and trying not to get emotional. He wanted to provide information because he felt that the most important thing was that the Committee hear the whole piece. He will share some personal thoughts as well, but his main objective is for the Committee to hear as much of the facts as he can give. He received a call on May 14 and was told by a social worker that services would be cut

off as of May 21. It was not until the second phone call with his son's worker where Kris Duffy asked what the appeal process was. He then received an e mail with an official letter declaring that the program was going to be cut off. It seems like every time he questioned the worker, and he tried to get a paper trail going, but it seems like every time he asked the hard questions such as what is the appeal process, rather than getting a clear concise answer back to his e mail, he receives a call that goes in circles and does not provide any clear answers other than services are being cut off. He does have an e mail that clearly states that the County does not care whether or not this is in appeal and that they are still planning to cut off services. He will provide a copy of this e mail to the Committee. To Duffy, this is an injustice and tells him that there is an ulterior motive and he is not sure what it is and he does not want to speculate, but it does tell him that there is an ulterior motive and this was not just a "we feel your children aren't safe", but more of a "we want to get rid of this program" and he feels that the State's charges are just the excuse Human Services was looking for and he feels this is a travesty.

Duffy continued that he sat at the parent's meeting and spent most of the meeting reading the State's report trying to get a clear understanding of why the State feels that his child is in danger. Of all of the accusations that he saw in the document, he saw only one that even remotely held any water saying that the MVP program as a whole had ever put anybody in danger. It seems like they are nitpicking because it is costing too much.

Buffy Duffy stated that one of the charges did deal with their son who is very violent. Since her son has been at MVP, she has only been punched in the face one time. Before he was in MVP she was punched in the face almost every day. In the incident she is referring to, her son was picked up on a crisis call so he was very emotional and was being violent so the worker stopped the car on the way to bringing him to Macht Village because it would be a danger had he kept throwing a fit and broke all of the windows in the car which he has done in the past. In the paperwork it was reported that the worker would be ready to put him in a basket hold if necessary, but in talking to him she was able to calm her son down. The fact that the worker was ready to put her son in a basket hold was considered putting him in danger. Duffy felt that continuing to drive and allowing her son to break windows and put himself out of the vehicle would be more dangerous. Duffy continued that every time a child is picked up from home for a crisis call MVP makes a report. If they were actually putting our children in danger, would they be reporting themselves? Although the crisis worker was ready to hold her son down if necessary, her son was ready to put his head through the window of the car. MVP had a restrictive order with her son so if they have to hold him down, it was okay because they had the measure. In the paperwork they make it sound like something so bad was being done to her son and if it was not for MVP knowing what to do, she does not know where her family would be right now. They were told by the Judge that if their child did not succeed in this program, he would be gone. Her son has not had to go in front of the Judge since because MVP knows what they are doing. Her son is currently 14 and has been in the MVP program for nearly four years and now they want to take him and put him in a different program. She read from an e mail that states, "Brown County contracts with other providers and we are actively arranging alternative providers to assist in meeting the needs of your child." She stated that Dr. Macht had spent years figuring out what to do with these children and she finally perfected it and is using it on the children and it is working and now the County is going to go against her and try to find somebody else to do it. She can guarantee that without MVP, her son will go back to his old ways. In the past he has destroyed their home and gone after his siblings with butcher knives. Now, thanks to MVP they can go on outings and he can be alone with his siblings for period of times.

Kris Duffy continued that this is not the first time services have been torn away from them. They had not been told that they had a right to appeal last time. He would have liked to have known that they had the right to appeal. His son is making strides in the program. Kris continued that one of the programs the case worker is shoving down his throat is a program that his sister is currently in. He showed the Committee

pictures of his sister's back that showed injuries she sustained in that program when she was run over by one of the vehicles associated with the program and dragged through the parking lot. That is the same program they want to put his son in and they tell him it is a safe program. He apologized for being emotional, but he did not feel this was a good program for his son. Macht Village is the third program he has been involved in and it is the first program where he has had any success. Before MVP his son had never made it through a school year without being expelled at least once. Usually this time of year his son would be expelled about two weeks prior to school ending because things got so bad and this is a very special time for these children because change is difficult. The common thread with all of the parents here tonight is that change for their children is very difficult and throws their lives in a tailspin. Kris's son got to be part of the Student Council this year. He was able to participate in a group activity with the regular kids and this is something he has dreamed of. This would never have happened without MVP. He still struggles and still has some rough times but they have come leaps and bounds. MVP not only keeps his son safe, it keeps his whole family safe and has been nothing short of a godsend.

