

**JULIE A. BARTHELS
Winnebago County Clerk
112 Otter Avenue, P.O. Box 2806
Oshkosh, WI 54903-2806
(920) 232-3430**

NOTICE OF COMMISSION, BOARD OR COMMITTEE MEETING

NAME OF COMMISSION,
BOARD OR COMMITTEE:

JUDICIARY & PUBLIC SAFETY COMMITTEE
** (SEE BELOW) **

TIME OF MEETING:

6:00 pm

DATE OF MEETING:

Monday, May 1, 2023

PLACE OF MEETING:

Winnebago County Sheriff's Office
Richard Meyer Community Resource Room,
First Floor
4311 Jackson Street, Oshkosh

To join this Zoom Meeting via video, use this link:

<https://us02web.zoom.us/j/85014158683?pwd=ZmxmZStyRkFpZjNKNnlnNTFVRzZNdz09>

Meeting ID: 850 1415 8683 Passcode – JPS050123

To join this meeting by telephone (312) 626-6799 and enter the Meeting ID: 850 1415 8683

Passcode 706469184

SUBJECT MATTER OF THE MEETING

1. Call to order.
2. Consideration of Minutes of April 3, 2023 meeting.
3. Chair comments on meeting and agenda organization by Supervisor Stafford.
4. Public comments within jurisdiction of committee.
5. Communications shared by Committee Members.
6. Update from Corporation Counsel – Mary Anne Mueller
7. Update from Medical Examiner's Office and Fentanyl Overdoses – Cheryl Brehmer
8. Sheriff's Report
9. Consideration/Vote: Ordinance – Invoking the Authority of Wis. Stat. 59.10(1) for Winnebago County to Become a Self-Organized County
10. Discussion: Amend Rule 6.0, Order of Business. Item E in our current process should be L.
11. Consideration/Vote: Resolution – Amend Section 0.0 (Role of the County Board Supervisor) of the Rules of the Winnebago County Board of Supervisors to Add Section 0.4 Addressing the Use of Winnebago County Owned Electronic Devices by Winnebago County Board Supervisors and Outlining Consequences for Misuse of Such Electronic Devices – Supervisor Kay Horan

12. Consideration/Vote: Resolution – Amend Section 8.0 "Written Agenda" of the Rules of the Winnebago County Board of Supervisors by Creating Rule 8.35 and Amending Rule 8.5 – Supervisor Conley Hanson
13. Consideration/Vote: Resolution – Amend Section 24.9(5)(b) of the Rules of the Winnebago County Board of Supervisors to Increase Limit on Contingency Fund Transfers Which May Be Authorized by Personnel & Finance Committee.
14. Discussion: Work on rules clarifications/key definitions. Chair may elect to limit the discussion to a specific amount of time.
15. Discussion: Department feedback loops for the committee. Chair may elect to limit the discussion to a specific amount of time.
16. Discussion: Reading of the Declaration of Independence on July 4, 2023. Chair may elect to limit the discussion to a specific amount of time.
17. Next Meeting Date: Monday, June 5, 2023 at 6:00 pm
 - Deadline for agenda items due *Monday, May 22, 2023*. Please forward those requests to Chairman Bryan Stafford for approval. Thank you.
 - Materials will be mailed out Friday, May 26, 2023 vs. Tuesday, May 30, 2023 due to Memorial Day Holiday so members will receive materials prior to meeting date.
18. Adjourn

****This meeting is also being posted as a committee meeting for:**

- Ad-Hoc Task Force on the Per Diem Structure
- Winnebago County Board of Supervisors

Upon request, provisions will be made for people with disabilities upon 24 hours prior notice to the Office of the County Clerk.
Phone Number: (920) 232-3430

WINNEBAGO COUNTY BOARD OF SUPERVISORS
JUDICIARY & PUBLIC SAFETY COMMITTEE
In person & via Zoom/Telephone

DATE: APRIL 3, 2023

TIME: 6:00 P.M.

