

**Walworth County Board of Supervisors  
Executive Committee Meeting Minutes  
Monday, January 20, 2020  
Walworth County Government Center, County Board Room 114  
100 West Walworth Street, Elkhorn, Wisconsin**

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

Roll call confirmed all members were present: Chair David Weber, Vice Chair Charlene Staples, and Supervisors Dan Kilkenny, Susan Pruessing and Nancy Russell. A quorum was declared.

**Others in Attendance**

County staff: County Administrator Mark Luberda; Advisor to County Administrator David Bretl; Director-Public Works Richard Hough; Corporation Counsel/Director of Land Use and Resource Management (LURM) Michael Cotter; Human Resources Director Kate Bishop; Deputy Director of Health & Human Services (HHS) Carlo Nevicosi; County Treasurer Valerie Etzel; and County Clerk Kimberly Bushey  
Members of the Public: Barbara A. Fischer

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

**On motion by Supervisor Pruessing, second by Vice Chair Staples, the minutes of the January 14, 2020 Special Executive Committee Meeting were approved.**

**Public Comment** – There was none.

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

- Richard Kuhnke, Sr., county representative on WRRTC, in the amount of \$125.40
- Alan Polyock, county representative on WRRTC, in the amount of \$137.00

**Vice Chair Staples offered a motion, second by Supervisor Russell, to approve the expense/mileage reimbursement claims. Motion carried 5-0.**

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

- County Surveyor – appointment of Robert Merry
- Board of Adjustment – appointment of Barbara Fischer as an alternate member

**Supervisor Russell offered a motion to approve the appointment** and stated there is some confusion on Page 7 as to the incumbent's current term expiration date of Dec 31, 2020 and the newly appointed term expiration date of December 31, 2020. Advisor to County Administrator David Bretl stated since this is an annual contract, the term should end on Dec 31, 2021. **Motion failed due to the lack of a second.**

**Supervisor Russell offered a motion, second by Vice Chair Staples, to approve the appointment of Robert Merry as County Surveyor and to amend the term expiration date to December 31, 2021. Motion carried 5-0.**

Bretl introduced the newly appointed County Administrator Mark Luberda and briefly explained the process and procedures of appointing individuals to the various committees and boards, which may include interviews. He said the recently appointed Joseph Pappa found the need to resign his seat as an alternate member of the Board of Adjustment and recommended Barbara Fischer for appointment. Corporation Counsel/Director of Land Use and Resource Management (LURM) Michael Cotter stated Mrs. Fischer, currently acting as the Clerk/Treasurer for the Town of LaFayette, would be required to recuse herself from taking action relative to Town of LaFayette matters. Chair Weber asked Mrs. Fischer a series of questions regarding her qualifications, experience, desire to serve on the Board of Adjustment, and whether she had any conflicts of interest that would prohibit her from serving.

**Supervisor Russell offered a motion, second by Vice Chair Staples, to approve the appointment of Barbara Fischer as an alternate member to the Board of Adjustment. Motion carried 5-0.**

#### **New Business**

- Ordinance Amending Section 2-131 of the Walworth County Code of Ordinances Relative to the Coordination of Criminal Justice Resources

Bretl gave a brief overview of the proposed ordinance, which was created at the request of the Criminal Justice Coordinating Committee (CJCC). Bretl said if the CJCC were a judicially created committee, it would not be subject to open meetings law and the Executive Committee would be authorized to consider participating in the recommendations of certain positions held within a CJCC or similar committee. Discussion ensued. Deputy Director of Health & Human Services (HHS) Carlo Nevicosi stated HHS would continue to work with the Courts.

**Supervisor Russell offered a motion, second by Supervisor Kilkenny, to approve the ordinance. Motion carried 4-1. Vice Chair Staples voted No.**

- Ordinance Amending Section 2-144 of the Walworth County Code of Ordinances Relating to Committee Meeting Times

A brief discussion ensued relative to the proposed modification of meeting times for the Agriculture and Extension Education Committee, Park Committee and Land Conservation Committee. Supervisor Russell suggested moving all Monday committee meetings to Tuesday allowing another day for committee packet mailing and review. Bretl stated the changes need to be supported by County Clerk Bushey relative to the minute takers and approved by the other Monday committees.