Buffy Duffy stated that now when her son has a meltdown now they usually don't have to say that they are going to call MVP. Instead he is starting to recognize when he needs MVP and he calls them himself. Sometimes he will ask them to come talk to him or come and get him, but the fact that he is starting to recognize that it is getting so bad and he is going to hurt a family member and he says he has to call MVP himself shows leaps and bounds.

La Violette asked the Duffys if they were comfortable keeping the program operating during the appeal period and Kris responded that at the very least that would be an acceptable answer. He felt like that would at least allow for due process and as far as the appeal goes, he would be more than willing to stand before a committee and answer any questions they have about the safety at MVP. He has spent numerous hours at MVP and never once did he witness any child in a situation that he would say was in any danger of being hurt, let alone, actions that would make him question the program.

Haefs stated to him it looks like the culprit is the State and it appeared that the services were not intended to be pulled until due process. He stated that you have to figure out what you can and cannot do. The State was a different entity and State reps never attend meetings. Haefs felt that the role the Board plays they are accessible to the public and try and do their part and are the listeners. The attached May 16 letter was the first written notice that families received.

Haefs thanked those in attendance for bringing things to light and asked Kris Duffy about the letter received from the State Division of Long Term Care signed by the Deputy Administrator which states they are removing Macht Village. He asked Duffy if the culprit began with the State and Duffy believed that the State report was the beginning of this but the State never gave the directive to pull the care as of this point. Duffy continued that they had been advised by people at the State that the services were not intended to be pulled until due process was followed. Duffy feels that the County could have got things going in the interim. The State is a different entity and Haefs' 21 years he has not seen a State representative at a committee meeting or a County Board meeting. They seem to be non-existent people and the Board sends resolutions down there all the time and it does no good. Haefs would like to knock some sense into them but they are not around. Kris Duffy stated that he had never been told from anyone at the State that services had been cut off. Haefs stated that the role they serve is that they are at least accessible to the public and they really try to do their part and do the best they can and are the listening posts for a lot of things.

Paul & Vicky Kaczmarek, 3360 Flintville Rd., Suamico, WI

The Kaczmarek's son, Jason, went to Macht Village three years ago when he was removed from Bellin Psychiatric. He had been removed from Syble Hopp due to behavior issues. When Jason was at Bellin it

had gotten to the point that he and his wife had to state that they could no longer handle Jason. It took three hours to make the decision and the case worker stepped in and said they could help by sending Jason to MVP for two weeks in the emergency foster care program for an evaluation period. Paul Kaczmarek continued that MVP pretty much changed their lives. Vicky Kaczmarek stated that at the time Jason went to MVP, the doctor was ready to sign papers to have Jason institutionalized because they did not know who could handle him. They didn't want that to happen. Jason is autistic, non-verbal and severely violent. Jason has hurt his parents and his brother. Paul has built things that he felt were pretty much indestructible but he has found out that he has to make things even stronger to "Jason proof" their home. Paul referenced an incident when he was called home because Jason was out of control and he found that he had broken every fluorescent bulb in the basement. The mess took nearly two days and three guys to clean up.

Paul Kaczmarek continued that there is no program comparable to MVP. He will take his hat off to the people there as they are unbelievable. He indicated that if they take this program away the behavior will escalate again because the whole thing behind being autistic is transition and they do not want to transition him from program to program.

Vicky Kaczmarek stated that they basically have the same story as the others. All of their kids have some issues. The main thing that they need to look at is if Brown County is taking away Macht Village's right to appeal. They are not providing a comparable service with the same hours, the same quality of people and not providing Jason with a safe environment. They have talked to Wisconsin Disability Rights and they have the right to appeal and they are appealing. The appeal has been filed with the State.

