

MINUTES

Executive & Legislative Committee

Tuesday, March 6, 2018 at 9:00 a.m.

Sauk County West Square Building, Room 213, 505 Broadway, Baraboo WI

Members Present: Krueger, Fordham, Hambrecht, Czuprynko and Polivka

Members Absent: None.

County Personnel: Steve Pate, MIS Coordinator; Michelle Commings, Deputy Sauk County Clerk; Debra O'Rourke, Interim Corporation Counsel; Regina Baldwin, Criminal Justice Programs Manager, Alene Kleczek Bolin, Administrative Coordinator and Michelle Posewitz, Personnel Director.

County Personnel Absent: Becky Evert, Sauk County Clerk and Jeff Jelinek, Emergency Management Director.

Others Present: Chuck Spencer, David Moore, Tim Damos, Tom Kriegl, Matt Joyce and John Dietz

Chair Krueger called the meeting to order at 9:00 a.m. and compliance with the open meeting law was verified.

MOTION (Polivka/Hambrecht) to adopt the agenda. Motion carried unanimously.

MOTION (Fordham/Polivka) to approve the minutes of the regular meeting on February 2, 2018 and the Special meeting on February 13, 2018, noting the following scrivener's error on the Feb 2, 2018 minutes: ~~Tim Hahlbach~~ Halbach, National Weather Service Sullivan. Motion carried unanimously.

Public Comment:

a) Dan Holzman, re: County Board procedures and Rules of the Board.

Demonstration of Roll Call System- Victor Kluck, Bob Schroyer and Vic Gordon from Roll Call Systems.

*Supervisor Czuprynko arrived @ 9:15 A.M.

Communications:

a) 02/05/18 Notice of 03/12/18 Meeting of MATC District Appointment Board.

b) 02/28/18 Letter to Ho-Chunk President Wilfrid Cleveland re: 2018 Gaming Compact Funds Allocations.

Emergency Management:

a) Kleczek Bolin presented list of bills for the Emergency Management Department.

MOTION (Polivka/Fordham) to approve bills in the amount of \$1,130.65. Motion carried unanimously.

Steve Pate, MIS Department:

a) Pate presented the monthly report and list of bills for his department.

MOTION (Fordham/Czuprynko) to approve 2017 bills in the amount of \$46,632.00 and 2018 bills in the amount of \$78,500.88. Motion carried unanimously.

b) Annual Report.

MOTION (Hambrecht/Polivka) to approve the MIS Department 2017 Annual Report. Motion carried unanimously.

c) Consideration of computer donation request. MOTION (Polivka/Czuprynko) to approve computer donation to CCS. Motion carried unanimously.

d) **Resolution Authorizing The Addition of E-mail Licensing To Sauk County's Existing Microsoft Enterprise**

Agreement (EA). Motion (Fordham/Hambrecht) to approve the resolution and forward to county board for approval. Motion carried unanimously.

e) **Resolution Authorizing The Upgrade Of Sauk County's Enterprise Phone System.** Motion (Czuprynko/Polivka) to approve the resolution and forward to county board for approval. Motion carried unanimously.

f) **Resolution Authorizing The Purchase Of A Replacement Core Network Switch.** Motion (Hambrecht/Fordham) to approve resolution and forward to county board for approval. Motion carried unanimously.

Michelle Commings, Deputy Sauk County Clerk:

a) Commings presented the monthly report and list of bills for the department.

MOTION (Czupryno/Polivka) to approve bills in the amount of \$3,517.14. Motion carried unanimously.

Debra O'Rourke, Interim Corporation Counsel Department:

a) O'Rourke presented the monthly report and list of bills for the department.

MOTION (Fordham/Polivka) to approve bills in the amount of \$281.41. Motion carried unanimously.

b) Annual Report.

MOTION (Hambrecht/Czupryno) to approve the Corporation Counsel Department 2017 Annual Report. Motion carried unanimously.

Alene Kleczek Bolin, Administrative Coordinator:

a) Kleczek Bolin presented the monthly report and list of bills for her department.

MOTION (Polivka/Fordham) to approve the bills in the amount of \$1,268.99. Motion carried unanimously.

b) Baldwin presented the Criminal Justice Program monthly report and list of bills for the department.

MOTION (Fordham/Czupryno) to approve the bills in the amount of \$11,731.68. Motion carried unanimously.

c) Annual Report.

MOTION (Polivka/Czupryno) to approve the Administrative Coordinator and the Criminal Justice Program 2017 Annual Reports. Motion carried unanimously.

County Board Chair Report:

a) Chair Krueger presented his monthly report of meetings, activities and concerns over the past month and highlighted upcoming events and meetings.

MOTION (Polivka/Hambrecht) to combine consideration of all resolutions honoring years of service. Motion carried unanimously.