**Supervisor Kilkenny offered a motion, second by Vice Chair Staples, to recommend modification of the meeting times as stated in the proposed ordinance and to move all Monday committee meetings to Tuesday, which is not to be sent to the County Board until other Monday committees have had an opportunity for review. Motion carried 5-0.**

- Racine County Resolution No. 2019-57S – Resolution by Individual Supervisors in Support of 2019 Assembly Bill 33 and 2019 Senate Bill 39 Relating to the Expungement of Criminal and Civil Conviction and Non-Conviction Records

Bretl stated this is an advisory resolution supporting legislation that is attempting to change the expungement rules. **Supervisor Kilkenny offered a motion, second by Supervisor Pruessing, to place the resolution on file.** Staples expressed concern with the term “expungement” and stated consideration should be given as to the difficulties an individual possessing such an offense or conviction may experience when applying for college or employment. **Motion failed 2-3. Supervisor Russell, Vice Chair Staples and Chair Weber voted No.**

**Supervisor Russell offered a motion to create a resolution and to amend the language with the inclusion of Wisconsin Counties Association (WCA) as an entity to forward it to.** Bretl stated the committee may wish to take the time to review AB 33 and SB 39 and to place the resolution on hold. **Motion died due to the lack of a second.**

**Supervisor Kilkenny offered a motion, second by Supervisor Pruessing, to have Corporation Counsel provide the committee with copies of AB 33 and SB 39 for review and to place Racine County Res. No. 2019-57S on hold. Motion carried 5-0.**

- d) Distribution of committee packets

County Treasurer Valerie Etzel gave a brief overview of the options available relative to distribution of the committee packets. Bretl stated if the committee were to revert to the courier system, then it should be sent out for bid. He also expressed concern with shifting the printing costs of paper and toner over to the supervisors and committee members should they choose to receive the packets via email. Discussion then focused on the anticipated cost of \$7.85 per packet for Standard Priority Mail versus the previous courier system cost of \$2,400 annually. In addition, staffing, time constraints, and the need for a second county owned vehicle involving delivery by the Treasurer's office was discussed. Supervisor Russell was in opposition of providing mileage to pick up packets.

**Supervisor Russell offered a motion, second by Supervisor Pruessing, to approve distribution of the committee packets via email, Priority Mail, or personal pick-up.** Supervisors and other committee/board members are to notify Emily Haas in the Administrator's Office as to how they wish to receive the committee packets. **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 17, 2020 at 10:00 a.m.

### **Claims and Litigation**

The Chair directed, with no objection, to convene the committee in closed session at approximately 11:07 a.m. 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 Luberd, Assistant to the County Administrator David Bretl, Deputy Director of Health & Human Services Carlo Nevicosi, Corporation Counsel/Director of Land Use and Resource Management Michael Cotter and Director-Public Works Richard Hough remained in closed session.

- a) Notice of Injury – Lydia Mikheyev on behalf of Andrey Mikheyev
- b) Notice of Circumstances of Event – Robert J. Volk
- c) Notice of Circumstances of Event – Tabitha Volk
- d) Claim for Vehicle Damage – Owners Insurance Company as Subrogee of Diane W. Ridenour
- e) U.S. Bankruptcy – Insys Therapeutics, Inc., et al.

**The committee reconvened in open session at 11:32 a.m. on motion and second by Supervisor Kilkenny and Vice Chair Staples.**

**Supervisor Kilkenny offered a motion, second by Vice Chair Staples, to proceed as discussed in closed session on items a), b), c), d) and e), above herein. Motion carried 5-0.**

### **Adjournment**

**On motion and second by Vice Chair Staples and Supervisor Kilkenny, Chair Weber adjourned the meeting at 11:34 a.m.**