



County Clerk

Kimberly S. Bushey
County Clerk

September 5, 2013 – Walworth County Board Meeting

**Report of the County Clerk Regarding
Communications Received After the Agenda Mailing**

The following items were placed on Supervisors' desks and are attached to this cover sheet:

- Summons and Complaint – Katelyn Armes, Plaintiff, v. Walworth County Health and Human Services, Defendant – To be referred to Executive Committee
- Communication received from Wisconsin Department of Administration in regard to Community Development Block Grant Emergency Assistance Program – To be referred to Executive Committee and the Finance Committee
- Communication received from Village of Williams Bay in regard to Settlement of Special Charges and Assessments – To be referred to Finance Committee
- Communication received from Wisconsin Department of Health Services in regard to federal Community Mental Health and Substance Abuse Prevention Treatment Block grant – To be referred to Health & Human Services Board
- *Walworth County Aging & Disability Resource Center News*, September 2013 – To be placed on file

These items were received after the agenda mailing before the meeting. Other items that were placed on the Supervisors' desks at the meeting are not included on this report. Please contact the County Clerk's office for information regarding those items.

RECEIVED
WALWORTH COUNTY CLERK

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY
2013 AUG 30 AM 8:47

KATELYN ARMES,

Plaintiff,

-vs-

WALWORTH COUNTY DEPARTMENT
OF HEALTH AND HUMAN SERVICES
W4051 COUNTY ROAD NN
ELKHORN, WI 53121
its agents, employees, or those acting
by its direction, or on its behalf,

Defendant.

SUMMONS

HON. PHILLIP A. KOSS

13 CV 00802

Case No.

Case Code 30607

Appeal from administrative
decision--on the record

FILED

AUG 21 2013

WALWORTH COUNTY
CLERK OF CIRCUIT COURT
DUSTIN VEPLY

THE STATE OF WISCONSIN

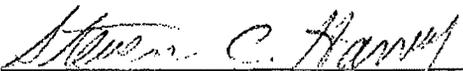
To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is also served upon you, states the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is 1800 County Road NN, Elkhorn, WI, 53121, and to Attorney Steven C. Harvey, Plaintiff's attorney, whose address is 1024D Ann Street, Delavan, WI, 53115. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 21st day of August, 2013.



Steven C. Harvey
Attorney for Plaintiff
State Bar No. 01021173

Wassel, Harvey & Schuk, LLP
1034D Ann Street
PO Box 524
Delavan, WI 53115
(262) 728-0700 | (FAX) 728-0300

KATELYN ARMES,

Plaintiff,

-vs-

WALWORTH COUNTY DEPARTMENT
OF HEALTH AND HUMAN SERVICES
W4051 COUNTY ROAD NN
ELKHORN, WI 53121
its agents, employees, or those acting
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Defendant.

COMPLAINT

13CV00802

Case No.

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WALWORTH COUNTY
CLERK OF CIRCUIT COURT
DUSTIN VEPLY

Katelyn Armes, Plaintiff, by her attorney, Steven Harvey, as and for a complaint against the Defendant, states as follows:

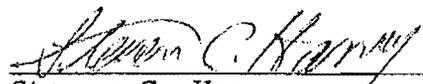
1. This is an action for review of an administrative decision of the Walworth County Department of Health and Human Services, pursuant to Section 68.13(1), Wisconsin Statutes, which decision was dated July 22, 2013, and received by the Plaintiff on July 26, 2013.
2. This action is commenced as a summons and complaint, as allowed by Sec. 801.02(5), Stats., and related case law.
3. Plaintiff, Katelyn Armes, is an adult resident of Walworth County, Wisconsin.
4. Defendant, Walworth County Department of Health and Human Services, is a division of Walworth County, Wisconsin, located at W4051 County Road NN, Elkhorn, Walworth County, Wisconsin 53121; and conducts administrative appeal review hearings, pursuant to Chapter 68, Wis. Stats.
5. By decision dated July 22, 2013, the Defendant issued a decision entitled "Katelyn Armes Administrative Appeal Hearing Decision," attached hereto and incorporated herein as exhibit A.
6. Said decision upheld the decision of the Walworth County Department of Health and Human Services, and of the Jefferson County Human Services Department, substantiating a finding that Katelyn Armes committed "child maltreatment/neglect."

