

**Walworth County Board of Supervisors
Executive Committee Meeting Minutes
Monday, September 9, 2019
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 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 Board Supervisors: Tim Brellenthin and Kathy Ingersoll

County staff: County Administrator David Bretl; Director-Public Works Richard Hough; Sheriff's Office Communications Captain Jamie Green; Clerk of Circuit Court Kristina Secord; County Clerk Kim Bushey; Deputy Corporation Counsel/Director of LURM Michael Cotter; Assistant Corporation Counsel Estee Scholtz; Human Resources Director Kate Bishop; Walworth County Sheriff Kurt Picknell; Director of Health and Human Services Elizabeth Aldred; Finance Director Jessica Conley

Members of the public: Town of Lafayette Chair Joseph Pappa; Town of Richmond Chair Jeffrey Karbash

Supervisor Pruessing made a motion, seconded by Vice Chair Staples, to approve the agenda as presented. Motion carried by voice vote.

Supervisor Russell made a motion, seconded by Vice Chair Staples, to approve the July 15, 2019 meeting minutes. Motion carried by voice vote.

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
- Allan Polyock, county representative on WRRTC, in the amount of \$137.00
- John Roth, citizen member on the Board of Adjustment, in the amount of \$9.34

Supervisor Pruessing made a motion, seconded by Vice Chair Staples, to approve the expense/mileage claims of Richard Kuhnke, Sr., Allan Polyock and John Roth. Motion carried 5-0.

• Walworth County Metropolitan Sewerage District (WalCoMet) Annual Report
County Administrator David Bretl recommended the Committee place the report on file, and suggested that it be placed on an agenda in early 2020 for discussion and a potential tour of the facility. **Supervisor Russell made a motion, seconded by Vice Chair Staples, to place the WalCoMet Annual Report on file. Motion carried 5-0.**

Appointments. Recommendations regarding County Administrator's nominations:

- Agriculture and Extension Education Committee – appointment of Jennifer Strauss as education representative

Vice Chair Staples made a motion, seconded by Supervisor Russell, to approve the appointment of Jennifer Strauss as education representative on the Agriculture and Extension Education Committee. Motion carried 5-0.

- Board of Adjustment – appointment of John Roth and Elizabeth Sukala as regular members and Joseph Pappa as an alternate member

Bretl reported that Elizabeth Sukala had to report to jury duty today, but would be available at the October committee meeting. John Roth was notified of this meeting, but did not respond. Chair Weber asked Joseph Pappa a series of questions regarding his eligibility, qualifications, experience and any potential conflict of interest regarding his application to serve as an alternate member of the Board of Adjustment (BOA). Mr. Pappa is currently Chair of the Town of Lafayette, has served for six years on the Town's Planning Commission and as Chair of the Committee. He has served as an alternate member of the BOA for four years. He has no conflicts of interest and no restriction as to his service on the Board. He reapplied because he feels the Board is experienced, functions as a cohesive unit, and does its due diligence in researching applications. Bretl noted that Mr. Roth has not completed the training required of all Supervisors and committee members. He will notify him of the October meeting and again ask that he make an effort to complete the training. Bretl added that Mr. Pappa has been a strong member of the BOA and has expressed interest in becoming a regular member. Vice Chair Staples confirmed that Mr. Roth's term has expired and noted he has had ample time to complete the required training. **Supervisor Russell made a motion, seconded by Vice Chair Staples, to recommend approval of Joseph Pappa as an alternate member of the BOA. Motion carried 5-0.** Bretl advised the Committee if they wished to change Mr. Pappa's appointment to a regular member, it could be done at the County Board meeting, or referred back to committee if necessary.

- Lake Geneva Public Library Board – appointment of Martha Pennington
 - Traffic Safety Commission – appointment of Tracy Buchman as education representative
 - Transportation Coordinating Committee – appointment of Eric Russow and Shawn Davenport
- Vice Chair Staples made a motion, seconded by Supervisor Russell, to approve the appointments as recommended by the County Administrator, contingent upon County Administrator Bretl's confirmation that a non-county resident can serve on the Traffic Safety Commission. Motion carried 5-0.**

