1. Agenda

Documents:

2019-02-12 FIN-HR COMMITTEE AGENDA - SPEC JT MTG.PDF

2. Meeting Materials

Documents:

2019-02-12 FIN-HR COMMITTEE PACKET - SPEC JT MTG.PDF
Walworth County Finance and Human Resources Committees
SPECIAL JOINT MEETING NOTICE

Tuesday, February 12, 2019 — 2:15 p.m.
County Board Room 114 - Government Center

100 West Walworth Street
Elkhorn, Wisconsin

Finance Committee:  Nancy Russell, Chair; Jerry Grant, Vice Chair; Supervisor Kathy Ingersoll; Supervisor Dan Kilkenny; Supervisor William Norem

Human Resources Committee:  Tim Brellenthin, Chair; Ken Monroe, Vice Chair; Supervisor Kathy Ingersoll; Supervisor Susan Pruessing; Supervisor Rick Stacey

(Posted in compliance with Sec. 19.84, Wis. Stats.)

It is possible that a quorum of the County Board or any of its committee could be in attendance at this meeting.

Agenda enclosures are available upon request from the finance department or on the county’s web page (www.co.walworth.wi.us). The agenda packet, including supporting documents, may be large, depending upon the number of enclosures. Downloading it will require ample computer memory and may take significant time.

AGENDA

Note: All agenda items are subject to discussion and/or action.

1) Call to order

2) Roll call
   A) Finance Committee
   B) Human Resources Committee

3) Withdrawals from the agenda, if any

4) Agenda approval

5) Approval of minutes of last meeting
   A) Human Resources Committee — January 16, 2019
   B) Finance Committee — January 17, 2019

6) Public comment period

7) Unfinished business

8) New business
   A) Nomination of Jessica Conley as Finance Director (Encl pgs 1-2)
   B) Ordinance 1162-02/19 Amending Chapter 15 of the Walworth County Code of Ordinances Relating to a Position Title Change in Finance (Encl pgs 3-7)
C) Resolution 71-02/19 Authorizing the County Administrator to Execute an Employment Agreement By and Between Walworth County and Jessica Conley as Finance Director (Encl pgs 8-14)

9) Set/confirm next meeting date(s) and time(s):
   • Human Resources Committee — February 20, 2019, 3:30 p.m., County Board Room 114 at the Government Center
   • Finance Committee — February 21, 2019, 9:30 a.m., County Board Room 114 at the Government Center

10) Adjournment

Submitted by: Nicki Andersen, Deputy County Administrator-Finance
    Nancy Russell, Finance Committee Chair
    Dale Wilson, Director of Human Resources
    Tim Brellenthin, Human Resources Committee Chair

**Posted: February 7, 2019**
Chair Tim Brellethin called the meeting to order at 3:30 p.m.

Roll call was conducted and the following members were present: Chair Tim Brellethin, Vice Chair Ken Monroe, and Supervisors Susan Pruessing and Rick Stacey. Supervisor Kathy Ingersoll was absent. A quorum was declared.

Others in Attendance
County Board Supervisors: County Board Chair Nancy Russell and Supervisor Charlene Staples
County staff: County Administrator David Bretl; Human Resources (HR) Director Dale Wilson; Deputy County Administrator-Finance Nicki Andersen; Director-Public Works Richard Hough; and Risk/Benefits Manager Lisa Henke

New Business
- Ordinance Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums for Certain Public Works Employees
  County Administrator David Bretl reported the Public Works Committee voted 3-2 to hold a decision on this item for one month. There was a large number of Highway Division employees in attendance at the Public Works Committee meeting. The Human Resources Committee has the prerogative to vote on this item and forward it to the County Board; however, Bretl said holding a decision on this issue would allow staff to research other counties’ pay practices for overtime and review former internal policies. Public Works management is recommending the $5/hour shift differential. Human Resources Director Dale Wilson said the issue of how hours are compensated outside of regular work hours was brought to his attention by Director-Public Works Richard Hough. Currently, crews are not eligible for overtime until they have worked a 40-hour week, which includes non-productive time. If crews are called in on a Sunday, the first day of the pay period, they do not receive overtime for those hours. Wilson said Hough and his staff are implementing additional work rules allowing management the authority to make decisions during the workweek to send crews home based on safety and work priority if they have worked extra hours during that week. Supervisor Pruessing made a motion, seconded by Vice Chair Monroe, to table a decision on the ordinance for a month to allow staff to gather information from other counties and internally for comparison purposes. Motion carried 4-0.

