

**Walworth County Board of Supervisors  
Executive Committee Meeting Minutes  
Monday, January 18, 2021  
Walworth County Government Center, County Board Room 114  
100 West Walworth Street, Elkhorn, Wisconsin**

---

Chair David Weber called the meeting to order at 10:00 a.m.

Roll call was conducted and the following members were present, either in person or by remote attendance: Chair David Weber; Vice Chair Daniel Kilkenny; Supervisors Brian Holt, Susan Pruessing and Nancy Russell. A quorum was declared.

**Others in Attendance**

County Board Supervisors: Rick Stacey.

County staff: County Administrator Mark W. Luberd; Corporation Counsel/Director of Land Use and Resource Management (LURM) Michael Cotter; County Clerk Kimberly S. Bushey; Finance Director Jessica Conley; and Director-Public Works Richard Hough.

**On motion by Supervisor Holt, second by Supervisor Russell, the agenda was approved with no withdrawals.**

**On motion by Supervisor Holt, second by Supervisor Russell, the minutes of the December 14, 2020 Executive Committee Meeting were approved.**

**Public Comment**

The following individuals appeared at the meeting, expressed concern relative to the integrity of the election, and spoke in opposition of electronic voting systems:

- |                   |                 |                    |
|-------------------|-----------------|--------------------|
| - Jon Voss        | - Stephen Rains | - Chantal Schuerer |
| - Benjamin Drazen | - Philip Rains  | - Kendra Mott      |
| - Jack Sorock     | - Micah Roberts | - Herbert Sorock   |

The following individual attended remotely via telephone and spoke in favor of keeping the electronic voting system in place as it ensures accuracy, provides a real time count as to the number of ballots cast and voted, reports errors immediately, and provides a paper trail:

- Jackie Pankau

**Consent Items – expense/mileage reimbursement claims submitted by:**

7a. Franklin Jones, citizen member on Board of Adjustment, in the amount of \$37.86

**Supervisor Holt offered a motion, second by Vice Chair Kilkenny, to approve the expense/mileage reimbursement claim submitted by Franklin Jones. Motion carried 5-0.**

**Appointments. Recommendations regarding County Administrator’s nominations:**

8a. County Zoning Agency – re-appointment of Richard Kuhnke

Chair Weber asked Mr. Kuhnke a series of questions regarding his qualifications, experience, desire to serve on the County Zoning Agency, and whether he had any conflicts of interest that would prohibit him from serving. **Supervisor Holt offered a motion, second by Supervisor Russell, to approve the appointment of Richard Kuhnke to the County Zoning Agency. Motion carried 5-0.**

8b. Local Emergency Planning Committee – appointment of Michael Anderson

8c. Local Emergency Planning Committee – appointment of Nancy Douglass

8d. Housing Authority Committee – appointment of Kevin Fleming

**Supervisor Russell offered a motion, second by Supervisor Pruessing, to approve the appointments to the Local Emergency Planning Committee and Housing Authority Committee. Motion carried 5-0.**

**New business**

9a) Correspondence from Jonathon Voss and Sarah Hardison regarding consideration of replacing Walworth County's Dominion ICE Voting System with a non-electronic voting system

Chair Weber expressed appreciation to members of the public for coming out to speak and proceeded to read a portion of County Clerk Kimberly S. Bushey's memorandum and packet providing clarification and facts pertaining to this matter. Refer to Pages 26-34 of the packet for further information. Vice Chair Kilkenny clarified the manner of elections and the way in which they are conducted is determined by the state legislature and state statutes relative to voting systems. He noted Walworth County does use paper ballots for voting purposes and machines then tally those ballots.

County Clerk Bushey elaborated further regarding the election process and security features used by Walworth County. She noted in Wisconsin, any election equipment considered has to first be approved at a Federal level by the Election Assistance Commission (EAC) and then certified for use by the State of Wisconsin. There were only two types of voting equipment to choose from. Bushey provided a brief overview of previous and current election results and audits and assured there were no inaccuracies or irregularities impacting the recent November election related to Dominion voting equipment. She noted Federal and State Law requires that all municipalities provide a piece of voting equipment to assist voters with disabilities to cast their ballot independently. It is not enough to have an election inspector to provide assistance. She stated Wisc. Stat. § 5.40(1) mandates municipalities over 7,500 in population are required to use electronic voting equipment. The Cities of Elkhorn, Delavan, Whitewater, and Lake Geneva are required to utilize electronic voting equipment. She noted by state statute, it is a municipal decision as to what system of voting is used. Bushey concluded by stating elimination of an electronic voting system would put Walworth County outside of state and federal law for providing handicapped accessible equipment and Wisconsin law that requires all municipalities over 7,500 utilize electronic voting equipment and said it was her assessment that switching countywide to hand counted paper ballots is outside the scope of the County Board's authority.

Discussion then focused on how electronic voting machine jams are handled; how the election results are securely transmitted from the municipality to the County Clerk's office and then uploaded to the state and Walworth County website; how the Board of Canvass verifies the number of votes created by the state reports and the electronic voting system are correct; and that the Board of Canvass has the ability to hand count the ballots should a recount of an election be called.