7. Said decision may affect Katelyn Armes' ability to obtain or maintain licensure or certification as a certified nursing assistant, as a nurse, or other employment.
8. The decision herein was not made according to law.
9. The decision herein was arbitrary, oppressive or unreasonable, representing its will and not its judgment.
10. The evidence was not such that Defendant might reasonably render the decision herein.
11. The decision contains insufficient reasons for said decision.

WHEREFORE, Plaintiff requests the following relief:

- a. A judgment reversing the subject decision.
- b. Attorney fees and costs as allowed by law.
- c. Such other relief as the Court deems just and proper.

Dated this 21st day of August, 2013.



Steven C. Harvey
Attorney for petitioner
State Bar No. 1021173

Wassel, Harvey & Schuk, LLP
1034D Ann Street
P.O. Box 524
Delavan, WI 53115
(262) 728-0700 | (FAX) 728-0300

**WALWORTH COUNTY
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

W4051 County Road NN P.O. Box 1005
Elkhorn, WI 53121-1005
262-741-3200 800-365-1587 TTY 262-741-3255 FAX 262-741-3217

July 22, 2013

Attorney Steven C. Harvey
Wassel, Harvey & Schuk, LLP
1034D Ann St.
P.O. Box 524
Delavan, WI. 53115

Re: Katelyn Armes Administrative Appeal Hearing Decision

Dear Attorney Harvey,

On June 26, 2013, you requested the right to an administrative appeal under Wisconsin Statute Ch. 68 for Ms. Katelyn Armes. The formal hearing process for Ms. Armes was conducted surrounding the decision by Walworth County Child Protective Services and Jefferson County Human Services Department which identified Ms. Armes as having neglected her child (identified as SG). The issue for determination is whether a formal decision in the county records maintained under Sec. 48.981 should be upheld.

On July 10, 2013, Walworth County Department of Health and Human Services conducted a formal hearing regarding this matter. Those present at the hearing included Ms. Armes, you; and panel members Jackie Ranson and myself; Mel Davis. During the hearing, you and Ms. Armes were able to present additional information regarding the case, arrange for witnesses to attend and present evidence and provide written information which was considered and will remain as part of the formal hearing proceeding. A record of the formal hearing proceeding was made by audiotape. Any conversation held prior to or after the formal hearing is not considered as evidence.

I have reviewed the following information:

- 1) Case record of Ms. Armes child (SG)
- 2) Letter dated June 11, 2013, from Laura Wagner, of Jefferson County Human Services Department
- 3) Jury Instructions for CHIPS: Parental Neglect, Refusal, Or Inability to Provide, received by you on July 10, 2013
- 4) Wisconsin State Statutes, Ch. 48 definitions



RECEIVED JUL 26 2013

In my professional opinion there was no additional evidence provided which would change the original decision by Walworth County Department of Health and Human Services and Jefferson County Human Services Department. It is my decision to uphold the decision of substantiated child maltreatment/neglect. This formal hearing decision is being filed in the case record.

Ms. Armes stated during the hearing process that she holds licensure as a certified nursing student and is attending school for nursing. Wisconsin Statute 48.685 requires background checks for persons operating or working in certain licensed facilities. Based upon the findings in this matter, Ms. Armes may be denied the ability to obtain/maintain employment or licensure in a licensed facility.

You may appeal this decision to the Circuit Court in the county where Ms. Armes lives. It is your responsibility to secure the appropriate legal resources. Appeals must be filed no more than thirty (30) calendar days after the date of this hearing decision.

Sincerely,

A handwritten signature in cursive script that reads "Mel Davis".