Paul Kaczmarek felt it needed to be brought up that as far as the County goes, he does not think that anybody needs to lie to anybody. Vicky Kaczmarek stated that Marcy Gross is from the long term waiver program and she is the one to contact if there was any questions so they called her. She was told that Macht Village had not appealed and funding was going to be pulled. Vicky Kaczmarek talked to Gross a few days later and Macht Village had appealed and she was advised that funding was not being pulled. They talked about it again and talked to their County worker, Joy Gohr, and she told Gohr that the State is telling her that the funding is not being pulled. Gohr responded that she was being told that the funding was being pulled and she said she was going to get Ian Agar on the phone. She came back to the phone and said Ian wouldn't come and talk to her but he said that he talked to Marcy Gross earlier in the day and that she had 100% told him that Brown County needs to pull the funding. So she called Marcy Gross back to ask if she was being lied to and Gross swore that she had not talked to Ian this day and had been out of the office all day and she had not told him that the funding needs to be pulled which means that Ian Agar lied point blank.

Julie Anderson, 1211 Redwood Dr., Green Bay, WI

Anderson stated that she is the guardian to her 10 year old granddaughter. Her granddaughter has been kicked out of every daycare center on the West side of Green Bay as well as several on the East side as well as multiple schools and has been hospitalized several times. Her granddaughter now participates in MVP and has been for four years. There have been incredible improvements in her granddaughter in that time. Her granddaughter is now showing compassion and love and is enjoyable to be around most of the time. Her granddaughter also goes to another program when there is a late start day at school and sometimes on weekends they have an outing. People at the other program have already had to call crisis to talk to her to calm her down. One time when Anderson was going to call

crisis care she held the phone out and her granddaughter handled it herself. She does not believe there is anything to fear at Macht Village at all and it is a wonderful program.

Melonie Rainy, 335 Park Street, Pulaski, WI

Ms. Rainy has a 17 year old with Down syndrome, autistic spectrum and intermittent explosive behaviors which means she is very violent. They started looking for help when their daughter was six years old. They could not find help at the County level and Brown County Mental Health told them that their daughter does not understand the consequences of her actions. Brown County could not take her and they tried an inpatient day program which did not work. Medications also did not work. Finally they found Macht Village at the point when her daughter was so violent that she could not keep her at home. She would bang her head on the wall and smash her head on everything. They were at the point where they had to get her a helmet so she didn't end up with brain damage.

Rainy continued that when they started MVP they had to come in home at night with her. At times her daughter was so violent she could not ride in a car and needed a four point harness restraining her to the seat. This was the only safe way to get her home. The Pulaski Police Department had to escort her home one day when she pulled her sister's clothes off. Since receiving services at MVP, her daughter has been at Syble Hopp for two years now and is integrated with the other kids. This has been her best year ever. They have not received any crisis calls and they are doing very good.

Crystal Nelson, 604 S. Norwood Ave., Green Bay, WI

Ms. Nelson is highly upset. She worked for Macht Village and she stated that they not only take care of these individuals that are highly challenged to the point that other people have turned their backs, but they love the unlovable. She was approached to take in one of their kids as a foster kid because she was very, very difficult, to the point where she was not able to be handled at home. She was having problems with school and she was at Macht Village for quite some time. She works with the biological parents of the child very closely to help this child stay in an environment that was as normal as possible. She has very non-socially acceptable behaviors and most people see her as gross sometimes, however, she does what she does when she does it and they get over it. One of the children would approach her in the past and she would not communicate with them. She is autistic and is one of the more costly children. Now she is able to go to school full-time and interact with people. Nelson stated that when she worked for Macht on the crisis team she would get called as the child was sitting on the grass in handcuffs because she had issues and was not able to control herself. She told the Sheriff to take the handcuffs off, which was done and the girl came to her arms because she knew with her she was safe, regardless of what her behaviors were she knew when she got to an MVP staff that she was able to control herself from within herself. Now Nelson was her foster parent, until yesterday. This child does need continuous consistency and she needs to stay in an environment where she is able to predict what is going to go on. If she is not, there will be major problems consisting of hurting herself, hurting others and property damage. Nelson's place with this is that this child was taken from school by the Sheriff to a place that she had no idea she was going because services were cancelled as of that day. They did not receive notice until that day and, as a foster parent, she finds this to be so unprofessional that she was not able to transition into this new environment. Honestly, she will be okay for a little bit, but she will blow. You cannot take an autistic individual that has consistency and predictability out of an environment and throw her into a totally different environment without preparation. Working together with the biological mother, they parent the child together. Nelson knows she is not there to take her mother's place and she knows that it takes two people to handle her sometimes when she is having problems. She has gone from that to being able to be socially acceptable in places that she wasn't able

