

**Walworth County Board of Supervisors
Executive Committee Meeting Minutes
Monday, March 20, 2023
Walworth County Government Center, County Board Room 114
100 West Walworth Street, Elkhorn, Wisconsin**

Chair Susan Pruessing called the meeting to order at 10:00 a.m.

Roll call was conducted and the following members were present, either in person or by remote attendance: Chair Susan Pruessing; Vice-Chair Brian Holt; and Supervisors Sheila T. Reiff, Rick Stacey, and Al Stanek. A quorum was declared.

Others in Attendance

County Board Supervisors: Supervisor Dennis Karbowski

County Staff: Walworth County Administrator Mark W. Luberda; Corporation Counsel/Director-Land Use and Resource Management Michael Cotter; and Medical Examiner Gina Carver.

Members of the Public: Rose Smith-Miller and Jeff Gepfert

On motion by Vice-Chair Holt, second by Supervisor Stacey, the agenda was approved with no withdrawals.

On motion by Supervisor Stacey, second by Vice-Chair Holt, the February 20, 2023 Executive Committee meeting minutes were approved.

Public Comment – There was none.

Consent Items – expense/mileage reimbursement claims submitted by:

- 7a. David Held, Board of Adjustment, in the amount of \$37.79
- 7b. Brian Holt, County Board Supervisor, in the amount of \$298.61
- 7c. Richard Kuhnke, Wisconsin River Rail Transit Commission, in the amount of \$134.60
- 7d. Rose Smith-Miller, Board of Adjustment, in the amount of \$38.12
- 7e. Allan Polyock, Wisconsin River Rail Transit Commission, in the amount of \$116.04

Supervisor Stacey offered a motion, second by Supervisor Reiff, to approve the expense/mileage reimbursement claims submitted by David Held, Brian Holt, Richard Kuhnke, Rose Smith-Miller, and Allan Polyock. Motion carried 5-0, with the exception of Vice-Chair Holt abstaining from voting on 7b. relative to his own reimbursement request.

Appointments. Recommendations regarding County Administrator's nominations:

- 8a. Health & Human Services Board – appointment of Christopher Tanner

Walworth County Administrator Mark W. Luberda explained, this appointment will replace Dr. Richard Terry, who has alerted Luberda that he no longer wishes to serve on the Health and Human Services (HHS) Board.

Vice-Chair Holt offered a motion, second by Supervisor Reiff, to approve the appointment of Christopher Tanner to the Health and Human Services Board. Motion carried 5-0.

- 8b. Board of Adjustment – appointment of Rose Smith-Miller

Chair Pruessing asked Rose Smith-Miller a series of questions regarding her qualifications, experience, desire to serve on the Board of Adjustment, and whether she had any conflicts of interest that would prohibit her from serving. **Vice-Chair Holt offered a motion, second by Supervisor Reiff, to approve the appointment of Rose Smith-Miller to the Board of Adjustment. Motion carried 5-0.**

- 8c. Board of Adjustment – appointment of Jeff Gepfert

Chair Pruessing asked Jeff Gepfert a series of questions regarding his qualifications, experience, desire to serve on the Board of Adjustment, and whether he had any conflicts of interest that would prohibit him from serving. **Vice-Chair Holt offered a motion, second by Supervisor Stacey, to approve the appointment of Jeff Gepfert to the Board of Adjustment. Motion carried 5-0.**

Supervisor Stacey thanked Smith-Miller and Gepfert on behalf of the County Board for their work on the Board of Adjustment.

Unfinished Business

9a. Amending Chapter 2 of the Walworth County Code of Ordinances Relating to County Board Supervisor Remote Attendance

Luberda explained, the ordinance on Pages 21-23 of the packet contains amendments requested at the January Executive Committee meeting. In addition, there is the opportunity to review this amended ordinance at a later date to examine the effectiveness of this change and if further amendments are needed. Vice-Chair Holt and Supervisor Stacey emphasized the value of in person participation. Corporation Counsel/Director-Land Use and Resource Management Michael Cotter elaborated on the necessity of the utilization of a two-way video connection for all quasi-judicial proceedings, including all public hearings held before the board and any committee. It was suggested that agenda setting would be an opportune time to alert any effected board/committee members when there is a circumstance that requires video appearance if appearing remotely. **Vice-Chair Holt offered a motion, second by Supervisor Reiff, to approve the ordinance Amending Chapter 2 of the Walworth County Code of Ordinances Relating to County Board Supervisor Remote Attendance. Motion carried 5-0.**

9b. Review of a proposed slate of goals for the County Administrator during 2023

Luberda provided a summation of the proposed slate of goals for the County Administrator during 2023 (Page 24). The committee wished to discuss this item later in the meeting during closed session for the annual evaluation of the County Administrator, and take action once out of closed session.