PLACE: WINNEBAGO COUNTY SHERIFF'S OFFICE
RICHARD MEYER COMMUNITY RESOURCE ROOM
4311 JACKSON STREET, OSHKOSH

PRESENT: BRYAN STAFFORD
JACOB FLOAM
PAUL EISEN
BRIAN DEFFERDING
CONLEY HANSON

ALSO PRESENT: JOHN MATZ – SHERIFF'S
TODD CHRISTOPHERSON – SHERIFF'S
MARY ANNE MUELLER – CORPORATION COUNSEL
MIKE ELDER – FACILITIES
JON DOEMEL – COUNTY EXECUTIVE
KAY HORAN – COUNTY SUPERVISOR
HOWARD MILLER – COUNTY SUPERVISOR
MATTHEW OLSON – TOWN OF WINCHESTER CHAIRMAN
NATALIE STROHMEYER – REGISTER OF DEEDS
CHERYL BREHMER – MEDICAL EXAMINER
PATTY FRANCOUR – I.T. DEPARTMENT
JUDGE MICHAEL GIBBS – BRANCH 4
BETH G. – CITIZEN
STEVE BINDER – COUNTY SUPERVISOR

1. Call to order.

Chairman Stafford called the meeting to order at 6:08pm and it was verified that the meeting was properly noticed.

2. Consideration of Minutes of March 6, 2023 meeting.

A motion to approve the minutes of the March 6, 2023 meeting was made by Supervisor Floam, seconded by Supervisor Defferding. Carried 5-0.

3. Chair comments on meeting and agenda organization by Supervisor Stafford.

Chairman Stafford stated with it being a smaller meeting agenda, the public comment section is under one agenda item this time instead of two separate agenda items.

4. Public comments within jurisdiction of committee.

Town of Winchester Chairman Matthew Olson spoke about item #11 regarding the 41/441/10 Traffic Enforcement. He spoke in support of the change and stated he likes hearing that there will be an increase of patrol deputies within the townships with this change.

5. Communications shared by Committee Members.

Supervisor Floam discussed the Task Force Committee meeting that was held in regards to the restructure of all current county committees. He stated they talked about the scope of the Task Force Committee and what the findings should involve with this committee. April 27th is the next meeting and discussion will be looking at what can be done, what could be combined or what should be left alone.

Supervisor Defferding spoke about the upcoming April 5th NACO Justice and Public Safety Committee Meeting. One agenda item will be an update and overview on the Blue Campaign, which is a public awareness program for law enforcement on human trafficking, and how to respond to those situations. Also, on April 21st Supervisor Defferding will be in Madison with Judge Michael Gibbs for the State of Wisconsin Mental Health Summit.

6. Update on pathology changes and case statistics from the Medical Examiner's Office – Cheryl Brehmer

Medical Examiner Cheryl Brehmer provided updates on the medical examiner's office and gave an update on the most recent deaths. Cheryl also stated that Dr. Brian Peterson went out on his own and Winnebago County is now working with him for autopsies when Fond du Lac is not able to assist with autopsies. This will give families answers faster and in a timelier manner. Winnebago County is so far the only referral county for Dr. Brian Peterson but he will be taking more counties on in the future.

Cheryl stated the Bereavement position was posted and so far, there are 8 applicants and they will be looking at doing interviews soon. She gave an update on the morgue building project and stated they are a month behind on the project due to some design issues with the architect.

7. Consideration/Vote: Resolution: Authorize Three-Year Extension for Land Records Life Cycle Contract with Fidlar Technologies – Register of Deeds – Natalie Strohmeyer

Natalie Strohmeyer spoke about the renewal needed on the life cycle of Fidlar Technologies for records. Usually the contract increases by 3% but this time there will only be a 2% increase. The contract includes the software and support to record and maintain all county real estate and vital records.

A motion to approve the Three-Year Extension for Land Records Life Cycle Contract with Fidlar Technologies was made by Chairman Stafford, seconded by Supervisor Hanson. Carried 5-0.

8. Update from County Executive including the 980 Housing and Boathouse Projects

County Executive Jon Doemel discussed the 980 housing bids and stated they came in higher than expected at \$180,000 per unit. Winnebago County is going to move ahead and build 3 units next to the trailer on County Road Y.

County Executive Jon Doemel discussed the boathouse project and talked about contamination reports. The project will be over budget with the new contamination responsibilities. They are waiting on more information from the contractor but the estimate would be around \$32,000 additional for the removal and replacement of the contaminated dirt. Additional pilings are needed as well, which also increases the price of the project another \$21,000. Soil testing \$5,000-\$6,000. Right now, there is only \$42,000 left of the original appropriation. \$465,000 is the cost of the rebuild of the boathouse. The estimate for more money would be around \$75,000-\$100,000 additional to what was originally approved.