Unfinished Business

- Update on Emergency Communications Projects
- Bretl said because of the magnitude of the project, it is important to keep the Committee apprised of progress and developments. He reported that the funding for the 911 Center radio system replacement has been pushed out to begin in 2021, with funding allocated through 2024. He noted municipalities and townships have asked for cost projections and when they would need to have funding in place. The Fire/EMS Study Committee requested funding for a ProPhoenix communications module. A second independent study is underway. The Emergency Communications Advisory Committee has just been formed, and might provide new insight on options. In addition, the City of Delavan has made the decision to begin reducing some of its dispatching services. Captain Green said he is working with Purchasing staff on finalizing the Request for Proposals for the second study. PSAPS Concepts and Solutions is currently conducting the workflow study of the Dispatch Center, and have asked for more information, such as call data per hour. They will be at the Emergency Communications Advisory Committee meeting this week to obtain input from the Committee. Their preliminary report should be completed by December. Green reported the City of Delavan has been working with the Sheriff's Office to coordinate handling some of their 911 service in 2020; the enhanced landline portion is what may be transferred, but details on the scope of the service are still being negotiated. Sheriff Picknell added that the Sheriff's Office has been handling the wireless 911 service for the City; the enhanced portion is what may be transferred. Vice Chair Staples expressed her concern about the municipalities being unable to fund equipment for the radio system. Picknell responded he feels that scenario is unlikely; the Sheriff's Office

is making every attempt to limit costs and pragmatically phase the project into several years, which will allow municipalities ample time to build their necessary funding. Bretl said the Sheriff's Office will provide project updates to the Committee on a regular basis.

- Correspondence from Supervisor Staples regarding sex offender registry restrictions
Assistant Corporation Counsel Estee Scholtz thanked the Committee for the opportunity to research options regarding adopting a county ordinance to restrict certain sex offenders from residing within specified distances from areas in which children and youth congregate. She commented how voluminous the information is on the topic nationwide. Currently, there are 305 registered sex offenders living throughout Walworth County. The cities of Elkhorn and Lake Geneva have sex offender registry restriction ordinances. To Scholtz's knowledge, only Florence County had adopted its own restriction ordinance, but their municipalities are all unincorporated. In 2016, there was an impetus to enact state legislation to protect areas in which children congregate. In 2017, the legislature encouraged municipalities to adopt their own ordinances. State law provides protection of common child areas from sexually violent persons (SVP) subject to supervision. These persons have been convicted of a sexually violent offense or found not guilty by reasons of insanity or mental disease, defect or illness, and are deemed dangerous because of their mental disorder, which makes it likely they will engage in one or more acts of sexual violence. This specific group of sex offenders is restricted by Sec. 980.01(7), Wis. Stats, as to residency. Walworth County has a separate committee for placing these individuals, mandated by State law which supersedes any city or municipal ordinance. Scholtz said that any county ordinance must be based on an identified need for the County and incorporate evidence-based practices, which would involve Health and Human Services, the Sheriff's Office, District Attorney and Probation and Parole. Scholtz said it is critical to establish an intent and purpose for the ordinance to avoid liability concerns. She said there have been constitutional challenges to similar ordinances. She is willing to perform additional research and obtain input from the County's involved parties, or the Committee could direct a task force be established to complete an investigation and make recommendations on whether an ordinance is needed. Bretl recommended the Committee direct Scholtz to conduct the additional research and to ascertain from county departments and officials what local needs are and whether developing an ordinance would serve the purpose identified. Supervisor Kilkenny acknowledged that constitutional challenges to county-imposed restrictions could become an issue, and concurred that Scholtz should involve Probation and Parole/Department of Corrections in her research. He added he was concerned that individual city ordinances may be driving offenders toward unincorporated areas. Richmond Town Chair Jeff Karbash said the Town does not have adequate resources or a police force to enact and enforce a local ordinance, and is concerned that individuals who have been free of an offense for years are being targeted. He feels a county ordinance could be consistently applied and enforced in an equitable manner. Scholtz said even if a county ordinance were adopted, it would have to be grandfathered in to allow offenders living in a newly restricted area to remain. She emphasized that an ordinance would have to be crafted that the purpose is for public safety, not for punitive reasons. **Supervisor Kilkenny made a motion, seconded by Vice Chair Staples, to direct staff to begin the process of ascertaining need for restricting residency of certain sex offenders, and to present the information at the November committee meeting for discussion/action. Motion carried 4-0.** [Supervisor Pruessing was briefly excused from the meeting.]