to go to before. They are now able to go to parks, out to eat and do other things. She has a quality of life that other people have, but when she is having issues they are taken care of and then they move on. Nelson continued that the unconditional love that they have keeps her moving, makes her feel safe and makes her feel that she is able to achieve things. This child was removed with nothing. As a parent, a foster parent, and a mother with children, she did not feel this is right. She did not understand why they would do this, especially to an autistic child who does have a history of problems and violence and a history where consistency seems to work. Nelson took her some meds and took her some clothes so she would have clothes to go to school in and sent her blanket and she specifically asked Shelter Care to make sure she gets her blanket and she was told that that was not part of the routine. Nelson explained that she is autistic and needs her blanket and is only here because of some mix up or something going on and not because she is a juvenile delinquent. She was very upset that they would not give her her blanket that would comfort her. Nelson continued that this child is going to feel that she did something wrong and she has no explanation as to why she was taken out of her home. She should be sleeping in her bed at home. However, she is not there because Brown County cut services. Nelson felt this was criminal and wrong and unprofessional and she could also think of a billion other words. But to rip this child out of her home where she has had consistency is not right. When and if Nelson does get her back, she is going to have a very bad downslope for her to get readjusted. To take her out of one place and put her in another to transition is so difficult. This child has to have time to adjust from MVP to home so she can adjust mentally and internally so that she can function. Nelson does not feel that she has any adjustment time through this procedure. She has spent countless hours up at night with her as she does not sleep through the night sometimes. Nelson stated it will take a long time to get this child to get her feeling of security back after being ripped from her room and her house. Nelson concluded that because of the County, she is going to deal with repercussions as well as the child and as a foster parent she is outraged and mad.

Roseanne Davis, 1647 Twin Lakes Circle, Green Bay, WI.

Ms. Davis works at Macht Village and she wants everyone to know that these kids are so much more than their diagnosis. All their problems have been shared but these are the greatest kids on earth. They have a sense of humor and fight so hard every day for the strides that they make. And as you can see, they are some of the luckiest kids in the world because they have these parents who love them and that is why these kids have personalities and why they can face their lives with the challenges they have.

Haefs had a question for Corporation Counsel. He said that he has been on the County Board for over 20 years and has seen all kinds of presentations on which action could not be taken as it was listed as a presentation. He came here tonight, after 20 some years and he expected the presentation to be in the form of a slide show. First, he disagrees procedurally with what can and cannot be done at this meeting. He stated it was similar to comments from the public in that if someone came and said they would like to have a stop sign added to a road, they would not be able to do that. He wants to let the people in attendance know that he feels for them. His granddaughter has had to have surgery when she was three months old and he can understand some of the issues these people have been through and if he could do something tonight he certainly would, but procedurally they have to follow certain rules and he is asking Corporation Counsel what action can be taken, if anything.

Corporation Counsel Juliana Ruenzel stated that under Roberts Rules of Orders no action can be taken on a presentation. It would have to be noticed in the agenda that there would be action taken and that was not listed on the agenda. From this standpoint, Haefs did not know where this would go and suggested perhaps a special meeting be held. He also stated for the public to understand anything that

is done in a special meeting has to wait until the next County Board meeting to be approved and they would also have to go through the legality of having this done correctly from an administrative standpoint. This puts the Committee between a rock and a hard place.

Motion made by Supervisor LaViolette, seconded by Supervisor Hopp to return to regular order of business. Ayes: Evans, La Violette, Hopp, No Vote: Haefs. MOTION CARRIED

Evans reiterated what happened with the agenda item. When he was contacted by Supervisor Clancy he had no idea what was transpiring. Clancy asked if Lois Tradd could come in and give a presentation. Evans agreed and made sure that the presentation was on the agenda. He advised Clancy that if he wanted he could contact the Board office and tell them that it was fine to put the presentation on the agenda. It is listed on the agenda as a presentation, not an action item. Evans continued that the Committee can say anything they want in this meeting, however, it would not mean anything as it would have to go before the full Board on the third Wednesday of June for approval and after that it would have to be approved by the County Executive and then, more importantly, it has to be legal. The biggest issue that Evans has right now is that it is his understanding that they do not have a contract and Kral confirmed that. It was noted that there is a dispute resolution provision in the contract at paragraph 19 that does allow for an appeal. Evans likes to have good solid information to base decisions on. Some of the things that are going on is that he has been hearing that the kids will be placed with Innovative.