- Ordinance Amending Various Sections of Chapter 15 of the Walworth County Code of Ordinances Relating to References to Retiree Health Insurance
  Supervisor Stacey made a motion, seconded by Vice Chair Monroe, to approve the ordinance amendment as presented. Motion carried 4-0.
• Ordinance Amending Section 15-6 of the Walworth County Code of Ordinances Relating to Position Title Updates for Certain HHS Employees

Wilson said Ordinance 15-17 gives the Human Resources Director authority to allow job title changes with no fiscal change. This position is required to be under contract, so that section has been updated to reflect the recent change to the position title. Vice Chair Monroe made a motion, seconded by Supervisor Pruessing, to recommend approval of the ordinance. Motion carried 4-0.

Reports/announcements - Wilson reminded the Committee that the Walworth County Employee Near Site Health and Wellness clinic at Aurora Lakeland Hospital opened January 2nd. An open house will be held on Wednesday, January 23rd, from 5:00 to 7:00 p.m. The clinic is accessible through the main entrance at the hospital by the parking lot. He invited all Supervisors to attend.

Confirmation of next meeting: Wednesday, February 20, 2019 at 3:30 p.m.

On motion by Supervisor Stacey, seconded by Vice Chair Monroe, Chair Brellenthin adjourned the meeting at 3:41 p.m.

Submitted by Becky Bechtel, Administrative Assistant. Meeting minutes are not considered final until approved at the next regularly scheduled committee meeting.
Chair Nancy Russell called the meeting to order at 9:30 a.m.

Roll call was conducted. The following members were present: Chair Nancy Russell, Vice Chair Jerry Grant, and Supervisors Dan Kilkenny and William Norem. Supervisor Ingersoll was absent. A quorum was declared.

Others in Attendance
County staff: County Administrator David Bretl; Deputy County Administrator-Finance Nicki Andersen; County Treasurer Valerie Etzel; Director of Health and Human Services Elizabeth Aldred; Director of Human Resources Dale Wilson; Senior Project Manager John Miller; Deputy Director of LURM/County Conservationist Shannon Haydin; Office Supervisor/Mobility Manager Nicole Hill; Register of Deeds Donna Pruess; Captain-Sheriff’s Office Support Services Scott McClory; Sheriff’s Office Business Manager Amanda Lagle; Nursing Home Administrator Timothy Peek; Assistant Nursing Home Administrator Taya Walk; Purchasing Manager Jen White

On motion by Supervisor Norem, seconded by Vice Chair Grant, the agenda was approved by voice vote.

Supervisor Norem made a motion, seconded by Vice Chair Grant, to approve the December 13, 2018 meeting minutes. Motion carried by voice vote.

Public Comment – There was none.

Unfinished Business – There was none.

Consent Items
Chair Russell requested that items 8.A.2a, 8A.3a, 8.B.1, and 8.B.3 be considered separately. Vice Chair Grant made a motion, seconded by Supervisor Norem, to approve the remainder of the consent items. Motion carried 4-0.

8A, Budget Amendments
2018
1) County Administration
   a) CA002 – Adjust budget to reflect changes to the reimbursement process for the federal Workforce Innovation & Opportunity Act (WIOA) grant
2) Human Resources
   a) HR004-Reflect year-end changes in health insurance fund
Supervisor Kilkenny asked Human Resources Director Dale Wilson for a summary of the health insurance fund year-end changes. Wilson said there were less enrollees in the health insurance plan and there were more single coverage rather than family coverage elections. There were also less claims in 2018 than anticipated. Supervisor Kilkenny made a motion, seconded by Vice Chair Grant, to approve the budget amendment. Motion carried 4-0.
2019
3) Lakeland Health Care Center
   a) LH001 – Increase budget for outdoor egress lighting project
Chair Russell noted that the vote at the Lakeland Health Care Center (LHCC) Board meeting was to approve the project, contingent upon verification that the specifications for the candle lighting are correct. Senior Project Manager John Miller said that staff drafted the summary specifications and forwarded them to LHCC Administrator Peek for review. Peek added a line item on the federal code requirements and there was a typo in the explanation, which incorrectly stated the minimum candle lighting as 10’, rather than 1’. The specifications were based on the 1’ candle lighting, which is the correct minimum per federal code. Miller said the project cost estimates were researched; half of the expense is materials, including copper wiring, 21 light poles, landscaping, excavation and labor. He said staff requested the vendor to submit cost options to install a metal pole base rather than concrete, which would save on site restoration costs. **Supervisor Norem made a motion, seconded by Vice Chair Grant, to approve the budget amendment. Motion carried 4-0.**