9c. SWOT Analysis Review as Part of the 2023 Walworth County Strategic Planning Process

Luberda provided an overview of his Memorandum (Pages 25-26). He explained, each committee has been asked to review the current SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis (Pages 27-36), and bring forth any additions, subtractions, expansions, etc. to the current document. He requested any specific suggestions be made in the form of a motion and suggestions need not be exclusive to topics handled by the committee(s), but rather should encompass a broader county wide analysis. Luberda provided a summary of the current topics outlined in the SWOT analysis; identifying the following potential changes he has considered:

- Combine Other Post-Employment Benefits (OPEB) into Financial Policies, under strengths, as it is no longer the driving issue it once was
- Leave Debt as a separate topic under strengths as it is a unique strength of Walworth County
- Keep the radio project as a department specific opportunity for the Sheriff's office
- Remove Covid-19 Pandemic as a threat
- Seek input from judges reevaluate the threat of criminal justice costs

The Executive Committee discussed the following:

- Emergency preparedness as it relates to the strategic planning process. Luberda elaborated on the County's current emergency preparedness relative to being listed as a potential weakness. Consideration was also given to self-reflection pertaining to the Covid-19 pandemic.
- Expanding on intergovernmental cooperation, currently listed as an opportunity.
- Workforce both as a government and the county as a geographic area as a potential weakness.
- Economic instability as a potential threat as it relates to the loss of funding from pandemic reserves.

Vice-Chair Holt offered a motion, second by Supervisor Stanek, to recommend consideration of emergency preparedness and employment base not only for the county as a government, but the county as a geographic area as a potential weakness; and increasing economic instability as a potential threat. Motion carried 5-0.

New Business

10a. Approval of the Walworth County Board of Supervisors 2023-2024 Meeting Schedule – DRAFT I

Supervisor Reiff offered a motion, second by Supervisor Stacey, to change the time of the County Board meetings from 5:30 p.m. to 3:30 p.m. Supervisor Reiff expressed this change would better allow members of the public to attend the County Board meetings. Discussion ensued relative to attendance by phone, compensation of support staff, transportation challenges, and the timeframe of implementation to allow for schedule adjustments. Supervisor Dennis Karbowski suggested a time adjustment on a trial basis to evaluate the change. **Motion to change the time of the County Board meetings from 5:30 p.m. to 3:30 p.m. failed 1-4. Vice-Chair Holt offered a motion, second by Supervisor Stacey, to forward DRAFT I of the Walworth Board of Supervisors 2023-2024 Meeting Schedule to the County Board.** Supervisor Holt noted that Supervisors should be made aware that discussion is likely to happen at the County Board meeting relative to alternative meeting schedules for County Board meetings. Luberda indicated that he could do so through the Friday Update communications. **Motion carried 4-1. Supervisor Reiff requested her vote be recorded as “No.”**

10b. Overview of the Medical Examiner’s Office Operations

Medical Examiner Gina Carver gave a presentation on the Medical Examiner’s office operations; highlighting:

- Medical Examiner’s office guidelines set forth by Wisconsin State Statute 979
- Community Driven aspects of the Medical Examiner’s office
- The process of investigating a scene of death and an example death investigation
- Comprehensive, multi-discipline death investigations
- Shortage of board certified Forensic Pathologists
- A unique partnership with Milwaukee County that includes a Statement of Commitment, specifically agreeing to “work in good faith to ensure that high quality services are provided to the public.”
- Short term and long term plans to mitigate the shortage of board certified Forensic Pathologists
- The collaboration of community partnerships and Southeastern Wisconsin Counties to offer service and trainings

10c. Ordinance No. **** - 04/23 Amending Section 30-286 of the Walworth County Ordinances Relating to Referral Autopsy/Examination Fees

Luberda explained, the ordinance amendment sets up the fee structure for services offered in the meantime, while Milwaukee County recruits two Forensic Pathologist positions. The resolution, which is the next item on the agenda, then allows for the recording of revenues and expenses associated with those services, set up in the fee structure. **Supervisor Reiff offered a motion, second by Supervisor Stacey, to approve the ordinance Amending Section 30-286 of the Walworth County Ordinances Relating to Referral Autopsy/Examination Fees. Motion carried 5-0.**

Cotter commended Carver on her leadership and the building of work relationships over the years, which has resulted in putting Walworth County in a positive position to help others.