- Door County Resolution No. 2019-41 – Urging the State Legislature to Revise the Statutes for Court Fees and Costs in Probate and Juvenile Cases
Clerk of Circuit Court Kristina Secord said the Committee postponed action on this item pending data on affected filing fees and the number of cases in 2018. The requested information was included in the agenda packet. Secord recommended the County support the Door County resolution because the consistency in probate and Clerk of Court fees would make it easier for her office and be equitable to the

public. She stated the fee changes would not impose an undue burden on the public. **Supervisor Kilkenny made a motion, seconded by Vice Chair Staples, to direct staff to draft a Walworth County resolution in support of revising the statutes for court fees and costs in probate and juvenile cases. Motion carried 4-0.**

- County Board Compensation for the 2020-2022 Term

Bretl included information in the agenda packet on results from a survey performed by Wisconsin Counties Association regarding statewide county board compensation. He noted the last time Board compensation was increased was in 2014, when it went from \$500 to \$600 a month for Supervisors. In 2016, the County Board Chair's compensation was raised from \$1,200 per month to \$1,450 per month. Per statute, compensation must be established for the next term by the end of November. Supervisor Russell asked Bretl if he included funds for increased compensation in the 2020 budget. Bretl said he did not, but with only an 11 member Board, funding could be added by budget amendment. Supervisor Russell said our Board Supervisors are dedicated and work extremely hard, and feels they deserve an increase; however, she doesn't feel the taxpayers would approve of giving the Board a raise by taking money from another county source. **Vice Chair Staples made a motion, seconded by Supervisor Kilkenny, to make no changes to the County Board compensation for the 2020-2022 term. Motion carried 4-0.**

New Business

- Ordinance Amending Section 2-454 of the Walworth County Code of Ordinances Relating to Retention Schedule of the County Clerk

County Clerk Kim Bushey reviewed her retention schedule and determined that the item she wanted to change could remain the same. In her review, she noted a couple of minor items that needed to be adjusted. **Supervisor Kilkenny made a motion, seconded by Vice Chair Staples, to approve the ordinance regarding the County Clerk's retention schedule. Motion carried 4-0.** [Supervisor Pruessing returned to the meeting at approximately 11:00 a.m.]

- 2019 County Board Candidate Informational Meeting

Bretl included an overview of the instruction items included in the proposed workshop for County Board candidates that he and Chair Russell will hold on October 23. He asked for any suggestions from the Committee. **Supervisor Kilkenny made a motion, seconded by Vice Chair Staples, to approve the workshop as proposed in Bretl's September 5, 2019 memo to the Committee. Motion carried 5-0.**

- Correspondence from Wisconsin Counties Association (WCA) regarding Resolutions of the WCA
Supervisor Russell will be voting on the WCA resolutions at the annual meeting. Bretl suggested the committee pull out any of the resolutions they wished to discuss or give direction to Supervisor Russell on voting. **Supervisor Kilkenny made a motion, seconded by Vice Chair Staples, to allow Supervisor Russell to vote in her discretion based on the discussion/action from the previous meeting.** Supervisor Russell highlighted resolutions forwarded by Walworth County which WCA indefinitely postponed or sent back to its committee, and will make the case for approval by WCA on those resolutions. **Motion carried 5-0.**

- Wisconsin Department of Administration Preliminary Estimate of January 1, 2019 Population for Walworth County

Bretl said no action needs to be taken on the report. Supervisor Kilkenny commented that with the exception of Whitewater, Lake Geneva and East Troy, growth in the County has remained stagnant. Supervisor Russell said that Nicole Hill is managing the Complete Count Committee for the 2020 U.S.

Census and the County Committee will ensure that all of the cities, towns and villages notify their residents how important completion of the census questionnaire is to the County's future economy and funding opportunities. Bretl noted how significantly Walworth County's aging population is increasing, and its potential decline in the County's future workforce. **Vice Chair Staples made a motion, seconded by Supervisor Kilkenny, to place the report on file. Motion carried 5-0.**