8B, Bids/Contracts
1) Furniture, fixtures and equipment for Health and Human Services
Director of Health and Human Services (HHS) Elizabeth Aldred said the furniture, fixtures and equipment specifications comprised three packages to attract multiple vendors: private office and workstation furniture; general seating; conference and training area furniture and miscellaneous items such as chair mats, etc. Aldred added that other items, including appliances and specialty chairs were not included in the bidding documents and will cost an estimated $100,000. The intent is to use a state contract for those purchases. **Chair Russell made a motion, seconded by Supervisor Norem, to approve the bid award to M&M Office Interiors, Complete Office of Wisconsin and Building Service Inc., for a total contract amount of $1,540,792.11.** The existing furnishings at HHS will be offered to other County departments through the County surplus procedure, and the remaining offered for sale through Wisconsin Surplus. The option to use existing furnishings was considered, but the new building design will not accommodate most of the old workstations. In addition, it would be a time consuming and expensive undertaking to move furnishings to the new facility and could interfere with the continuum of services. **The Chair called for a vote and the motion carried 4-0.**
2) Countywide specialized transportation services
   By consent items above, the proposal was awarded to VIP Services, Inc., in the amount of $391,511.57.
3) County owned tax properties
Treasurer Valerie Etzel reported three properties in the Town of Linn, Village of Genoa City and City of Lake Geneva were sold to the highest bidders. **Supervisor Norem made a motion, seconded by Vice Chair Grant, to accept the report on the sale of 2018 County owned property. Motion carried 4-0.** Etzel reported the City of Delavan has not bid on the two parcels they expressed an interest in purchasing. They will be listed on the next sale. **Vice Chair Grant made a motion, seconded by Supervisor Norem, to approve the proposed minimum bids for the sale of the parcels in the City of Delavan. Motion carried 4-0.**

8C, Reports
1) Quarterly property loss report – 4th quarter 2018
2) Update on tax incremental financing districts (TIDs)
3) Out-of-state travel
   a) Sheriff’s Office
1) Michael Krahn, Conducting Child Abuse Investigations Training, Minneapolis, MN

New Business
- Sheriff’s Office application for Wisconsin Incident Based Reporting System (WI-BRS) Department of Justice grant

Bretl noted the explanatory letter in the packet from Captain Scott McClory concerning the grant for transition to new federal and state crime reporting requirements. **Supervisor Kilkenny made a motion, seconded by Supervisor Norem, to approve the submission of the grant application. Motion carried 4-0.**

- Public Works 2018 annual uncollectible accounts write-off report

**Supervisor Kilkenny made a motion, seconded by Vice Chair Grant, to approve the Public Works department’s write-off report for 2018. Motion carried 4-0.**

- Ordinance **-02/19 Amending Section 30-286 of the Walworth County Code of Ordinances Relative to the Land Use & Resource Management Short Term Rental Fee, Health and Human Services Court Ordered OWI Failed Appointment Fee, Corporation Counsel Child Support Payment History Copy Fees and the Sheriff’s Office Police Escort Fee**

**Supervisor Norem made a motion, seconded by Vice Chair Grant, to recommend approval of the Ordinance amending Section 30-286 of the Walworth County Code of Ordinances. Motion carried 4-0.**

- Ordinance **-02/19 Amending Reserved Section 30-472 – 30-480 of the Walworth County Code of Ordinances and Creating Section 30-472 Relating to Assessor Training Reimbursement**

**Supervisor Norem made a motion, seconded by Vice Chair Grant, to recommend approval of the Ordinance creating section 30-472 of the Walworth County Code of Ordinances. Motion carried 4-0.**