Supervisor Eisen suggested to continue renting a couple of slips at the Pioneer, like the Sheriff's Office is currently doing, and that would solve the issue and save the county a ton of money since the new boathouse is coming in over budget. Sheriff John Matz stated his only concern with not having the boathouse and renting slips at the Pioneer is the lack of privacy during rescues. He agreed that the increase in cost for the contamination and pilings is a lot of money that was not originally budgeted for and will entertain other ideas the committee has.

Supervisor Defferding agreed that the rental of slips is a money saver and agrees that this is the avenue the Sheriff's Office should go with the new unexpected costs with building the new boathouse.

County Executive Jon Doemel and Sheriff John Matz will continue discussion on what to do with the boathouse project and will keep the committee updated.

9. Consideration/Vote: Resolution: Addressing Use of County Project/Conduct

Supervisor Kay Horan spoke about the presented resolution pertaining to addressing the use of Winnebago County Owned iPads by Winnebago County Board Supervisors and Outlining Consequences for misuse of iPads.

Supervisor Floam made a motion to discuss the Resolution Addressing the Use of County Project/Conduct, seconded by Supervisor Hanson.

Supervisor Hanson asked for an amendment to line 32 taking out the word "shall" and changing it to "may or will". Supervisor Eisen suggested using the word "will". It would then read, "Board of supervisors will take such action as allowed by state statute including but not limited to a Resolution of".

Supervisor Defferding made a friendly amendment to change the word "ipad" to electronic device in lines 3, 4, 9, 10, 11, 19, 21, 22, 31, 33 & 35. All committee members agreed to this amendment.

Supervisor Eisen stated the resolution is unnecessary. The misuse of the equipment is handled via reprimand and he does not see the resolution being a benefit. He advised the committee to give thought to the procedures already in place for those who misuse county equipment. Supervisor Eisen suggested making it a rule instead of a resolution.

Chairman Stafford stated he believes the resolution brings clarity to the use of county owned equipment for board members. He also stated the board shouldn't be talking about a person but instead should be looking at what's best for the county and the governments of the county.

Supervisor Eisen moved to ask the chair to bring this back to the next Judiciary meeting with the friendly amendments made and present it as a rule to be inserted instead of a resolution. Supervisor Horan was on board with this.

10. Sheriff's Report

Sheriff Matz stated the jail count was 214

Sheriff Matz discussed the latest homicides the Sheriff's Office is investigating that occurred over the last couple of weeks.

Sheriff Matz discussed the upcoming Fraud School. The Sheriff's Office is hosting the first class with the department heads on April 20th. After that it will be offered to others.

Sheriff Matz stated the TruNarc equipment has arrived. The next steps are to get everyone utilizing the equipment trained and then they will do a demo for the committee.

Sheriff Matz stated the new radios have been ordered.

Sheriff Matz stated he will review budget variances at the next Judiciary meeting.

11. Discussion: Highway 41/441/10 Traffic Enforcement. Chair may elect to limit the discussion to a specific amount of time. Discussion time may be limited to no more than five minutes. – Supervisor Paul Eisen

Supervisor Eisen spoke in regards to an email sent to himself and Sheriff Matz from Supervisor Nichols regarding the 41/441/10 traffic enforcement. Supervisor Eisen read the email aloud. He stated he has spoken with the Chief of Menasha Police Department and the Chief of Fox Crossing Police Department and stated they are all supportive of the change but fear they will need to hire additional deputies to pick up the additional work. He stated both chiefs stated they will need to purchase additional equipment as well. Sheriff Matz stated the agencies have minimal amount of equipment that they need to purchase and all have done so to prepare for the change.

Sheriff Matz stated he has worked with the chiefs and as of April 1st, the changes have been made for the municipalities to start taking over their sections of the highways. The Sheriff's Office will still be assisting during the change and then in July, those areas will officially be turned over to those agencies. The coverage has been a service provided by the Sheriff's Office for many years and it was looked at being changed with the previous Sheriff's.