Kral introduced himself and addressed the parents in attendance. He stated that he appreciated the testimony and he thanked them for coming and supporting the children they love and care about. He continued that on this issue there are obviously different points of views and he again thanked the parents for coming to the meeting. Kral stated that with regard to alternative service providers, they are working to make placements and provide services as comparable as possible as soon as possible.

Evans stated he cannot just take what the State has done and say there is no credence in it. He does care about people with developmental issues. He noted that there has been new rules and regulations with regard to restrictions, seclusion and things of that nature and while he does not agree with a lot of those, they are what they are. The State made a decision and now it comes down to the County and the County says they will cease operations to the contract and the County administration had the authority to do that. Evans is anticipating and hopes it is true that what the County has done is being done in the best interest of the client. Kral responded that they absolutely do feel it is in the best interest of the client and they would not do it otherwise. Evans feels that these are engaged parents and would not put their children in an institution that is not regulated. Evans stated that what we have to do is figure out a way that the parties can come together and those parties are administration, meaning Mr. Kral, Ian Agar, Corporation Counsel and the County Executive and Evans will be there if he is able, and the attorney for Macht Village.

Attorney Dehler suggested that they put a status quo on things for a little while and not disrupt these children's lives through the appeal process. The children will not be able to go back to school without services and he felt that a status quo until this is resolved would be appropriate. Evans supports this but noted that the County Board does not have this authority. Kral stated that their position has been stated several times and if there is a compromise solution that has not been proposed by either side so far, he would be willing to explore opportunities to see what may be available if that is the will of the Board. He cannot promise anything and it may end up exactly the way it is now, but he does not rule

out options. Evans appreciated that and felt it was important. Evans felt a meeting this week would be preferable and Kral stated this has been their highest priority for a while.

Dehler asked if it would be preferable to maintain the status quo for a couple of days and Evans responded that we have to be very careful as far as the position we put the County in. Ruenzel stated that the Committee cannot make this decision. Haefs stated that what would need to be done was hold a special meeting, make a presentation formally, take it to the County Board and they would have to vote on it which is subject to veto by the administration and the whole process takes a long time. Haefs stated that they take an oath of office that they uphold the laws of the State of Wisconsin and that is what has to be done and procedures need to be followed. Some of the parents asked where the children were supposed to go tonight and tomorrow and Evans responded that he does have some concerns with this as well. He also stated that he has the utmost respect for Jeremy Kral and it is up to the Human Services Department to do their job. At the end of the day, Evans has the right to come back and say he is not happy with the job that was done, however, he has to afford them the opportunity to do their job. The biggest thing is that Kral stated that is of the greatest importance and he is ready to meet as soon as possible.

At this time Evans dismissed the presentation and asked that Mr. Dehler and Kral exchange information to set up a time to meet and Evans would encourage this meeting to take place Thursday or Friday.

Hopp questioned if the contract has been cancelled, and something is worked out at the meeting which he hopes will happen the next day, what happens? Kral stated that Human Services has the ability to execute contracts and Ruenzel stated that this is correct. Hopp stated that the law allows for resolution tomorrow if that is what decision is made. Ruenzel stated that that would be a possibility but not necessarily a reality as the contract would have to be changed to define the length of the period that would be covered and the period that would be covered if she is understanding correctly would be the period of time until the time that the appeal is decided. Language would need to be changed and there would have to be assurance that there was nothing else in the contract that would complicate this.