MOTION (Polivka/Czupryno) to approve:

Resolution Honoring Martin "Tim" Meister

Resolution Honoring Nathan Johnson

Resolution Honoring Clark Pettersen

Resolution Honoring Rebecca Penberthy-Hovde

Resolution Honoring Richard "Mike" Flint

Resolution Honoring Judith Ashford

Resolution Honoring Andy Andrews

Motion carried unanimously.

Consideration of Corporation Counsel Job Description and Next Steps.

Posewitz presented an updated job description. She will attend the April E & L Committee meeting with a timeline for hiring of new Corporation Counsel.

Discussion and Consideration of Structure and Possible Amendments to the Rules of the Board.

O'Rourke, Interim Corporation Counsel distributed an updated document containing proposed amendments to the Rules of the Board, submitted by supervisors and staff. The following proposals were discussed:

New Proposed Rule Change:

Current Rule Text: Order of Regular Meeting Agenda:

1. Call to order.
2. Roll call.
3. Invocation and pledge of allegiance.
4. Adoption of agenda.
5. Approval of the minutes of previous meeting.
6. Scheduled appearances included on the agenda.
7. Public comment with each speaker limited to no more than three minutes.

8. Communications.
9. Appointments, bills, referrals, claims, and elections.
10. Proclamations.
11. Unfinished business.
12. Reports (Informational - no action required).
13. General consent agenda items.
14. New business.
15. Adjournment.

Proposed Change: Move Item #13 *General consent agenda items* to follow Item #5 *Approval of the minutes of previous meeting*.

Proponent: Joan Fordham

Legal Review: No legal objection

Committee consensus was to support this rule change.

Proposed Rule Change #24:

Current Rule Text: New rule.

Proposed Change: Proposal to amend Rule I.C. as follows:

C. The Board shall meet regularly in the County Board Room on the third Tuesday of each month except as provided in Rule I.A. above. Regular meetings of the full Board shall commence, during the months of October through March, at 6:00 P.M., and for the months of April through September at 9:00 a.m. Any vote to adjourn to a different time or place for convening a regular meeting shall require approval by two-thirds of the members present.

Proponent: Staff

Legal Review: No legal objection.

This makes sense in terms of recognizing that it offers all of the public options for attending meetings, as many may work in the evening and are never able to attend. It will also reduce overtime pay. When employees stay late, they are told they may flex time, however, this really isn't possible in small offices that simply must be staffed, and thus this makes for very long days for staff.

Committee consensus was to leave it to new board to consider different times, such as 4 p.m. during winter months.

Proposed Rule Change #1:

Current Rule Text: IV.P.4.If enough supervisors who are not on that committee attend so as to constitute an unnotified quorum of the County Board or any other committee, board, or commission of the County, the non-committee members attending are not permitted to address the committee at that meeting because to do so would violate the Open Meetings Law.

Proposed Change: IV.P.4. amended as follows: remove this sentence and replace with: A notice of a 'potential quorum MAY EXIST' should be placed on the agenda (or amended agenda) of any committee when its Chair or Vice Chair is informed 24 hours before said meeting that other supervisors plan to speak on the agenda topic.

Proponent: Peter Vedro

Legal Review:

I suggest that this sentence of Rule IV.P.4 be removed. The rule does not cure an Open Meeting law violation, as it is not the speaking that is problematic, mere attendance can violate the law. In addition, the Rules of the Board cannot cure open meeting law violations. Each individual supervisor must be cognizant of the law and ask for guidance if they notice that a violation may or has occurred. In addition, the law is not as broad as our rule.

There is no need for a rule, as the law is that there is no Open Meeting Law violation if members gather by chance or in an irregular fashion. Such is not a meeting and does not require notice. Nothing prevents a supervisor from attending or speaking.

If, however, supervisors gather on a regular basis at the committee meeting of another committee, or purposefully and not by chance, then notice is required. It is the duty of the body that is gathering at the meeting of another committee to notice their meeting, not the duty of the committee at which they are attending.

Committee consensus is this proposed rule change is not needed, and supported removing the sentence suggested by ICC.

Proposed Rule Change #21 & Proposed Rule Change #22:

Current Rule Text: New Rule – to make the SCB Vice-Chair automatically the Chair of the Personnel & Finance Committee.

Proposed Change Suggest: adding the following to Rule IV.L.:

A chair, vice-chair and secretary for each committee shall be selected by each committee's membership, with the exception that the Vice-Chair of the Board of Supervisors shall automatically be the Chair of the Personnel & Finance Committee.

Proponent: Marty Krueger

Legal Review: No legal objection.

Would recommend adding this language to Rule IX in the description of the Personnel & Finance Committee.

Current Rule Text: New rule.

Proposed Change: In Rule IX (in the description of the Personnel & Finance Committee) - add:

The Chair of the Board of Supervisors will serve as an ex-officio member of this committee with no vote unless he or she is serving as an alternate for a member unable to attend in person.