The Sheriff's Office is going to create 4 areas instead of 5 and that will allow for an additional deputy to patrol the highways and assist other agencies when needed. Other surrounding county's already share the highway responsibilities with the municipalities within their county and it works well and everyone works together when assistance is required.

Chairman Stafford stated this was presented by Sheriff Matz in January to the committee. Since then, Chairman Stafford has spoken with the Chief of the Neenah Police Department and the Chief stated Neenah is completely on board with the change. The Chief also stated Neenah Police Department is eliminating their overnight desk people who handle non-emergency calls that come in and that those calls are now absorbed by the Sheriff's Office. The Neenah Police Department Chief stated he appreciates the Sheriff's Office taking on the responsibility as it increases the call volumes at the Sheriff's Office but that shows the partnership they have between the Police Departments and the Sheriff's Office.

12. Next Meeting Date: Monday, May 1, 2023 at 6:00 pm

- Deadline for agenda items due *Monday, April 17, 2023*. Please forward those requests to Chairman Bryan Stafford for approval. Thank you.

13. Adjourn

A motion to adjourn was made at 8:08pm by Supervisor Floam, seconded by Supervisor Eisen. Carried 5-0.

Respectfully Submitted:

Kimberly Delcore
Winnebago County Sheriff's Office

1 **XXX-052023**

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3 **ORDINANCE: Invoking the Authority of Wis. Stat. 59.10(1) for Winnebago County to Become a**
4 **Self-Organized County**

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7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, Winnebago County desires to achieve the maximum amount of flexibility relating to its local
9 administrative affairs and governance by becoming a self-organized county pursuant to Section 59.10, Wis. Stats.,
10 and;

11 **WHEREAS**, Section 59.10, Wis. Stats. provides that Winnebago County may become self-organized by
12 adopting an ordinance electing to become self-organized and filing a certified copy of the ordinance with the
13 Secretary of State, and;

14 **WHEREAS**, a county which has elected to become self-organizing may adopt its own policies limited to
15 compensation for County Board Supervisors, filling vacancies for County Board Supervisors, and creating staggered
16 terms for County Board Supervisors.

17

18 **NOW, THEREFORE, BE IT RESOLVED BY THE WINNEBAGO COUNTY BOARD OF SUPERVISORS**
19 **THAT WINNEBAGO COUNTY DOES ORDAIN AS FOLLOWS:**

20

21 It hereby elects to become self-organized pursuant to Section 59.10(1), Wis. Stats.

22

23 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that the Winnebago County
24 Clerk shall file a certified copy of this Ordinance with the Secretary of State for the State of Wisconsin.

25 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that 0.00 of the General Code
26 will be created to say that Winnebago County is a self-organizing county.

27 Fiscal Note:

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29 Respectfully submitted by:

30 **AD HOC ON PER DIEM TASK FORCE**

31 Committee Vote: **5-0**

32 Respectfully submitted by:

33 **JUDICIARY AND PUBLIC SAFETY COMMITTEE**

34 Committee Vote: _____

35 Vote Required for Passage: **Majority of Those Present**

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37 Approved by the Winnebago County Executive this _____ day of _____, 2023.

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Jonathan D. Doemel
Winnebago County Executive

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3 **RESOLUTION: Amend Section 0.0 (Role of the County Board Supervisor) of the Rules of**
4 **the Winnebago County Board of Supervisors to Add Section 0.4**
5 **Addressing the Use of Winnebago County Owned Electronic Devices by**
6 **Winnebago County Board Supervisors and Outlining Consequences for**
7 **Misuse of Such Electronic Devices**

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9 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

10 **WHEREAS**, Winnebago County Board Supervisors have the privilege of being elected and trusted officials;
11 and

12 **WHEREAS**, Winnebago County encourages the use of electronic devices by Winnebago County Board
13 Supervisors and Winnebago County Board Supervisors normally vote electronically. To that end, Winnebago County
14 loans Winnebago County Board Supervisors' electronic devices; and

15 **WHEREAS**, Winnebago County owned electronic devices can be used to read and review meeting material
16 and access information pertinent to meeting discussions; and

17 **WHEREAS**, Winnebago County Board Supervisors are required to sign a Winnebago County Computer Use
18 Policy at the beginning of their tenure; and

19 **WHEREAS**, one express mandate of the Winnebago County Computer Use Policy is that "the computer
20 system belonging to Winnebago County is to be used for business purposes only".

