

**SPECIAL ORDERS SESSION  
COUNTY BOARD MEETING  
TUESDAY, JULY 1, 2008**

Chairman David Albrecht called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, 415 Jackson Street, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and an invocation by Supervisor Locke.

The following Supervisors were present: Koneczke, Barker, Griesbach, Eisen, Roh, Koziczowski, Smith, Albrecht, Gabert, Riste, Thompson, Hall, Wingren, Jacobson, Norton, Robl, Wright, Schmuhl, Kline, Locke, Nelson, Finch, Sievert, Farrey, Diakoff, Brennand, Ellis and Reinert.

Excused: Ramos, Warnke, Hamblin, Lennon, Egan, Widener and Rengstorf.

Absent: Gilchrist .

Motion by Supervisor Robl and seconded to approve the amended agenda for this evening's meeting.

CARRIED BY VOICE VOTE.

**PUBLIC HEARING**

No one addressed the Board.

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Barker reported that at last week's WCA Environment & Land Use Steering Committee meeting it was decided to continue with the Great Lakes Compact. Supervisor Barker also reported that the WCA's Wisconsin Way group will be holding two meetings in the area—Oshkosh on July 10 and Appleton on August 14.

Supervisor Eisen reported that at the WCA Environment & Land Use Steering Committee meeting, which was held in Rothchild, LaCrosse County's permanent drug disposal program was explained by their Solid Waste Management director. A resolution encouraging state funding for these types of programs will be taken to the WCA Board of Directors for discussion. Supervisor Eisen also reported on a letter he received from the Town of Menasha and their Resolution No. 080609-1, "Town of Menasha Declaration of Intent to Obtain and Maintain Town Zoning Authority". He explained that the Town of Menasha asked that Supervisor Eisen present this resolution to the entire County Board and that this issue be placed on a future County Board meeting's agenda for discussion. Supervisor Eisen asked that the County Planning & Zoning Department address this issue at the County Board's September 2 Special Orders meeting and that all affected county municipalities be invited to attend this meeting and address the Board.

Supervisor Eisen reported that on June 26 he attended the Winnefox Library System's workshop on trustees' fundamentals. It was a very informative meeting and he appreciated the opportunity to attend.

Supervisor Brennand reported that the Wisconsin County Mutual Insurance Corporation is sponsoring a scholarship program for its member counties. Information on this program is available from the County Clerk's Office.

Supervisor Farrey asked that the letter from the Winnebago County Unit of the Wisconsin Towns Association be read into the record of tonight's meeting and then referred to the Planning and Zoning Committee for disposition. Supervisor Farrey asked that the Planning & Zoning Committee then report back to the County Board at their August 19 meeting.

Supervisor Barker reported that she attended the Human Services Department budget public hearing in Neenah. She was impressed with the people who spoke in support of Friendship Place and who explained the importance of such a facility. Their comments regarding this type of facility need to be remembered at budget time

**CHAIRMAN'S REPORT**

Chairman Albrecht reported that Supervisors Ramos, Warnke, Hamblin, Lennon, Widener, Rengstorf and Egan are excused from tonight's meeting.

Chairman Albrecht reported that the mileage reimbursement rate has been increased to \$.585 per mile. This increase goes into effect today, July 1, 2008.

**CONSERVATION WARDEN JEFF KNORR, WISCONSIN DEPARTMENT OF NATURAL RESOURCES –  
BOAT SAFETY ON THE WOLF RIVER**

Warden Jeff Knorr, Conservation Warden for the Wisconsin Department of Natural Resources (DNR) in Fremont, spoke to the Board about the possible creation of an ordinance to regulate boat safety on the Wolf River. Warden Knorr explained that people who live along the Wolf River, as well as boaters and fishermen on the river, have expressed concerns to the DNR for the past six years about unsafe conditions on the Wolf River. Warden Knorr said that the complaints he receives about boaters on the Wolf River include extremely loud engine noise; large, high speed

boats; excessive speed; boat wake issues, damage to shorelines, etc.

Warden Knorr stated that he has discussed possible solutions to these problems with town boards and local sportsman clubs. Because of the expanse of the river and the number of municipalities it flows through, trying to regulate at the municipal level would be very difficult. State-wide or county-wide regulations would make it uniform and easier to enforce.

Warden Knorr explained that additional “no wake” areas are not the answer. He feels that it’s more important to regulate the speed of the boats once they leave existing “no wake” areas. At this time, boaters set their own speed and go as fast as their boats will travel. Warden Knorr explained that many times, these boats are traveling at high speeds in areas where people are water skiing and being pulled on inner tubes.