1. **Review Minutes of:**
 - a. **Aging & Disability Resource Center of Brown County Board (April 25, 2013).**
 - b. **Board of Health (November 13, 2012).**
 - c. **Children with Disabilities Education Board (April 23, 2013).**
 - d. **Human Services Board (May 9, 2013).**
 - e. **Veterans' Recognition Subcommittee (April 16, 2013).**

**Motion made by Supervisor Haefs, seconded by Supervisor LaViolette to approve Items 1 a-e . Vote taken.
MOTION CARRIED UNANIMOUSLY**

Communications:

2. **Communication from Supervisor Hopp re: Direct Corporation Counsel to investigation what, if any liability the County assumes by failing to take corrective action, once notified in writing, that individuals are experiencing negative, documented health affects as a result of noxious odors originating from any verifiable source.**

Corporation Counsel Juliana Ruenzel stated that she has done some research on this. What she found was that there was no statutory mandate for the County to take any corrective action on obnoxious odors. That being said, the County and general government have a responsibility to their

citizens for the health, welfare and safety of their citizens. In that respect, we have a County Code that is Chapter 38 that deals with noxious odors and public nuisances. When it comes to such things as enforcing these Codes and issuing citations or just general enforcement, that is a discretionary act. When there is a discretionary act, you have immunity so there would not be liability in that respect. General discretion basically means that a person is given the authority to exercise their judgment given the facts of the case.

Ruenzel continued that governmental immunity can be breached in several instances. If there is a material act or duty that the agent of a government is required to do, then there is no immunity. If you, as an agent of the government, know of a known danger, then there is no immunity and if the act is malicious and intentional, of course there is no immunity. In those cases we would not have immunity so we would have liability. The rule is generally immunity and anybody claiming an exception to that rule has the burden of proof.

Ruenzel stated that there is an obligation to follow the Code so if there is a Code in place we should be following it. If the Code is not doing what it is supposed to do, then it should be amended to make it effective. Even if immunity is gone, and we are found to be liable, under Sec. 893.80, anytime there is a claim against a government entity, if we are found to be negligent then there is a limit on liability of \$50,000. In this case, people would have to claim some kind of damage to \$50,000. That being said, they would have to bring some kind of nuisance action in order to do that. Courts look at a lot of different things for public nuisance, but one of the things they look at is how long has a business been there and if it is in an industrial area. They look at a lot of different things.

As far as the liability goes, for the County not doing corrective action, it would be pretty low. Hopp stated that this is a result of the Committee receiving an e mail from an employer that stated employees had reported sickness and lost time from work and that is what he wanted verified. There were two employees who had lost time. Ruenzel asked if this related to Sanimax and Hopp stated that it did. Ruenzel stated that Sanimax would be who has liability in this situation. Ruenzel continued that a citizen could go to court and get a writ of mandamus and force the County to implement the Code, but if the County is already doing that, there is nothing to implement.

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

Syble Hopp School:

3. Syble Hopp School 2013-2014 Budget.

Haefs stated that he had brought up at this Committee meeting last October that the County Board at the last minute brought up freezing salaries. He is used to discussing things such as salaries out in the open to decide what should be done. He had made a motion one time that salaries be increased with a cap of \$500. Natelle stated that salaries at Syble Hopp are still frozen but if the budget was passed tonight at Committee and later at the Board level there would be a small amount available for pay increases. Hopp asked who decides raises and Natelle stated that anybody other than a teacher or therapist will get a base rate. Natelle continued that if the County Board decides that they want people to have a 1 percent raise, then those people, other than teachers and therapists will get 1 percent. Haefs asked when this was to be decided and Evans stated that Haefs could make a motion if he desired.

Haefs asked in general how many people there are at Syble Hopp that have had their salaries frozen for two years. Natelle responded that it has been almost five years that salaries have been frozen. Haefs asked if that was good for morale and Natelle stated that it was not. Haefs stated he has brought this up several times in the past. A question was raised as to how the line for teachers and subs decreased in teacher and sub salaries and Natelle explained that they had a teacher retire and they hired a replacement at a lower rate of pay.

Hopp stated that the salaries at Syble Hopp, excluding the Board of Education, comes to a total of \$3,090,277. If he were to make a motion for a 3 percent raise across the board on all Syble Hopp staff or for Natelle to divvy out as she sees fit, that would amount to \$92,708.31. That would be one lump sum of money that could be divided up as they see fit. If he were to do this, Hopp wanted to know where the funds would come from and it was indicated that it would be from levy dollars. It was noted that this could be vetoed by the County Executive.