21 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it adds
22 Section 0.4 to the Rules of the Winnebago County Board of Supervisors to read as follows:

23 0.4 Each supervisor will be issued a county-owned electronic tablet for use during their term on
24 the County Board. Supervisors are to be responsible for the care and safety of the electronic
25 device. If an electronic device is damaged and requires replacement, Winnebago County will
26 provide a replacement for one such occurrence. Any further purchase of replacement
27 electronic device during the life cycle of the device will be the financial responsibility of the
28 supervisor.

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30 Winnebago County Board Supervisors may only use Winnebago County owned
31 electronic devices for Winnebago County Business. Winnebago County Supervisors shall
32 not use such electronic devices to communicate with other Winnebago County Board
33 Supervisors during any Winnebago County meeting to discuss, collaborate, or influence a
34 vote.

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36 Winnebago County Supervisors use of electronic devices must adhere to all Winnebago
37 County Use Policies, the Winnebago County General Code, the Winnebago County Board of
38 Supervisors Ethics Handbook and Wisconsin State Statute.

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Winnebago County reserves the right to disconnect Winnebago County owned devices and disable services without notice or repossess the electronic device if used by a Winnebago County Board Supervisor in any unauthorized manner.

Winnebago County Board of Supervisors shall take such action as allowed by state statute including but not limited to a Resolution of Censure against a recalcitrant Winnebago County Board Supervisor who ignores the rules of Winnebago County Use Policies, the Winnebago County General Code, the Winnebago County Board of Supervisors Ethics Handbook, Wisconsin State Statute, and this Resolution and uses Winnebago County owned electronic devices in any unauthorized manner.

Winnebago County Board Supervisors shall be required to return their Winnebago County electronic devices if violating the rule and pay all costs associated with damages to or loss of the Winnebago County electronic devices.

The Winnebago County Board Supervisors will return their electronic devices within five business days of the end of their tenure to the Winnebago County Clerk. In the event an electronic device is not returned in a timely manner Winnebago County will bill the Supervisor for the current value of the electronic device

Fiscal Note: No fiscal impact.

Respectfully submitted by:

SUPERVISOR KAY HORAN, DISTRICT 5

JUDICIARY & PUBLIC SAFETY COMMITTEE

Committee Vote: _____

Vote Required for Passage: **Two- Thirds of Members Present**

Approved by the Winnebago County Executive this _____ day of _____, 2023.

Jonathan D. Doemel
Winnebago County Executive

1 - 2023

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3 **RESOLUTION: Amend Section 8.0 "Written Agenda" of the Rules of the Winnebago County Board of**
4 **Supervisors by Creating Rule 8.35 and Amending Rule 8.5**

5

6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, transparency in government affairs is critical to a well-functioning organization; and

8 **WHEREAS**, Wis. Stat. §19.81 states that " the public is entitled to the fullest and most complete information
9 regarding the affairs of government as is compatible with the conduct of governmental business."; and

10 **WHEREAS**, providing attachments for agenda items for each Committee, Commission, Board and Task
11 Force meeting furthers transparency; and

12 **WHEREAS**, Rule 8.5 provides "This agenda and attachments shall be furnished to any person so requesting
13 it from the County Clerk."

14

15 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it amends
16 Section 8.0 "Written Agenda" of the Rules of the Winnebago County Board of Supervisors by creating Rule 8.35 and
17 amending Rule 8.5.

18 Rule 8.35 The Agenda, for each Committee, Commission, Board, and Task Force meeting along with
19 attachments, shall be sent, mailed or made available, electronically posted and accessible, emailed or other
20 deposited for delivery at least seven (7) days before the Committee, Commission, Board, and Task Force meeting
21 and must provide Committee, Commission, Board, and Task Force members with all necessary access information
22 to attend remotely if the remote option is invoked for said meeting.

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24 Rule 8.5 The Agenda and attachments for the Winnebago County Board, Committee, Commission, and Task
25 Force meetings shall be made available to any person via the appropriate link on the Winnebago County website,
26 Winnebago County meetings calendar, or mailed if requested through the office of the Winnebago County Clerk.