- Door County Resolution No. 2018-87 – Requesting state law change allowing counties the use of the Design-Build Construction Method and update the statutory bidding requirements

Chair Russell reported the Public Works Committee recommended placing the ordinance on file. Bretl said there are advantages to the design-build construction method for schools and institutions who are not staffed to manage construction projects. He said raising of the thresholds for project bidding requirements has merit, and he and staff will research the bidding threshold issue and bring it to a future committee meeting for consideration. **Supervisor Kilkenny made a motion, seconded by Supervisor Norem, to place Door County Resolution No. 2018-87 on file. Motion carried 4-0.**

Confirmation of next meeting: Thursday, February 21, 2019 at 9:30 a.m., County Board Room 114 at the Walworth County Government Center.

Adjournment

On motion and second by Supervisor Norem and Vice Chair Grant, Chair Russell adjourned the meeting at 10:04 a.m.
Memorandum

To: Walworth County Board of Supervisors
From: David A. Bretl, County Administrator
Date: February 7, 2019
Re: Nominating Jessica Conley-Finance Director

I am pleased to announce my nomination of Jessica Conley to serve as our County’s next Finance Director. Jessica has been with Walworth County since November 2003 and has served as our Comptroller since May 2007. It has been my privilege to have worked with Jessica over the years. She is a skilled financial professional with a collaborative workstyle. I am confident that Jessica will provide continuity to this important aspect of our operation and will build upon the solid foundation that Nicki has established.

Along with Nicki’s retirement, we will be retiring the Deputy Administrator title that Nicki has held since July 2004. Jessica’s title will be Finance Director. In that capacity, however, she will be overseeing the same functions and personnel that Nicki currently oversees.

Jessica’s current position of comptroller will need to be refilled as she takes on the Finance Director position. To ensure continuity in our operations I am requesting your consideration of Jessica’s appointment at a special joint meeting of the Human Resources and Finance Committees on February 12th with County Board approval to follow.

Please call with any questions or concerns you might have.

Thanks.

DAB/eh
Career Overview: Dedicated CPA with eighteen years of governmental accounting experience in developing financial reporting, payroll, budget, and investment policies, processes, strategies, reports, and best practices.

Education

Certified Public Accountant, State of Wisconsin
UNIVERSITY OF WISCONSIN – WHITEWATER
Bachelor of Business Administration in Accounting, 12/2000, Overall GPA of 3.93 and Accounting GPA of 4.0

Experience

WALWORTH COUNTY — ELKHORN, WI
Comptroller, 3/2007 to Present
Direct staff in daily accounting, budgeting, and investing functions under direction of Deputy County Administrator-Finance.

Key experience as Comptroller:
- Direct staff in daily duties which currently includes 4 manager/supervisors, and 7 accounting staff. Foster a collaborative environment amidst gradually fine tuning the accounting and budgeting for departments.
- Develop and train county-wide financial policies and strategies to strengthen overall financial performance, controls and compliance with accounting and governmental regulations.
- Serve as County’s Joint Review Board member for all Tax Incremental Financing (TIF) Districts in Walworth County.
- Monitor capital projects bond spend down and arbitrage reporting. Assist with requirements for debt borrowings and in attaining a AAA Moody’s rating.
- Oversee external audit and development of Comprehensive Annual Financial Report (CAFR) and Adopted Budget Book; both reports are recipients of the Government Finance Officer Association’s reporting awards. Oversee single audit reporting, state reporting, indirect cost allocation report, and review of various department reports.
- Project management, implementation and system administration of financial and timekeeping systems. Provide financial analysis and internal control review on department software programs interfacing with the general ledger.
- Developed current investment policies, strategies, and relationships in conjunction with the Deputy Administrator-Finance for investments of $120 to $200 million.
- Oversee budget reporting and assist management in development of budget strategies for the operating budget and capital plan. Annually provide public budget presentation for required public budget hearing.
- Computer skills include proficiency in Crystal Reports, Kronos timekeeping, Munis/Tyler Technologies general ledger (G/L) software, and MS Office.

Key experience as Senior Accountant:
- Implemented Kronos timekeeping software county-wide including configuration and training. Lead payroll software implementation of Munis/Tyler Technology.
- Supervision and oversight of payroll functions and reports, review of county-wide journal entries, preparation of financial statements and reports, and implementation of government standards reporting requirements.