Warden Knorr recommends that “tangible rules” need to be developed and put in place so that they can be enforced by the DNR and local law enforcement. County ordinances regulating boat safety on the Wolf River would give these agencies the tools they need to make boating and living on the Wolf River safer.

Warden Knorr said that he would be more than happy to take any supervisor out on the river who is interested in seeing the situation. He stated that people really need to see the problems on the river to really appreciate the situation.

Warden Knorr took then took questions from the Board.

Warden Knorr’s contact information was given to the County Clerk to be passed on to Supervisor Rengstorf, Chairman of the Judiciary & Public Safety Committee.

### **TIM COOK, CHIEF EXECUTIVE OFFICER, CLARITY CARE UPDATE**

Tim Cook, Chief Executive Officer for Clarity Care, updated the Board on how Clarity Care is doing and where they are going. Mr. Cook said that they did “ok” in 2007—revenues grew 2% to just over \$17.8 Million. He further stated that because they have continued to manage their expenses, excess revenues over expenses actually increased by 38%. Increases in expenses occurred in employees’ wages (3.8%) and benefits. Operating and administrative costs were reduced by 7.8%. Mr. Cook explained that the rising cost of health care for employees has been an issue for Clarity Care. But, because they implemented a wellness program in 2007, they were able to keep their health care costs to a 3.4% increase.

Mr. Cook then gave an explanation of the services provided by Clarity Care:

- Residential services – providing community living settings for people with disabilities
  - 44 programs in 5 counties
  - Revenues increased by 1.1% to \$11.7 Million
  - Continuing to look for ways to improve the lives of the people they serve
  - Equipping the homes of people they serve with computers
- Home Health Services include:
  - Supportive home care – cleaning, shopping, etc.
  - Personal care – bathing, dressing, etc.
  - Skilled nursing services – wound care, medication assistance, etc.
  - Physical, occupational and speech therapy
  - Revenues increased by 9% to \$4.4 Million
  - Served 634 people (increased from 553 at the end of 2006)
  - Because people want to stay in their own homes for as long as possible, Clarity Care is seeing a significant increase in the need for their services.
- Help At Home:
  - Provide services to people who need help staying in their own home, but can’t afford to pay for the services and don’t qualify for government assistance.
  - These services are provided to these people at a cost that is determined by “sliding scale” based on their income.
  - This program is partially funded by a grant from the Oshkosh Area Community Foundation, proceeds from last year’s golf outing and by Clarity Care.
- Vocational Services:
  - Assist disabled or injured people in finding a job.
  - Help local businesses find good employees.

Mr. Cook explained that Clarity Care’s cash flow remained “strong” in 2007. In 2007, their debt was reduced by over \$700,000. Their debt to Winnebago County was reduced to \$373,000 and they are two payments ahead in their payment schedule.

What lies ahead? Mr. Cook explained that they anticipate an approximate 1.3% increase in revenues in 2008. They are also working to retain employees by implementing various programs and providing a 2% across-the-board pay increase in 2008.

Mr. Cook explained that in 2007 Clarity Care increased the number of people they served and they became more efficient in the way they provided those services without reducing the quality. Mr. Cook stated that they are also more financially sound, but they do face the same challenges that other businesses face.

Mr. Cook informed the Board that they have recently hired a Chief Financial Officer, who will make them even better in handling the challenges they face. They will continue to improve their services so that they become the best provider of those services in the area.

Mr. Cook thanked Dr. Bill Topel of the Human Services Department, the Human Services Board and the Winnebago County Board for the support they have shown Clarity Care.

Mr. Cook then took questions from the Board.

### **OPEN MEETINGS AND ETHICS – CHRIS KNIEP AND CATHERINE NEISWENDER, UW-EXTENSION OFFICE**

Chris Kniep, Department Head and Family Living Educator, UW-Extension Office; and Catherine Neiswender, Community Development Educator; addressed the Board on local government policies and procedures, specifically open meetings and ethics.

Ms. Neiswender explained that the packet they distributed to the Board tonight is informational, but it's not legal advice. If board members have legal questions, they should contact John Bodnar, County Corporation Counsel, for legal advice and direction.