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28 Fiscal Note:

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Respectfully submitted by:

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Supervisor Conley Hanson, District 26

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Committee Vote: _____

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33 Vote Required for Passage: **Two-Thirds of Members Present**

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35 Approved by the Winnebago County Executive this _____ day of _____, 2023.

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Jonathan D. Doemel
Winnebago County Executive

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3 **RESOLUTION: Amend Section 24.9(5)(b) of the Rules of the Winnebago County Board of**
4 **Supervisors to Increase Limit on Contingency Fund Transfers Which May Be**
5 **Authorized by Personnel & Finance Committee**

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7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

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9 **WHEREAS**, Chapter 65.90(5)(b) of the Wisconsin Statutes provides:

10 "A county board may authorize its standing committees to transfer funds between budgeted items of an
11 individual county office or department, if such budgeted items have been separately appropriated, and to
12 supplement the appropriations for a particular office, department, or activity by transfers from the contingent
13 fund. Such committee transfers shall not exceed the amount set up in the contingent fund as adopted in the
14 annual budget, nor aggregate in the case of an individual office, department, or activity in excess of 10
15 percent of the funds originally provided for such office, department, or activity in such annual budget."

16 ; and

17 **WHEREAS**, the Winnebago County Board has implemented this provision through the adoption of its Rule
18 24.9 (5), which grants to the Personnel & Finance Committee authority to authorize transfers from the contingency
19 fund to department budgets in amounts not to exceed \$15,000.00; and

20 **WHEREAS**, in recent years the Board has included a general contingency fund of \$300,000.00 in each
21 annual budget, but since only relatively small budget transfers can be authorized by committee in most cases much
22 of the contingency fund has been either left unused or used by transfers which require a resolution and action by the
23 full Board of Supervisors; and

24 **WHEREAS**, increasing the amount which may be transferred by the Personnel & Finance Committee from
25 the contingency fund will increase efficiency, enable transfers to be handled more quickly, and reduce the need for
26 County Board meetings to devote time and attention to budget transfers which are still relatively small and which will
27 have been approved by one or (usually) two committees, and are therefore unlikely to be considered controversial;

28 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it
29 amends Subsection 5 of Section 24.9 of the Rules of the Winnebago County Board of Supervisors as follows:

30 5. Authorize budgetary alterations as permitted in Sec. 65.90(5), Wis. Stats. in either of the following
31 situations:

32 A. A transfer of funds between budgeted items of an individual County Department if such budgeted
33 items have been separately appropriated, and

34 B. Supplementation of appropriations for a particular office or department by transfer from the
35 Contingency Fund. The limitation on the dollar amount set aside in the budgetary alteration shall be the
36 amount set aside in the Contingency Fund or the sum of ~~\$15,000.00~~\$40,000.00, whichever is the lesser
37 sum, and

38 C. Notwithstanding subsection (b), above, to accept gifts from the Oshkosh Area Community
39 Foundation's Park View Health Center Pass-Through Fund into the Contingency Fund and to appropriate
40 monies received from said gifts to the new Park View Health Center construction project for additions,

41 enhancements, landscaping or furnishings in relationship to said project, provided that the total amount of
42 said appropriation does not exceed 10% of the total amount of funds budgeted for said project for that
43 budgetary year.

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47 *Fiscal Note: No fiscal impact.*

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Respectfully submitted by:

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PERSONNEL & FINANCE COMMITTEE

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52 Committee Vote: **5-0**

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JUDICIARY & PUBLIC SAFETY COMMITTEE

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55 Committee Vote: _____

56 Vote Required for Passage: **Two-Thirds of Members Present**

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58 Approved by the Winnebago County Executive this _____ day of _____, 2023.

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Jonathan D. Doemel
Winnebago County Executive

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Agenda Item Report



Winnebago County
The Wave of the Future

DATE: April 20, 2023
FROM: Mike Collard, Director of Administration
RE: Resolution Amending

General Description:

This resolution will amend County Board Rule 24.9(5) to increase the maximum size of a contingency fund budget transfer which may be approved by the Personnel & Finance Committee, without the need for a County Board resolution, from \$15,000 to \$40,000.

Action Requested:

Approval of the attached resolution.