BAKER TILLY— MADISON, WI
Accountant, 1/2001 to 6/2003
Senior Accountant, 6/2003 to 10/2003
Assisted and lead financial and single audits for counties, municipalities, and colleges including preparation of TIF district reports, state reports, and financial statements.

Key experience:
- Served on committees involving technology implementation, best practices, and GASB 34. Supervised and trained new staff.
ORDINANCE NO. 1162 - 02/19

AMENDING CHAPTER 15 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO A POSITION TITLE CHANGE IN FINANCE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

PART I: That Section 15-4 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

"Sec. 15-4. Definitions.

Demotion means the transfer of an employee from a position in a higher pay range to another position in a lower pay range.

Department head means the holder of the following public offices and positions: each elected officer, Administrator - LHCC, Deputy County Administrator - Finance Director, Health and Human Services Director, Human Resources Director, Information Technology Director, Land Use and Resource Management Director, Director - Public Works, UW-Extension Chairperson, Veteran's Service Officer, and Walworth County Children with Disabilities Education Board Administrator.

Director means the Human Resources Director."

PART II: That Section 15-107 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

"Sec. 15-107. Return of County property; security issues.

The appointing authority shall:

(1) Ensure that keys, County records and all other County property issued to the terminating employee is accounted for and returned prior to the employee's last day of work;

(2) Contact the Information Technology Department to make sure that employee access to information technology is terminated;

(3) Contact the Director - Public Works to ensure that any facility access and/or property is terminated and/or returned, if concerns warrant.

(4) When the terminating employee had access to cash transactions, shall confer with the
Deputy County Administrator—Finance Director to decide if an audit of funds is required.”

PART III: That Section 15-324 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 15-324. Performance based compensation for certain employees.

(7) Prior to communication with employees, all recommendations for performance based compensation increases shall be submitted to the County Administrator to certify to the Deputy County Administrator—Finance Director and the Human Resources Director that:

a. Department heads have applied the rating criteria in a consistent manner and that the overall distribution of pay is lawful.

1. Upon the request of a department head, in extraordinary circumstances involving equity among staff holding the same classification in a department, the County Administrator may approve alternate performance based increases, as long as they do not exceed the highest percent allowed in the assigned quartile for each employee.

b. Those employees rated as high level performers have received ratings meriting that classification and have successfully completed a minimum of three significant, specific and measurable goals during the course of the year.

1. Exceptions to the minimum of three significant goals may be granted by the County Administrator in special circumstances, such as a law change or a directive by the County Board that significantly changes the focus and/or workload of the position.

2. Due to the nature of the evaluation process for commissioners, the following positions are excluded from the need to identify and rank a minimum of three significant goals:

a) Circuit Court Commissioner

b) Family Court Commissioner

c. The County Administrator shall review and approve all future goals for the upcoming year to ensure the goals are significant, specific and measurable, except for those positions excluded in 15-324(7)(b)(2) above.

(8) Upon receipt of the certification in (7), the Deputy County Administrator—Finance Director and Human Resources Director shall take all necessary steps to implement the rating
(9) In the event the County Administrator is unable to provide the certification set forth in (7), the department head shall provide a lower rating.”

PART IV: That Section 15-324 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 15-634. Use of County and personal vehicles.

(e) Absolute sobriety shall be required of any employee or elected official while operating a County-owned vehicle.

(f) In addition to those employees set forth in (b), the Senior Project Manager, Deputy Medical Examiner, Lead Investigator/Deputy Medical Examiner and Director - Public Works may be required to commute in a County-owned vehicle for bona fide non-compensatory business reasons. In the event such action is required, such designation shall be made in writing to the Deputy County Administrator—Finance Director. Use of County-owned vehicles by the personnel listed herein shall be in accordance with the terms of all applicable ordinances.

(g) For the employees set forth in subsections (b) and (f), the County will follow the commuting rule as established by the IRS and described in IRS Publication 15-B to properly tax the fringe benefit of the personal use. As part of the commuting rule, the employee is required to maintain documentation showing the personal use of the vehicle and submit said documentation for payroll processing of the taxation.”