- County Administrator recruitment and transition

Chair Weber commended Bretl's leadership and direction during his tenure as County Administrator. Bretl's memo in the packet includes a timetable for recruitment, hiring and transition of duties, and statutory information on county administrator, county executive and administrative coordinator duties and powers. He asked for directive from the Committee on: approval of the transition plan; discussion/confirmation on the form of governance; approval of the job description with the removal of the corporation counsel duties; and authority to post the position. He asked that the Human Resources department be involved in the candidate search and interview process. Bretl thanked Chair Weber for his kind remarks. He said he has loved working with the people here and is proud of all that has been accomplished; however, he wants to move on to achieve other life goals. He said there is adequate time to hire the best candidate and ensuring a smooth transition. It is important for department heads and employees to know there is a concrete plan for moving forward. Bretl's transition plan includes beginning recruitment in September; selecting semi-finalists to be interviewed by the Executive Committee by the end of November; extending his contract to include the transition period; interviewing final candidates in early December, with a recommendation to the Board and appointment of the new administrator by mid-December; having the new administrator start in late January; and working with the new individual until sometime in February. He noted that the corporation counsel component of the job will be transferred to the Corporation Counsel's office. Discussion ensued regarding the timeframe, and Chair Weber said that the process should begin as soon as possible, which should be able to move smoothly given the stable structure of the office. Supervisor Russell encouraged the Committee to stay with the County Administrator type of governance; she is concerned that an elected County Executive might be partisan. Supervisor Kilkenny asked about Bretl's contract extension, and he replied he would be willing to stay for 30-60 days past December 31. Bretl urged the Committee to move forward with recruiting as quickly as possible because of the upcoming Thanksgiving and Christmas holidays.

Supervisor Russell asked Bretl to work on changing the job description to fit his current duties. She also cautioned against involving the community in recruitment, as name recognition could become a priority rather than experience and qualifications. **Supervisor Russell made a motion, seconded by Supervisor Pruessing, to remain with the County Administrator form of government. Motion carried 5-0.**

Human Resources Director Kate Bishop said her office can begin recruitment on September 16, and can amend the job description with Mr. Bretl's input quickly. Recruitment will extend nationally, using well-recognized job search engines and applications. Supervisor Russell asked if Bretl would be willing to participate in the interview process. He stated he will provide structured input, but wants the interviews to be conducted by Human Resources, a selection of Board and committee members and department heads. He encouraged taking the finalists on a tour of the County's facilities. **Supervisor Kilkenny made a motion, seconded by Vice Chair Staples, to approve Bretl's proposed transition plan, and to conduct first interviews on November 15, 2019, and finalist interviews on December 6, 2019. Motion carried 5-0.**

Supervisor Kathy Ingersoll stressed the importance of open communication and involvement of department heads; those who work with the Administrator on a daily basis will have valuable input. Supervisor Pruessing suggested that department heads submit questions to the interview panel they feel are important to the success of the position. Bretl gave an overview of his current job description, noting some items that are irrelevant to the position, and asked if the Committee agreed that the candidate should possess at a minimum a Bachelor's Degree, with a Master's in Public Administration or Master's in Business Administration preferred. He also recommended that the applicant have 10 years

of relevant experience. **Supervisor Kilkenny made a motion, seconded by Vice Chair Staples, to direct the County Administrator to work with Human Resources to adjust the job description as recommended. Motion carried 5-0.**

Reports/announcements by Chairperson – There were none.

Confirmation of next meeting date and time: The next business meeting was confirmed for Monday, October 14, 2019 at 10:00 a.m.

Claims and Litigation

The Committee convened in closed session at approximately 12:03 p.m. on motion and second by Supervisor Kilkenny and Vice Chair Staples 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 David Bretl and Supervisor Tim Brellenthin remained in closed session.

- a) Summons and Complaint – Michael P. Parylak, Plaintiff; Humana Insurance Company, United of Omaha Life Insurance Company, State Farm Mutual Automobile Insurance Company, Involuntary Plaintiffs v. Walworth County, Greenwich Insurance Company, ABC Insurance Company, KS Energy Services, LLC, DEF Insurance Company, Powerteam Services, LLC, GHI Insurance Company, Kyle L. Olson, Defendants
- b) Notice of Appearance, Claim and Cross-Claim – Michael P. Parylak, et al. v. Walworth County, et al.

The committee reconvened in open session at 12:10 p.m. on motion and second by Supervisor Kilkenny and Vice Chair Staples.

Supervisor Kilkenny made a motion, seconded by Vice Chair Staples, to direct staff to proceed as discussed in closed session regarding the items above. Motion carried 5-0.

Adjournment

On motion and second by Supervisor Pruessing and Vice Chair Staples, Chair Weber adjourned the meeting at 12:11 p.m.