Proponent: Marty Krueger

Legal Review: No legal objection.

Committee consensus was to support both rule changes.

Proposed Rule Changes #18

Current Rule Text Rule IX Current Standing Committees of the Board Rule charges the Aging & Disability Resource Center Committee with policy direction and oversight for the County Veterans Service Officer.

The Committee description also states: "Responsible for providing services to veterans pursuant to Wis. Stat. Ch. 45."

Proposed Change: Rule IX proposal to amend rule to remove Veterans Service Officer from ADRC Committee, and place the VSO into the Executive and Legislative Committee for oversight and policy direction:

Rule IX

Aging & Disability Resource Center Committee Responsible for providing services to the general public with respect to matters related to aging and disability and to improve the life of those with aging and disability related issues.

~~Responsible for providing services to veterans pursuant to Wis. Stat. Ch. 45.~~ This committee will serve as the official statutory Commission on Aging pursuant to Wis. Stat. § 46.82(4) and shall be advised by the Aging, and Disability Advisory Committee. Responsible for policy direction and oversight for the ~~following departments: Veterans Service Officer and~~ Aging and Disability Resource Center. Sauk Co.

Code Ch. 16. Members: 5.

Add to Executive & Legislative Committee: ... Responsible for policy direction and oversight to the following departments: Administrative Coordinator, Corporation

Counsel, County Clerk, Management Information Systems, Emergency Management, and Veterans Service Officer.

Proponent: Ad Hoc

Legal Review:

No legal objection to this change in oversight committee.

The sentence "Responsible for providing services to veterans pursuant to Wis. Stat. Ch. 45." should be removed, as it is not accurate. Neither the committee nor ADRC is responsible for providing services to veterans.

Moore spoke to his proposal and discussion took place. Kleczek Bolin met with Tony Tyczynski, VSO, and concerns were addressed.

Committee consensus is to rename the committee *Aging & Disability Resource Center/Veteran's Service Committee*.

Proposed Rule Change #19:

Current Rule Text: Rule IX Standing Committees of the Board: Communications Infrastructure Committee and Property & Insurance Committee

Proposed Change: Merge Communications Infrastructure Committee into Property & Insurance Committee

Amend Property & Insurance Committee as follows: add as second to last sentence:

Responsible for the communications infrastructure, including fiber optic cable, towers, and associated equipment.

Proponent: Ad Hoc Committee

Legal Review: No legal objection. This change helps to eliminate three committee assignments.

Need to decide if wish to incorporate the rules regarding membership as now stated in Communications Infrastructure:

Members: 3. Three supervisors; 1 from Finance, 1 from Property & Insurance, and 1 from Law Enforcement & Judiciary.

~~A representative from the Sauk County Fire Chiefs Association, the Sauk County Police Chiefs Association, and the Sauk County EMS Association shall be ex-officio members without voting rights and not eligible for per-diem or mileage.~~

Committee consensus was to support the proposed rule change, removing additional members who are not County Board Supervisors, and to remove the Members: 3; and to remove from the list of required committee supervisors P&I, just keep Finance and Law Enforcement & Judiciary.

Proposed Rule Change #6

New Rule I.G.

Proposed Change: Create new Rule I.G.: As Supervisors for the citizens of Sauk County, County Board Supervisors wish to show their transparency and respect for those they represent, and want to set a good example for the people and employees of Sauk County, and therefore will be allowed to voluntarily participate in drug-testing for illegal substances.

Proponent: Wally Czuprynyko and Henry Netzing

Legal Review:

The board may not mandate drug-testing for supervisors, this would be a violation of their privacy rights. The board may, however, have a rule offering supervisors the opportunity to participate voluntarily in testing for illegal drugs. However, the proposal raises a number of questions: who will pay for the testing, who will oversee this optional program, what will be done with the results, is this a proper use of county resources, will testing be random for those volunteering, or at the volunteering supervisor's discretion.

Any person has the right to take a drug test and make the results public. I see no reason to create something called a rule, which isn't really a rule governing conduct or procedure. Supervisor Kriegl spoke to his proposal and discussion took place.

Committee consensus was to not support this proposed rule change.

Consideration of a Possible closed session pursuant to Wi. Stats.19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Performance Evaluation: Administrative Coordinator.

MOTION (Polivka/Czuprynyko) to go into closed session pursuant to Wis. Stats. 19.85 (1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Performance Evaluation Administrative Coordinator.

Roll Call: AYES (5) Krueger, Fordham, Polivka, Hambrecht and Czuprynyko. NAYS (0). Motion carried unanimously.

MOTION (Polivka/Czuprynyko) to reconvene into open session.

MOTION (Fordham/Czuprynko) to adjourn until April 2, 2018 at 3:00 p.m. Motion carried unanimously and the meeting adjourned at 12:30 p.m.

Respectfully submitted,

Michelle Commings
Deputy Sauk County Clerk