PART V: That this ordinance shall be effective as of July 2, 2019.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 12th day of February 2019.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: February 12, 2019

Action Required: Majority Vote ___X___ Two-thirds Vote _____ Other _____
Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl  2/6/19  Nicole Andersen  2/6/19
County Administrator/Corporation Counsel  Date  Deputy County Administrator-Finance

If unsigned, exceptions shall be so noted by the County Administrator.
Ordinance No. 1162 - 02/19
Fiscal Note and Policy Impact Statement

I. Title: Amending Chapter 15 of the Walworth County Code of Ordinances Relating to a Position Title Change in Finance

II. Purpose and Policy Impact Statement: The purpose of this ordinance amendment is to update the references to the title of Deputy County Administrator – Finance throughout Chapter 15 to reflect the title change to Finance Director.

III. Is this a budgeted item and what is its fiscal impact: Passage of this ordinance will have no fiscal impact on the county budget.

IV. Referred to the following standing committee(s) for consideration and date of referral:

   Committee: Finance Committee                   Date: February 12, 2019
   Vote:

   Committee: Human Resources Committee           Date: February 12, 2019
   Vote:

   County Board Meeting Date: February 12, 2019

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.

David A. Bretl                      Nicole Andersen
County Administrator/Corporation Counsel  Deputy County Administrator-Finance

Page 7 of 14
Resolution No. 71-02/19
Authorizing the County Administrator to Execute an Employment Agreement By and Between Walworth County and Jessica Conley as Finance Director

Moved/Sponsored by: Human Resources & Finance Committees

WHEREAS, the Walworth County Administrator has nominated Jessica Conley to serve in the position of Finance Director effective July 2, 2019; and,

WHEREAS, the Human Resources and Finance Committees met pursuant to ordinance to recommend to the county board a proposed employment agreement by and between Walworth County and Ms. Jessica Conley; and,

WHEREAS, the County Board has confirmed the County Administrator’s nomination.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the County Administrator is hereby authorized and directed to execute the attached employment agreement by and between Walworth County and Jessica Conley.

__________________________  __________________________
Nancy Russell               Kimberly S. Bushey
County Board Chair          County Clerk

Action Required: Majority X  Two-thirds _____  Other _____

County Board Meeting Date: February 12, 2019

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Brefl  Date
County Administrator/Corporation Counsel

Nicole Andersen  Date
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.
Policy and Fiscal Note
Resolution No. 71-02/19

I. Title: Authorizing the County Administrator to Execute an Employment Agreement By and Between Walworth County and Jessica Conley as Finance Director

II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize and direct the County Administrator to execute a contract with Jessica Conley for employment as the County’s Finance Director.

III. Is this a budgeted item and what is its fiscal impact: Pursuant to the employment contract:

- Ms. Conley will be paid $135,907.20 per year, plus county benefits, to serve as Finance Director.

- Sufficient funds exist in the Finance budget to pay Ms. Conley.

- The employment contract will be consistent with the standards set forth in Section 15-6 of the Code of Ordinances.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources Committee Meeting Date: February 12, 2019

Vote:

Committee: Finance Committee

Vote:

County Board Meeting Date: February 12, 2019

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  2/6/19
County Administrator/Corporation Counsel

Nicole Andersen  2/6/19
Deputy County Administrator - Finance
WALWORTH COUNTY EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is made and entered into as of July 2, 2019, by and between Walworth County (the "County"), Wisconsin and Jessica Conley (the "Employee"); and

WHEREAS, the County Administrator desires to appoint Employee as Finance Director and Employee is willing to render services to the County on the terms and conditions of employment set forth below.

NOW, THEREFORE, in consideration of the promises, terms and conditions hereof, the County and Employee agree as follows:

1. **Employment.** The County Administrator appoints Employee as the Finance Director, and Employee accepts such appointment with the County upon the terms and conditions hereinafter set forth. Employee represents and warrants that neither the execution by her of this Agreement nor the performance by her of her duties and obligations hereunder will violate any agreement to which she is a party or by which she is bound. The County and Employee agree that her employment shall be at-will, which means that either party may, at any time, for any reason, decide to terminate the relationship. Employee may be removed at the pleasure of the County Administrator pursuant to this Agreement and section 15-6 of the Walworth County Code of Ordinances ("Code").