Ms. Neiswender provided general information to the Board about open meetings laws that included:

- Open meetings laws are found in Sec. 19.81-19.98 in Wisconsin Statutes
  - Open meetings laws insure that the public will have access to local government affairs and decision making—the public is entitled to the “fullest and most complete information regarding affairs of the government.”
  - All meetings must be reasonably accessible to the public.
  - Meetings must be noticed in advance so the public is aware of what will be discussed and acted on at those meetings.
- Who is affected by open meetings laws?
  - Governmental bodies—state & local government bodies, general and special purpose units of the government, committees, ad hoc groups, advisory committees, governmental boards. This includes citizen members as well.
- What is defined as a meeting?
  - “A gathering of members of a governmental body for the purposes of exercising your responsibilities”.
    - A meeting has occurred if it's met the “purpose test” and the “numbers test”.
      - Numbers test – there are enough members present of that body to determine an outcome of an action
      - Purpose test – the group is discussing, gathering information or making decisions on matters that are under the jurisdiction of that governmental body.

Ms. Neiswender also explained other types of meetings and the precautions that need to be taken to avoid violating the open meetings laws under certain situations. Some of these meetings and situations included: walking quorums, telephone calls, e-mails and conference call meetings.

Sue Ertmer, County Clerk, spoke briefly about putting together agendas, posting agendas and mailing them out in a timely manner.

Ms. Neiswender explained that only under certain specific circumstances, can a governmental body go into closed session. Those circumstances are set by statute and include case deliberations; employee discipline, licensing or tenure; employee evaluation; criminal matters; purchasing; burial sites; damaging personal information; legal consultation and confidential ethics opinions.

Ms. Neiswender then explained that there are legal consequences if a group violates the open meetings laws. They include reversal of decisions made during an illegal meeting; penalties and fines; loss of public trust and personal embarrassment.

Ms. Kniep presented information to the Board on ethics and parliamentary procedure. Ms. Kniep shared some of the ten principles that explain the importance of ethics laws and ethical practices: they make economic sense; they improve the quality of results; they're a responsible choice socially; they build trust; they help avoid civil and criminal penalties; and because it's the right thing to do. Ms. Kniep explained that ethical actions by government officials show that they, “understand what it means to be unbiased; what it means to not offer undue influence and that you know your responsibilities as an elected official.”

Ms. Kniep shared with the Board where they can find good information on ethics and conflicts of interest. One source is the [Ethics & Conflicts of Interest – FAQs](#) (prepared by James H. Schneider, J.D., Local Government Center)

that was distributed to the Board. Other sources include the State of Wisconsin's Code of Ethics for Public Officials and Employees; the county's own ordinance and policies and procedures; and the Wisconsin County Official's Handbook, published by the Wisconsin Counties Association.

Ms. Kniep then presented different ethical scenarios that Board members might find themselves in and what is acceptable and what is not. John Bodnar, Corporation Counsel, then explained the legal reasons why or why not various situations might violate ethics laws.

Ms. Kniep discussed parliamentary procedures and explained that these procedures are followed to help meetings run effectively and help "facilitate the discussion." She stated that motions and their rank are listed in the county board rules portion of the county's official directory and in the handout distributed to the Board at tonight's meeting.

Ms. Kniep, Ms. Neiswender and Mr. Bodnar took questions from the Board.

### **DRUG COURT/STOP PROGRAM UPDATE – JUDGE SCOTT WOLDT AND JUDGE BARBARA KEY**

Judge Woldt said that he wanted to do this presentation for the Board so they can hear "all the good things that other counties say about Winnebago County and our County Board." He explained that he does a lot of speeches about Drug Court and the STOP Program and he lets people know how much support this has gotten from the Winnebago County Board to keep this successful program going.

Judge Woldt then began his Powerpoint presentation and description of these two programs. He explained that the normal way that criminals are handled is by sending them to jail. If they re-offend after they are released, they go back to jail—it's the typical cycle. Judge Woldt explained that Drug Court is a "specialized treatment court" that is designed to break that cycle.

Judge Woldt explained just what Drug Court is and what it's designed to do. His presentation included the following information:

- Specialized treatment court
  - Purpose – break the cycle of drug/alcohol abuse and criminal behavior
- Intensive judicially monitored treatment
  - Frequent compliance testing – urine analysis tests
  - Treatment is tailored to participant
  - Ensure treatment compliance
- Sanctions for rules violations
- Incentives for compliance with rules – "Could be a Tootsie Pop, it could be a pat on the back."
- Drug Court was developed in Miami in 1989
- Non-adversarial – no prosecutors or defense attorneys
- Centered around the Judge
- Dedicated Drug Court Team
  - Judges, DA, Public Defender, Probation, Coordinator, Treatment provider

Judge Woldt went over the following reasons of why Drug Court is important:

- Reality based treatment
- Immediate intervention
- Hold offenders accountable
- Long term and comprehensive
- Integration of available treatment services and resources
- Progressive sanctions and incentives are integral to relapse and recovery