Mel Davis
Administrative Appeal Hearing Officer

Cc: Jackie Ranson, Panel Member
C. Emerson, JCI/CPS Supervisor
E. Wilberding, Division Manager-Children's Services
D. Thompson< Deputy Director
L. Muzatko, Client Right Specialist



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Housing
101 E. Wilson Street, Floor 5
P.O. Box 7970
Madison, WI 53707-7970

RECEIVED

August 23, 2013

AUG 26 2013

Nancy Russell, Chairperson
Walworth County Board
1770 County Road NN
P. O. Box 1004
Elkhorn, WI 53121

WALWORTH COUNTY BOARD

RE: Walworth County
Community Development Block Grant
Emergency Assistance Program
Contract #EAP 08-13

Dear Ms. Russell:

An on-site monitoring visit of CDBG-EAP Contract 08-13 for flood recovery activities in Walworth County was conducted on August 16, 2012 with a follow up visit to the Town of Sugar Creek on November 20, 2012.

The initial visit consisted of a meeting with Lt. John Ennis, Walworth County Emergency Management Director, and Ms. Diane Boyd, Clerk, Town of Sugar Creek. During the visit on August 16th, the following project records and files pertaining to the flood recovery activities covered by the contract were reviewed.

- Administrative files;
- Financial Management Record;
- Procurement Record;
- Labor Standard Record;
- Equal Opportunity Record;
- Environmental Review Record;
- Housing Rehab Records; and
- Housing Acquisition and Demolition Records.

The follow up visit to the Town of Sugar Creek was for the purpose of reviewing the HMGP housing acquisition/demolition/relocation files which were not available during the earlier visit.

Flood recovery activities in Walworth County included HMGP housing acquisition/demolition/relocation in the Town of Sugar Creek, acquisition and demolition of a residence in the City of Whitewater, housing rehabilitation of flood damaged residences, and repair of flood damaged roads in the Town of Sugar Creek.

The results of contract monitoring are as follows:

1. The **Administrative Files** were complete except that copies of the single audit letters for calendar years 2010 and 2011 were not available. We have since received documentation that the single audit letters for 2010 and 2011 were prepared and submitted as required. A letter for 2012 has also been submitted; a single audit for 2012 is required. Please note that since the financial activity for this contract extended in this year, a Single Audit letter for 2013 must be submitted by January 15, 2013 and a Single Audit report submitted, if required.

2. The **Financial Management Records** show that the CDBG-EAP funds were disbursed according to state and federal guidelines.

Walworth County operated on a reimbursement basis for expenses incurred directly by the County and on a request-in-advance for reimbursement of expenses incurred by the Town of Sugar Creek. The **Drawdown File** contained the required certification forms and copies of all requests for funds including documentation of expenses.

A separate **Drawdown Register** has been maintained but was inaccurate at the time of the monitoring visit. I have worked with Lt. Ennis to correct the inaccuracies and the **Drawdown Register** is now correct and was current.

At the time of the monitoring, the **Grant Account (Reimbursement) Transactions Journal** was incomplete and inaccurate. I have worked with Lt. Ennis to correct the inaccuracies and the Final Grant Transaction Journal is complete. At the time of the contract monitoring, Walworth County had been reimbursed a total of \$608,843 through five draws. Three additional draws (including the final draw, Draw 8) totaling \$15,674.14 have been processed subsequent to the monitoring visits. A remaining contract balance of \$114,509.86 exists but may no longer be used.

3. A review of the **Procurement for Services** requirements for the CDBG-EAP grant revealed that Walworth County has an adopted procurement policy and proper procurement of services was followed by the County. The Town of Sugar Creek does not have an adopted procurement policy; however, housing rehabilitation and road repair construction services were properly procured by the Town. No debarred contractors were used on the flood recovery activities.
4. Federal **Labor Standards** did not apply to the housing activities conducted by Walworth County and to the HMGP acquisitions and demolitions completed by the Town of Sugar Creek.

Federal **Labor Standards** did apply to the road repair activities conducted in the Town of Sugar Creek. The **Labor Standards Monitoring** included a review of the bidding and contracting process for the road repairs as well as the payroll monitoring of the prime contractor and five subcontractors that did the work in the Town of Sugar Creek. Although the bidding documents contained the federal wage decision for this project, it appeared that not all the contractors working on the project immediately paid the appropriate federal wages and restitution payments were required once the weekly payrolls were reviewed after the road work was completed. However, the wrong wage decision was used to determine the restitutions and a second review of the payrolls was required. This review was completed after the monitoring visit and concluded in November 2012, nearly one year after the road work was performed. According to the Final Labor Standards Compliance Report, a total of \$643.07 in wage restitution was paid to 15 employees of the five subcontractors employed on the project. None of these payments involved overtime pay and no liquidated damages were assessed.