2. **Term.** The term of employment hereunder shall be indefinite and shall commence on July 2, 2019. This Agreement shall continue indefinitely unless terminated by either party pursuant to paragraph 7 of this Agreement.

3. **Duties.** Employee is employed as the Finance Director of Walworth County and shall carry out those duties specified in the Code, as amended from time to time, and the job description, which may be amended from time to time at the discretion of the County Administrator, and in accordance with the Code.

4. **Performance Evaluation.** Annually, the County Administrator shall define such goals and performance objectives for Employee, and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. The goals and performance objectives shall generally be obtainable within the time limitations specified, within the annual operating and capital budgets and appropriations provided by the County, and within the scope of authority of the position. Employee shall have an opportunity to present her ideas prior to the reduction to writing of the goals and objectives.

The County Administrator shall review and evaluate Employee's performance at least once annually. The County Administrator shall provide Employee with a written summary statement of the annual performance evaluation.
Notwithstanding Section 15-324(11)(d) of the Walworth County Code of Ordinances, employee shall be eligible for a full (non-prorated) amount of performance related increase as allowed by the County’s management pay for performance system at the conclusion of calendar year 2019. This is an exception to the above-stated ordinance which would normally require a prorated performance increase during 2019 for a 2020 wage increase. This section shall only apply to the 2019 pay for performance process only and all future pay for performance increases shall comply with the County’s standard process for all department heads.

5. **Exclusive Services.** Employee shall devote all necessary working time, ability, and attention to the business of the County during her employment with the County and shall not, directly or indirectly, render any material services of a business, commercial, or professional nature to any other person, corporation, or organization, whether for compensation or otherwise, without the prior disclosure to and prior consent of the County. At all times, Employee shall have the duty of loyalty to the County in the provision of her services under this Agreement.

6. **Compensation.** As compensation for services rendered pursuant to this Agreement, Employee shall be entitled to receive the following:

   a) **Salary.** The County shall pay Employee a salary at the rate of $135,907.20 per annum (the “Salary”). The Salary shall be payable in accordance with the ordinary payroll practices of the County. Employee shall participate in the County’s management “MX” pay plan and be eligible for salary increases in accordance with the County’s performance-based pay plan. The only exception to this is identified in section 4 above.

   b) **Benefits.** Except as otherwise provided herein, Employee shall be permitted to participate in any and all employee benefit plans, including paid holidays, group term life insurance, disability insurance, retirement plan contributions, time off benefits, as may be in effect for department heads of the County. Employee acknowledges that provision of these benefits by the County is subject to change at any time with or without notice by the County, and that these benefits are provided solely at the County’s discretion. However, the County agrees to provide benefits to Employee consistent with benefits provided to department heads of the County.

   c) **Business Expenses.** Employee may be required to furnish her own automobile for business-related travel. Employee agrees to maintain a valid driver’s license and maintain an adequate level of automobile collision insurance consistent with County policies. The County shall reimburse Employee for all business expenses incurred in the performance of her duties under this Agreement in a manner consistent with County policies pertaining to reimbursement of business expenses in effect at any relevant time. Consistent with the County’s practices, an annual budget has been and will be established for Employee’s incurrence of necessary business expenses such as mileage reimbursement for business use of her
personal automobile, commercial travel needs, meal, lodging, and registration for seminars, conventions, membership dues, license fees and subscriptions to professional journals related to her work.

7. **Termination.** Employee’s employment as the Finance Director may be terminated as follows:

a) **By the Employee.** Employee may terminate her employment at any time for any reason by giving 30 days advance written notice of termination to the County Administrator. Employee shall receive any compensation and benefits accrued to the last day actually worked, calculated in the same manner as department heads of the County and shall not be entitled to any compensation beyond the last day actually worked. The County Administrator may elect to relieve Employee of her duties under this Agreement prior to the expiration of the 30-day notice period, in which event the County shall pay the compensation otherwise due the Employee under paragraph 6a above for the remainder of the 30-day notice period in a lump sum. The Employee shall continue to receive benefits under paragraph 6b above for the remainder of the 30-day period. Continued compensation will not include any additional accrual of applicable time off benefits beyond the last day on which services are performed. Furthermore, if Employee requests to be relieved of her duties prior to the expiration of the 30-day notice period and the County Administrator agrees to release Employee from her duties under this Agreement, Employee shall not be entitled to any compensation beyond the actual day she ceases performing services under this Agreement.