Procedural Steps:

Personnel & Finance Committee

Action taken: Approved

Meeting date: 4/6/2023

Vote: 5 - 0

Judiciary & Public Safety Committee:

Action taken:

Meeting date: undetermined

Vote:

County Board

Meeting date: undetermined

Background:

Chapter 65.90(5)(b) of the Wisconsin Statutes provides:

"A county board may authorize its standing committees to transfer funds between budgeted items of an individual county office or department, if such budgeted items have been separately appropriated, and to supplement the appropriations for a particular office, department, or activity by transfers from the contingent fund. Such committee transfers shall not exceed the amount set up in the contingent fund as adopted in the annual budget, nor aggregate in the case of an individual office, department, or activity in excess of 10 percent of the funds originally provided for such office, department, or activity in such annual budget."

The Winnebago County Board has implemented this provision through the adoption of its Rule 24.9 (5), which states that the Personnel & Finance Committee may:

"5. Authorize budgetary alterations as permitted in Sec. 65.90(5), Wis. Stats. in either of the following situations:

- A. A transfer of funds between budgeted items of an individual County Department if such budgeted items have been separately appropriated, and
- B. Supplementation of appropriations for a particular office or department by transfer from the Contingency Fund. The limitation on the dollar amount set aside in the budgetary alteration shall be the amount set aside in the Contingency Fund or the sum of \$15,000.00, whichever is the lesser sum, and
- C. Notwithstanding subsection (b), above, to accept gifts from the Oshkosh Area Community Foundation's Park View Health Center Pass-Through Fund into the Contingency Fund and to appropriate monies received from said gifts to the new Park View Health Center construction project for additions, enhancements, landscaping or furnishings in relationship to said project, provided that the total amount of said appropriation does not exceed 10% of the total amount of funds budgeted for said project for that budgetary year.

In recent years, the county budget has usually included a general contingency fund in the amount of \$300,000.00. It would take, for example, 20 contingency fund transfers of the maximum amount of \$15,000 each to exhaust this fund, but we have not had nearly that many. Consequently, a majority of the contingency fund is usually either left unused at the end of the year, or used toward a larger expense authorize by a County Board resolution.

Policy Discussion:

Increasing the amount which may be transferred by the Personnel & Finance Committee from the contingency fund will increase efficiency, enable transfers to be handled more quickly, and reduce the need for County Board meetings to devote time and attention to budget transfers which are still relatively small and which will have been approved by one or (usually) two committees, and are therefore unlikely to be considered controversial.

Attachments:

Resolution

List of contingency fund balance uses 2017-2022

List of non-capital undesignated general fund balance uses 2017-2022

To: The Judiciary and Public Safety Committee

From: Mary Anne Mueller, Winnebago County Corporation Counsel

Re: Wisconsin Counties Definition of the word "Session"

Date: April 3, 2023

Pursuant to the Judiciary and Public Safety Committee's directive, below is a sampling of the definition of "session" used in counties across Wisconsin. Based on my research, the majority of Wisconsin counties define the word "session" to mean a two-year term. My opinion is that the underlying rationale for the two year term definition is to avoid endless reconsideration of items at meetings during the two-year board term. This opinion is corroborated by the Seventh Edition of the Wisconsin County Official's Handbook.

Calumet County – The length of a session shall be the term of one meeting.

Dane County – A session of the county board shall be a one-year period, beginning on the third Tuesday in April in even-numbered years, and on the date of the second meeting in April in odd-numbered years.

Dodge County – A session of the Dodge County Board of Supervisors is hereby defined as the period of time beginning on the third Tuesday in April of each year and ending on the third Tuesday of April of the next succeeding year, both inclusive.

Dunn County – Dunn County's Corporation Counsel is of the opinion that a session is the two-year period between elections.

Green Lake County – There is no formal definition but Corporation Counsel has advised the board that a session is a two-year term.

Marathon County -- For purposes of Renewal of a defeated measure, Postponement to an indefinite time and Reconsideration, a session of the marathon County board shall run from the commencement of the first meeting following election of supervisors in April in even-numbered years to the commencement of the same meeting two years later.

Ozaukee County – A session is defined as a single two-year term of the Ozaukee County Board of Supervisors. A session commences on the 3rd Tuesday in April following the biennial election of County Board Supervisors and terminates on the 3rd Monday in April following the next biennial election of County Board Supervisors.