Judge Barbara Key then explained that the goals of Drug Court are:

- Improved physical and mental including recovery from addiction
- Opportunity for education and employment
- Improved social functioning
- Become a productive member of society
- Favorable disposition of the court case
- Reduction in criminal behavior and recidivism
- Reduction in spread of substance abuse and related diseases
- Improved work force
- Reduced medical costs
- Reduced incarceration costs

Judge Key presented the Board with some statistics about drugs and crime in the United States:

- Two million people were incarcerated in American prisons in 2001
- Alcohol and drugs were implicated in 80% of those incarcerations
- 65% of arrestees are under the influence of drugs or alcohol at the time of the offense
- Drug and drug-related offenses are the most common crime in America
- Penalties have escalated without a correlating decrease in re-offenses

Judge Key also explained that statistics show that the percentage of recidivism for those offenders who have not participated in a drug court program increases along with their number of prior offenses. Those rates range from 39% recidivism for someone with 1 prior all the way up to 58% for someone with 5 priors. Judge Key explained that the national recidivism rate for those who have gone through a drug court program ranges from 4-29%.

Judge Key explained that Winnebago County started a drug court because of the money it will save the county, and because statistics show that offenders who go through drug court have a higher rate of becoming productive members of society.

To qualify for participation in Drug Court, the applicant must:

- Be a resident of the county
- DSM IV (diagnosis) for alcohol/drug dependency
- Convicted of a drug/alcohol related crime
- No violent felonies
- Applicant must voluntarily agree to participate in the program

Judge Key gave an overview and explanation of the three phases of treatment:

- Most intense during the initial phase
- Continual testing and court supervision
- Treatment, counseling and vocational training ongoing
- Phases last a minimum of one year
- Aftercare during probation
- Graduation upon completion of all phases
- Alumni group

Winnebago County's Drug Court statistics since the program began in January 2006:

○ Phase one (currently)	10
○ Phase two (currently)	9
○ Phase three (currently)	9
○ Terminations	23
○ Graduates	<u>6</u>
Total Number of Participants	57
Recidivism Rate for Graduates	0%

Judge Key then introduced Cynthia, a Drug Court graduate, who explained how drug court saved her life. Cynthia told the Board that she had used drugs and alcohol for over 30 years and that without this program she would never have turned her life around. The Board recognized Cynthia and her accomplishments with a round of applause.

Judge Woldt recognized Supervisor Rengstorf for his hard work in getting the Drug Court program started and for being such an advocate for the program.

Judge Woldt updated the Board on the Safe Streets Treatment Options Program (SSTOP). He explained that SSTOP is a pilot program, "that allows second and third time 'operating while intoxicated' (OWI) offenders who reside and are convicted in Winnebago County to participate in a probation/treatment program." Judge Woldt explained that Senator Roessler, Representatives Kaufert and Owens co-sponsored the legislation that enacted the SSTOP pilot program in Winnebago County. The purpose of SSTOP is to get people to stop drinking and driving by, "seeking a balance between punishment and rehabilitation."

Judge Woldt stated that their goal, "is to have a more productive citizen upon completion of treatment programs thereby lowering the rate of recidivism." Program qualifications are:

- Convicted for the offense of OWI for the 2<sup>nd</sup> or 3<sup>rd</sup> time in Winnebago County
- Resident of Winnebago County
- District Attorney approval
- Defendant acceptance
- No prior "SSTOP" sentence
- Acceptance by SSTOP case manager

Judge Woldt explained the processes to get into the SSTOP program and the rules of the program. First year statistics showed that of the 149 participants in the program: 42 were women and 107 were men; ages ranged from 19 to 77; 64 people had 2 OWI's and 85 had 3 OWI's; average blood alcohol count was .20 (two and ½ times the legal limit).

Judge Woldt reported that since this program began, Winnebago County saved approximately \$205,000 in jail

expense. In addition to the SSTOP participants saving the county money, they have provided approximately 3,400 hours of community service. The cost of this program (treatment costs--\$10,800 and case manager--\$55,000) is \$65,800. After expenses, the county's actual savings is approximately \$140,000.

Judge Woldt and Judge Key took questions from the Board.

Motion by Supervisor Robl and seconded to adjourn until the Board's next meeting on Tuesday, July 22, 2008.  
CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 8:25 p.m.

Respectfully submitted,  
Susan T. Ertmer  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their Special Orders Session held July 1, 2008.

Susan T. Ertmer  
Winnebago County Clerk