b) **By the County.** The County Administrator may at any time, for any reason, remove Employee from the Finance Director position and terminate this Agreement subject only to the following notice provision. The County must provide Employee with 120 days advance written notice of termination or, in the alternative, must pay Employee any continued compensation including benefits as described in paragraph 6 for any reduction in the notice period. For example, if the County gives Employee 30 days advance written notice, it must then pay Employee 90 days continuing compensation and benefits. If the County gives Employee no advance notice of termination, it must pay her 120 days continuing compensation and benefits. Continued compensation will not include any additional accrual of applicable time off benefits beyond the last day on which services are performed. Notice and/or severance shall not be payable if discharge is due to gross misconduct or illegal activity by Employee.

If the County gives Employee advance written notice of termination and Employee requests to be released from her duties under this Agreement prior to the expiration of the advance notice, the County may, in its discretion, honor Employee’s request, in which case the County will pay no continuing compensation to Employee after the last day actually worked.

c) **Return from Non-FMLA Leave.** Employee’s employment under this Agreement shall be terminable by the County, with notice, as a result of her
continued need for Non-FMLA leave beyond the time established under County Ordinance 15-729(c). Instead of moving to layoff status as identified in 15-729(c), this contract shall terminate, and the County shall provide Employee with 120 days continued compensation and benefits. Continued compensation will not include any additional accrual of applicable time off benefits beyond the last day on which services are performed, unless otherwise required by applicable law.

d) **Death.** Employee’s employment under this Agreement shall terminate as a result of her death. The designated beneficiary or beneficiaries shall be entitled to receive any due and owing compensation. The rights under the benefit plans of the County shall be determined in accordance with the terms and provisions of such plans.

8. **Notices.** Any Notices to be given hereunder by either party to the other may be effected either by personal delivery in writing or by mail, registered or certified, postage prepaid, with return receipt requested. Mailed notices shall be addressed as follows:

If to the County:  
County Administrator  
Walworth County Government Center  
100 W. Walworth/P.O. Box 1001  
Elkhorn, Wisconsin 53121

If to the Employee: Jessica Conley  
15480 W. Mayflower Drive  
New Berlin, WI 53151

Either party may change its address for notice by giving notice in accordance with the terms of this paragraph.

9. **Indemnification/Defense.** To the extent authorized by Wisconsin Statutes, the County shall defend and indemnify any and all demands, claims, suits, actions, and legal proceedings brought against Employee (a) in her official capacity or (b) personally for actions performed within the scope of her employment.

10. **General Provisions.**

a) **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

b) **Invalid Provisions.** If any provision of this Agreement is held to be illegal, invalid, or unenforceable, such provision shall be fully severable and this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never comprised a part hereof; and, the remaining provisions hereof shall remain in full force and effect, and shall not be affected by the illegal, invalid, or unenforceable provision or by its severance therefrom.
c) **Binding Effect.** This Agreement shall extend to and be binding upon and inure to the benefit of the parties hereto. This Agreement may not be assigned by Employee.

d) **Entire Agreement.** This Agreement sets forth the entire understanding of the parties and supersedes all prior arrangements or/and understandings, whether written or oral, with respect to the subject matter hereof. No terms, conditions, warranties, other than those contained herein, and no amendments or modifications hereto shall be binding unless made in writing and signed by the parties hereto.

e) **Execution.** This Agreement may be executed in one or more counterparts, each of which shall be considered an original, and all of which taken together shall be considered one and the same instrument. A facsimile signature will have the same legally binding effect as an original signature.

For Walworth County:  

By Employee:

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<th>Name</th>
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<tbody>
<tr>
<td>Kimberly S. Bushey</td>
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<td>Jessica Conley</td>
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<td>Walworth County Clerk</td>
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<td>Finance Director</td>
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Reviewed by:

Reviewed and approved as to form and pursuant to sec. 30-69, Walworth County Code of Ordinances:

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<tr>
<td>Dale Wilson</td>
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<td>David A. Bretl</td>
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<td>Human Resources Director</td>
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<td>County Administrator/Corporation Counsel</td>
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<td>Nicole Andersen</td>
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