Washington County – A session of the County Board shall commence beginning at the April meeting in even-numbered years and shall conclude when adjourned sine die as set forth in §15-60. A motion to adjourn sine die will not be in order prior to the close of the final meeting of the session held in April immediately prior to the organizational meeting.

Waupaca County – A session of the County Board runs from the third Tuesday in April in an even year until the third Monday in April of an even year.

2

3 **RESOLUTION: Amend Section 9.0 "Definitions" of the Rules of the Winnebago County Board of**
4 **Supervisors by revising the Definition of "Session" (Rule 9.9) and "Special Orders**
5 **of Business Meeting" (Rule 9.10) and Creating the Definition of "Regular Business**
6 **Meeting" and "Remote Member"**

7

8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

9 **WHEREAS**, Winnebago County Rule 9.9 defines the term "session" as follows: "A session of the Winnebago
10 County Board of Supervisors is a meeting or series of connected meetings devoted to a single order of business,
11 program, agenda or announced purpose, in which, when there is more than one meeting each succeeding meeting is
12 scheduled with a view towards continuing business at the point where it was left off at the previous meeting"; and

13 **WHEREAS**, Winnebago County Rule 9.10 defines the term "Special Orders of Business Meeting as follows: "A
14 meeting other than the regular County Board monthly meeting, Organizational Meeting or Budget Meeting only to be
15 called by Chair"; and

16 **WHEREAS**, the "session" definition is taken directly from Robert's Rules of Order, 11th Edition and the
17 phrase "Special Orders of Business Meeting" is referred to in Robert's Rules of Order, 11th Edition; and

18 **WHEREAS**, the current definition of "session" is vague and can result in different interpretations; and

19 **WHEREAS**, the current definition of "Special Orders of Business Meeting" is confusing as it incorporates a
20 special orders meeting into a business meeting; and

21 **WHEREAS**, the 12th edition of Robert's Rules of Order was released in 2020 and provides additional
22 guidance.

23 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it amends the
24 definition of "Session" and "Special Orders of Business Meeting" and creates the definitions of "Regular Business
25 Meeting" and " Remote Member" in the Winnebago County Board Rules to read as follows:

26

27 **9.9 Session.** A session of the Winnebago County Board of Supervisors is a particular meeting devoted to a single
28 order of business, program, specific agenda or announced purpose, such as an individual Winnebago County Board
29 of Supervisors Regular Orders meeting or an individual Special Orders meeting. The session shall end upon the
30 adjournment of a meeting with the business of a specific agenda concluded.

31

32 A session shall also include a series of connected meetings devoted to a single, on-going order of business,
33 program, agenda, or announced purpose, such as the Winnebago County Budget Session. In these cases, it shall
34 be titled as a Session. When there is more than one meeting, each succeeding meeting is scheduled with a view
35 towards continuing the same business at the point where it was left off at the previous meeting. The session of
36 connected meetings shall be in session until the adjournment and the business of the session concluded.

37

38 **9.10 Special Orders Meeting.** A meeting other than the Regular Business Meeting of the County Board monthly
39 meeting, Organizational Meeting or Annual Budget Session (and meetings that comprise the session) only to be

40 called by the Chair of Board of Supervisors. The Special Orders Meeting shall be referred to as a meeting and not as
41 a session.

42

43 **9.81 Regular Business Meeting.** A regular business meeting of the Winnebago County Board of Supervisors is a
44 monthly meeting following the standard order of business format as outlined in Rule 1.0 TIME AND MEETING
45 PLACE, Rule 6.0 ORDER OF BUSINESS, and Rule 17.0 TENTATIVE MEETING DATES. The Regular Business
46 Meeting is also referred to as a business meeting. A single regular business meeting that has been adjourned shall
47 be a single session and be referred to as a meeting and not be called a session.

48

49 **9.82 Remote Member.** Remote member is any member of a standing committee or citizen-involved commission,
50 board, or committee that participates in a meeting using electronic or telephonic methods

51

52 Fiscal Note:

53

54

Respectfully submitted by:

55

JUDICIARY & PUBLIC SAFETY COMMITTEE

56 Committee Vote: _____

57 Vote Required for Passage: **Two-Thirds of Members Present**

58

59 Approved by the Winnebago County Executive this _____ day of _____, 2022.

60

61

62

Jonathan D. Doemel

63

Winnebago County Executive