10d. Resolution No. ** - 04/23 Establishing a Budget for the Medical Examiner’s Department for Forensic Examination Services Offered to Outside Agencies

Vice-Chair Holt offered a motion, second by Supervisor Reiff, to approve the resolution Establishing a Budget for the Medical Examiner’s Department for Forensic Examination Services Offered to Outside Agencies. Motion carried 5-0.

10e. Citizen Committee Member Appointments and Process

Luberda stated, this item is on the agenda for discussion, as requested by the committee at a previous meeting. Division 8. Citizen Committee Members, from Section 2, Chapter 2 of the Walworth County Code of Ordinances (Pages 49-51), provides policy guidance relative to committee appointments. Luberda is provided statutory authority to make

appointments and present those appointments to the committee, which are then recommended to the County Board for confirmation. This policy requires background checks be completed, which are then reviewed by Luberda, a Memorandum is created and signed by Luberda stating the results were reviewed and found satisfactory, then the original background check document is destroyed and the aforementioned Memorandum is put on file.

Reports/announcements by Chairperson – There was none.

Confirmation of next meeting date and time: The next meeting was confirmed for Monday, April 24, 2023 at 10:00 a.m.

13. Annual evaluation of the County Administrator. The committee will convene in closed session pursuant to the exemption contained in Section 19.85 (1)(c) of the Wisconsin Statutes, “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility.”

The committee convened in closed session at **approximately 11:46 a.m. on motion and second by Vice-Chair Holt and Supervisor Stacey** pursuant to the exemption contained in Section 19.85 (1)(c) of the Wisconsin Statutes, “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility” relative to the items listed above. A roll call vote was conducted and all members present voted “aye.” County Administrator Mark W. Luberda; and Corporation Counsel/Director-LURM Michael Cotter remained in closed session. Supervisor Stanek remained on the telephone.

The committee reconvened in open session at 12:42 p.m. on motion and second by Supervisor Stacey and Supervisor Reiff.

Vice-Chair Holt offered a motion, second by Supervisor Stacey, to approve Item 9b. The proposed slate of goals for the County Administrator during 2023. Motion carried 5-0.

Vice-Chair Holt offered a motion, second by Supervisor Stacey, to continue the Administrator performance evaluation at the April 24, 2023 Executive meeting in closed session. Motion carried 5-0.

Claims and Litigation

14. The committee may discuss the following topic(s) in open session. The committee convened in closed session at **approximately 12:44 p.m. on motion and second by Vice-Chair Holt and Supervisor Reiff** pursuant to the exemption contained in Section 19.85(1)(g) of the Wisconsin Statutes, “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” relative to the items listed below. A roll call vote was conducted and all members present voted “aye.” County Administrator Mark W. Luberda; Corporation Counsel/Director-LURM Michael Cotter; and Deputy Director of LURM/County Conservationist Mandy Bonneville remained in closed session. Supervisor Stanek remained on the telephone.

- A) Claim – Michael Braun et. al. v. Elkhorn Police Dept. et. al.
- B) Opioid Litigation
- C) Delavan Lake Sanitary District v. Walworth County Board of Adjustment

The committee reconvened in open session at 1:09 p.m. on motion and second by Vice-Chair Holt and Supervisor Stacey.

Vice-Chair Holt offered a motion, second by Supervisor Reiff, to proceed as discussed in closed session on Items 14A and 14B, above herein. Motion carried 5-0.

Vice-Chair Holt offered a motion, second by Supervisor Stacey, for permission to proceed with the appeal. Motion carried 4-0. Supervisor Reiff abstained from voting.

Adjournment

On motion and second by Supervisor Stacey and Vice-Chair Holt, Chair Pruessing adjourned the meeting at 1:10 p.m.

Submitted by Lindsey Ross, Administrative Assistant. Meeting minutes were approved by the Executive Committee at the April 24, 2023 meeting.