5. The **Equal Opportunity Records** contain appropriate program beneficiary data and County demographic and employment data. No jobs were created in conjunction with the project; Section 3 employment promotion did not apply. Housing rehabilitation projects used local contractors and suppliers. No MBE/WBE contractors bid on the housing rehab projects. No minorities applied for housing rehabilitation assistance. Low-to-moderate (LMI) income households benefited from the seven housing rehabilitation projects conducted by the County.

Two Low-to-moderate income households benefited from CDBG-EAP participation in the FEMA HMGP buyouts of flood damaged homes in the Town of Sugar Creek.

Road repairs in the Town of Sugar Creek benefited several LMI households whose sole access to property was via the roads repaired using disaster recover funding.

The appropriate Equal Opportunity notices and provisions were contained in the bidding documents for the road repairs conducted in the Town of Sugar Creek. Efforts by the Town of Sugar Creek and the prime contractor to attract or encourage construction bids from MBE/WBE construction firms were not documented. Several local subcontractors were used on the project

6. The **Environmental Review Record** files were complete and documented environmental clearance by the Department of Administration environmental compliance officer for the housing rehabilitation, housing acquisitions and demolition, and road repair projects.
7. The **Housing Rehabilitation Record** shows that Walworth County completed seven housing rehabilitation projects. Five of these projects were reimbursement of expenses to homeowners who undertook repairs of flood damages prior to the availability of grant funding for the repairs. The records show that expenses were appropriately documented, were reasonable, and included only repairs of flood damages. Two the rehabilitation projects occurred after grant funding was available to the homeowner. In these cases, the flood damage was documented, repairs specifications were developed based on the documented damages, and contractor services for making the repairs were properly bid and procured. In all cases the LMI income status of the households was verified.
8. The **Housing Acquisition and Demolition Records** showed that Walworth County conducted one acquisition of flood damage residential property and the Town of Sugar Creek acquired five residential properties using FEMA HMGP funding. CDBG disaster recover funds were used to offset the required local share of these purchases.

Walworth County acquired a vacated damage residential property in the City of Whitewater. Sale of the property by the former owners was voluntary. The project records show that the purchase price of the damage residence was based on pre-flood fair market value. No relocation benefits were provided to the former owners because the property had been voluntarily vacated prior to the availability of grant funding for the acquisition. Demolition of the acquired residence was properly bid and procured. Walworth County has deeded this property to the City of Whitewater and we understand that the City intends to sell the property to Habitat for Humanity. It should be noted that if the transfer of the property from the City to Habitat for Humanity involves more than a marginal sales price, the proceeds from the property sale must be returned to the Department of Administration. Further, should Habitat for Humanity not develop the property, but instead sells the vacant to property to a third party, proceeds of that sale must be returned to the Department of Administration.

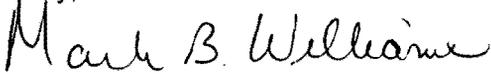
The Town of Sugar Creek acquired five damage residential properties through the FEMA HMGP program. CDBG-EAP funding provided the required local (Town of Sugar Creek) share of the acquisitions which was applied directly to the acquisition and demolition of one LMI property. The total local share of the HMGP activities was \$106,937.26. In 2010 and 2011, the CDBG-EAP program reimbursed the Town of Sugar Creek a total of \$116,628.00, an overpayment of \$9,690.74. The Town of Sugar Creek reimbursed the program for the overpayment in November 2011.

We would like to note that project files for activities undertaken under this contract are being separately maintained by Walworth County and the Town of Sugar Creek. When this contract is closed, all records should be in the possession of Walworth County and maintained by the County for a minimum period of three years.

Finally, I have provided Lt. Ennis with instructions for closing this contract. And closure will occur once the final documentation has been received. The contract close out will be condition, however, pending receipt of the Single Audit letter by January 15, 2014 and Single Audit report, if required.