Haefs stated that the problem is that last November a dangerous precedent was set in that they are establishing things in the budget without discussing them and no one knew that the benefit package was changed; it was just hidden in the budget. Haefs stated what needs to be done is have a discussion about salaries and felt that what the Committee does tonight for these salaries sets the pace for the others. Haefs stated that with no discussion about pay raises it is already plugged in the budget. He felt that Natelle should have a pay raise and he also asked her if she would recommend her staff for a pay raise and Natelle responded that she would. Natelle noted that she has a separate levy from everyone else. There is the County levy and then there is the Syble Hopp levy. What has been built into the Syble Hopp budget every year is a 2 percent increase for instructional aides. This budget that is presented tonight includes the 2 percent for the instructional aides. The only position that is not included in this 2 percent raise is Natelle's salary and she stated that giving her a raise may cause issues with the library and museum people. Haefs stated that years ago they used to pass inflated budgets and now they are passing very tight budgets and the employees still came back with money to return to the general fund and they should be getting raises.

Motion made by Supervisor LaViolette, seconded by Supervisor Hopp to approve the Syble Hopp School 2013-2014 Budget. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Hopp, seconded by Supervisor Haefs to add \$1,824.18 or 2% to the Syble Hopp Administrator salary base. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Hopp, seconded by Supervisor Haefs to approve the Syble Hopp School 2013 – 2014 Budget as amended. Vote taken. MOTION CARRIED UNANIMOUSLY

Human Services Department

4. Executive Director's Report.

Interim Human Services Director Jeremy Kral referred to the Executive Director's report he distributed to the Committee, a copy of which is attached. He stated that it is his pleasure to appear on behalf of the Human Services Department and stated that the job is difficult and nights like tonight are part of it and he understood this. Kral covered the items in his report with the Committee, namely the report on Adult Protective Services and Family Care.

Hopp wanted to make it clear to Kral with regard to the presentation about Macht Village and the action taken, that he does not know how much of a part of it Kral had or if the decisions were made under former Director Brian Shoup, but he understood the concern for the safety of those involved in Macht Village. Although Hopp cannot say what he would have done in Kral's position, he does not like the action that was taken and he wanted to make it clear that he does not think anything less of Kral, but he does not like the action. Kral stated that there was no easy way out of the situation and they did what they felt was best for those involved in the program.

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

5. **CTC Re-design.**

Evans stated he was recently at the CTC and wanted to let the Committee know that he went through it with Administrator Mary Johnson, Jeremy Kral, and several others and a wall will be put up and the County will then be able to get Medicaid dollars which should help with the funding and they will be able to serve clients in a better manner. A handout provided by Kral is attached.

Motion made by Supervisor Haefs, seconded by Supervisor Hopp to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

6. **Financial Report for Community Treatment Center and Community Programs.**

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

7. **Statistical Reports.**

- a. **Monthly Inpatient Data – Community Treatment Center.**
- b. **Monthly Inpatient Data – Bellin Psychiatric Center.**
- c. **Child Protection – Child Abuse/Neglect Report.**
- d. **Monthly Contract Update.**

Motion made by Supervisor Haefs, seconded by Supervisor Hopp to receive and place on file Items 7a, b, c & d. Vote taken. MOTION CARRIED UNANIMOUSLY

8. **Request for New Non-Continuous Vendor.**

Motion made by Supervisor Hopp, seconded by Supervisor Haefs to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

9. **Request for New Vendor Contract.**

Motion made by Supervisor Haefs, seconded by Supervisor Hopp to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

10. **Resolution re: Change in Table of Organization Human Services – Community Programs Economic Support.**

**Motion made by Supervisor Haefs, seconded by Supervisor Hopp to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY**

11. **Budget Adjustment 13-45: Increase in expenses with offsetting increase in revenue.**

**Motion made by Supervisor Haefs, seconded by Supervisor Hopp to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY**

Other

12. **Audit of bills.**

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

13. **Such other Matters as Authorized by Law.**

Motion made by Supervisor Haefs, seconded by Supervisor Hopp to adjourn at 9:01 p.m. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Alicia Loehlein
Recording Secretary

Therese Giannunzio
Transcriptionist