Corporation Counsel/Director of Land Use and Resource Management (LURM) Michael Cotter confirmed Bushey's concluding statement that it is outside the scope of state and federal law for County Board Supervisors to eliminate electronic voting systems. He noted any changes relative to the Americans with Disabilities Act (ADA) would have to occur at the federal level and any changes to Wisc. Stat. § 5.40(1) would have to occur at the state level.

9b) Review of a slate of goals for the County Administrator during 2021

County Administrator Mark W. Lubberda briefly summarized the Preliminary Slate of Goals for the County Administrator During 2021, which includes the additional comments discussed at the December Executive Committee meeting. Lubberda recommended removing Item N relative to the long range plan component of the budget given there are already 17 goals that are time consuming along with the extent of demands created by COVID-19 efforts. He briefly addressed the three items for consideration at the end of the report, but did not recommend them for inclusion. Supervisor Holt requested a copy of the current long range plans be provided for review. Lubberda referred Supervisor Holt to the Walworth County 2021 Budget, which contains the long range plan and noted the Government Finance Officers Association (GFOA) recommends further components of long range plans be built into a budget in order to win the GFOA Award. Discussion then

focused on placing the study for utilizing the C-wing at the Lakeland Health Care Center on hold, as the COVID-19 pandemic may change and shift the market in senior housing further away from congregate housing and to allot time for a newly appointed Superintendent of County Institutions and Director of Health and Human Services to review the organization and decide what their needs will be moving forward.

**Supervisor Holt offered a motion, second by Supervisor Pruessing, to approve the amended presentation Items A thru R with the removal of Item N. Motion carried 5-0.** Administrator Luberda noted he will prepare a clean final version of the goals to be included with a memorandum to all Supervisors.

9c) Preliminary review of rules and operating procedures and requirements for the County Board and committees, boards, and commissions reporting to the County Board

Administrator Luberda referred to and briefly explained the comments and recommendations that were put forth by Cotter and himself relative to the Walworth County Code of Ordinances, Chapter 2 - Administration, Division 3 - County Board Procedural Rules found on Pages 37-56. Discussion then focused on the Executive Committee reviewing any proposed changes and then presenting a more final version to the full County Board for discussion purposes. Luberda proceeded with his presentation with some discussion and no rejections.

**Supervisor Holt offered a motion, second by Supervisor Pruessing, to table this matter to the February Executive Committee meeting and to commence with Page 44 of the packet. Motion carried 5-0.**

9d) Request for Special Order of Business to View Human Resources Training Videos

Luberda explained that the auditors for Walworth County prefer the Human Resources training videos be reviewed each year. The Special Order of Business will allow for the training videos to be placed on both the February and March County Board meetings. **Supervisor Holt offered a motion, second by Vice Chair Kilkenny, to request a Special Order of Business to view the Human Resources training videos.** Luberda stated he is looking to simplify the process that will also meet the auditor's expectations. **Motion carried 5-0.**

9e) Jackson County Resolution No. 54-12-2020 in Support of State Funding for Equitable Return of Utility Tax Collections to Counties and Municipalities as Utility Aid

Luberda stated he believes the Wisconsin Counties Association (WCA) has made this topic one of their issues, but that Walworth County has not created a resolution. He noted the state has only distributed \$75.6 million out of \$351.4 million collected in utility taxes, which is about 21.5% of the total amount collected. Should the Governor approve an inflationary increase of 3.5%, as requested, Walworth County could potentially receive an additional \$50,000 on the \$316,000 expected to be received. A resolution approved by the County Board would arrive late in the Governor's budget process and just prior to his budget presentation. **Supervisor Holt offered a motion, second by Vice Chair Kilkenny, to place Jackson County Res. No. 54-12-2020 on file. Motion carried 5-0.**

**Reports/announcements by Chairperson** – There were none.

**Confirmation of next meeting date and time:** The next meeting was confirmed for Monday, February 15, 2021 at 10:00 a.m.

### **Claims and Litigation**

13. The Committee convened in closed session **at approximately 12:21 p.m. on motion and second by Supervisor Holt and Vice Chair Kilkenny** pursuant to the exemption contained in Section 19.85(1)(g) of the Wisconsin Statutes, "conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved," relative to the items listed below. A roll call vote was conducted and all members present voted "aye." County Administrator Mark W. Luberda; Corporation Counsel/Director of Land Use and Resource Management Michael Cotter; and Director-Public Works Richard Hough remained in closed session. Vice Chair Kilkenny, Supervisor Russell, and Supervisor Pruessing remained on the telephone.

- a) Claim for Vehicle Damage – Carol Unger-Keizer
- b) Claim for Vehicle Damage – Peter Moore

**The Committee reconvened in open session at 12:25 p.m. on motion and second by Supervisor Holt and Vice Chair Kilkenny.**

**Supervisor Holt offered a motion, second by Supervisor Russell, to proceed as discussed in closed session on items a) and b), above herein and to disallow both claims. Motion carried 5-0.**

### **Adjournment**

**On motion and second by Supervisor Holt and Vice Chair Kilkenny, Chair Weber adjourned the meeting at 12:26 p.m.**

---

Submitted by Patricia Sommers, Administrative Assistant. Meeting minutes were approved by the Executive Committee at the February 15, 2021 meeting.