Congratulations on completion of these flood recovery activities.

Sincerely,



Mark B. Williams, P.E.

Flood Recovery Specialist

(608) 264-6158

MarkB.Williams@Wisconsin.gov

cc: Lt. John Ennis – Walworth County Emergency Management
Diane Boyd – Clerk, Town of Sugar Creek



VILLAGE OF WILLIAMS BAY

P.O. BOX 580

WILLIAMS BAY, WI 53191

www.williamsbay.org ~ wmsbay@genevaonline.com

Phone: 262/245-2703 • Fax: 262/245-2705

August 28, 2013

Walworth County Board of Supervisors
C/O Walworth County Clerk
PO Box 1001
Elkhorn, WI 53121

Re. Settlement of Special Charges and Assessments

Dear Elected Officials:

The purpose of this letter is to inform the County Board as to the sentiment of the Board of Trustees of Williams Bay regarding the County's contemplation of changing the current settlement process. As you state in your letter, for many years Walworth County has settled with local jurisdictions and that process has worked flawlessly for local jurisdictions. The administrative function of this practice has worked quite well.

It is the unanimous opinion of the Village of Williams Bay's Board of Trustees that cessation of this practice will adversely affect municipalities. For example we have counted on complete settlement of these special charges for many years. To have each municipality "fend" for themselves regarding collection of these items does not make for efficient government. Having one entity, the County, take care of this process makes much more sense.

It is easy for the County to adopt a policy that addresses the bigger problems as you enumerate in your letter. The Village of Williams Bay has never and will never count on the County to cover the risk of a Developer Agreement or other similar arrangements.

It is our hope and expectation that the County will exclude the normal everyday type charges that are currently settled for each year and concentrate of those agreements made by a municipality that might pose a financial hardship to the County. We will be in attendance on September 19th ready to discuss this topic thoroughly with the County and other Municipalities.

Sincerely,

BOARD OF TRUSTEES



John P. Marra
Village President

JPM/rjc

2013 AUG 29 AM 8:49
RECEIVED
WALWORTH COUNTY CLERK

Scott Walker
Governor

State of Wisconsin
Department of Health Services

Telephone: 608-266-2717
FAX: 608-266-2579
TTY: 888-241-9432
dhs.wisconsin.gov

Kitty Rhoades
Secretary**RECEIVED**

AUG 26 2013

WALWORTH COUNTY BOARD

August 23, 2013

Nancy Russell
County Board Chair
W4051 County Road NN
P.O. Box 1005
Elkhorn, WI 53121

Dear Ms. Russell:

The Division of Mental Health and Substance Abuse Services is projecting a decrease in federal Community Mental Health and Substance Abuse Prevention Treatment Block grant funding for federal fiscal years 2013 and 2014 due to the budget sequestration. We anticipate the cumulative decrease of funds due to the federal budget sequestration reduction to be 9% from 2012 block grant levels. In addition, the Community Mental Health Block Grant has received a \$1 Million reduction due to a formula redistribution of funding across states.

I am notifying you of the Division's intent to reduce Substance Abuse Prevention Treatment Block Grant funding for your IDP Enhancement Grant contract which was funded for 2013 totaling \$50,000. Your new amount will be \$45,848. This action will be effective October 1, 2013 which would be the beginning of the next contracting period.

We are fortunate that we were able to continue to fund the majority of contracts this federal fiscal year (FFY 2013), despite the 5.3% Block Grant reductions brought on by the sequester and the \$1 Million decrease related to redistribution of funds. This was achieved by using unobligated funds from prior years, these funds have been exhausted. At this point we must begin the difficult process of reducing the block grant obligations (contracts) to remain within our projected budget authority for FFY 2014. Unfortunately, many worthwhile efforts will be eliminated and many more scaled back.

If you have any general questions about the federal block grant budgets, feel free to give me a call at 608-266-1351. If you questions about specific contract matters, please contact your contract administrator.

Yours truly,

A handwritten signature in cursive script that reads 'Joyce Allen'.

Joyce Allen
Director
Bureau of Prevention Treatment and Recovery