

Executive Committee Meeting Minutes

Monday, February 19, 2018

Chair Decker called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

Committee Members Present: Chairman Paul Decker, Dave Swan, Dave Zimmermann, Jim Heinrich, Larry Nelson, Christine Howard and Peter Wolff.

Others Present: Chief of Staff Mark Mader, Legislative Policy Advisor Sarah Spaeth, Internal Audit Manager Lori Schubert, Corporation Counsel Erik Weidig, Business Manager Lyndsay Johnson, Financial Analyst Joshua Joost, Sheriff Eric Severson, Deputy Inspector Torin Misko, Inspector James Gumm, Senior Correctional Facility Manager Angela Wollenhaupt, Senior Human Resources Analyst Teri Henning, Jail Administrator Michael Giese, Budget Manager Linda Witkowski, Senior Financial Analyst Mark Yatchak, Matrix Consulting Group Senior Manager Greg Mathews, Matrix Consulting Group Manager Aaron Baggarly, Director of Administration Norm Cummings, Citizen Michael R. Starich, Addiction Resource Council Marketing Administrator Jenn Anderson, Highway Operations Manager Pete Chladil, Director of Public Works Allison Bussler, Senior Financial Analyst Rhiannon Cupkie, Business Manager Betsy Forrest, Fleet Manager Bob Rauchle, and Supervisors Darlene Johnson, Mike Crowley, Duane Johnson, Tom Michalski, Kathleen Cummings. Minutes Recorded by Beth Schwartz, County Board Office.

Approve Minutes of January 15, 2018

Motion: Zimmermann moved, second by Howard to approve the minutes of January 15, 2017. Motion carried 7-0.

Future Meeting Date: March 19, 2018

Motion to Allow Secretary Wolff to Approve the Final Set(s) of Committee Minutes on Behalf of the Committee

MOTION: Swan moved, second by Howard to allow Secretary Wolff to approve the final set(s) of committee minutes on behalf of the committee. Motion carried 7-0.

Sheriff's Department Overtime Audit Presentation

Mathews introduced the causes of overtime which includes to provide baseline staff, address fluctuations in baseline staff or workload, address short-term but recurring tasks or to complete work that has an immediate deadline. The Sheriff's Department overtime has progressively increased over the last decade, increasing over 260%. Annual overtime averaged 305 hours per full-time equivalent Deputy and 227 hours per full-time Correction Officer. In 2016, the maximum number of overtime hours worked by a Corrections Officer was 788 hours and worked by a Deputy was 955 hours. Baggarly said staff vacancy rates were 8% for Deputies and Correction Officers between 2014-2016, impacting staffing requirements and filling vacancies. The top six reasons for overtime were additional shift, training, serving as court bailiff, conveyance trip, investigation, and other. Zimmermann commented on the high number of overtime codes. Severson said that despite the high number of overtime reasons, each are valuable and important and by increasing accuracy in filling out overtime cards, marginal errors will be fixed. For instance, using the reason "other" or "additional shift" instead of marking the more appropriate reason for the overtime. Heinrich asked if mandatory staffing is regulated by a higher office. Severson said it is not based on state statutes or an external regulation, but feels the only option is to staff based on safety needs and to avoid delays. Paulson and N. Cummings asked how much of the funding of overtime is contributed to by grants versus tax levy and other sources. Severson pointed out a chart within the audit report that details reimbursement levels for overtime.

There were several top priority audit findings. The current use of Sheriff's Department monies from salary and benefits to overtime exacerbates deputy and correctional officer vacancy rates as personnel are not always hired

timely in order to meet budgetary demands. Filling vacancies in a timely fashion should be given equal due diligence as effective budgetary management. The Sheriff's Department vacancy and turnover amount for 2018 is \$425,600 which equates to a total of 5 deputy/correctional officer positions in the Department that are not funded. The result is there is not enough money to hire up to the authorized position level. Overtime is not in line with the amount of money historically spent, so the Department often has to leave additional positions open to account for overages in overtime which perpetuates the problem. Another top priority finding is the efforts to fill authorized staffing level vacancies and minimize the operational impact of turnover. Appropriate staffing levels and adequate overtime budgets will ultimately help to minimize overtime usage and facilitate meeting minimum staffing levels in core functional areas. Filling authorized staffing levels is a challenge for the Sheriff's Department due to the following factors: personnel budgets having a vacancy and turnover target requiring staff to leave positions vacant due to inadequate funding; training lead time for staff requires spending salary/benefit dollars for new staff while training and overtime to meet minimum staffing requirement; overtime budget is not realistic based on historical usage; compensation levels for sworn staff making recruitment and retention challenging; a jail staffing study that shows the current number of authorized correctional officers not adequate to staff the jail so if the current authorized positions are filled, there is still not adequate staffing. Currently, insufficient funds are being budgeted to pay for overtime. Zimmermann asked how much overtime is voluntary compared to mandatory. Severson and Misko described the ebb and flow of volunteer overtime, and the detrimental nature of staffing when at critically low levels. When supervisors have to fill staff they are taken away from their job which becomes dangerous. Severson said the underpinnings of overtime usage are an exercise in risk management. Recognizing the symptoms of poorly used overtime, as well as solutions overtime can bring is key to efficient and effective agency operations. Swan asked if overtime can be refused. Severson said yes, but there is an overtime availability calendar where supervisors look first to fill the spot and if they have already signed up to work they cannot refuse.

During the course of the audit it was discovered how the key causes of overtime fit into the Sheriff's Department. Service related issues can result if staffing levels and/or overtime use are inadequate including increased response times to calls for service, reduced on site time with reporting party/victim, reduced number of call types responded to by patrol unit, reduction in officer/deputy safety, and reduction in proactive enforcement efforts. Hiring employees to a baseline minimum standard requires overtime for planned and unplanned absenteeism that can be the result of numerous factors such as scheduled and unscheduled leave (vacation, sick time), turnover, military leave, injury, FLSA, FMLA, training, compensatory time coverage, etc. Unexpected events can lead to overtime, but so can infrequently occurring events such as annual inventory, special events, and seasonal spikes. Overtime use for meeting the demands of "one time" fluctuating workload is considered best practice. Coverage for tasks that are persistent but of short duration including weekly, bi-weekly or monthly activities with special characteristics that cannot be accomplished during regular worktime. Overtime is used to complete projects or tasks that have a definitive and unalterable deadline such as a jail inspection or preparing for an accreditation. The auditors observed historical trends in the past ten years of Sheriff's Department overtime. In addition to receiving pay for overtime worked, staff may elect to earn compensatory time off in lieu of being paid overtime, however, there are limits to the number of hours that may be earned and banked. Swan said he felt like the comparing/contrasting to other counties was missing. Schubert said contacting other counties takes a lot of time and effort and it comes at a high cost. In addition, there is no guarantee the data is accurate and comparable. N. Cummings said a comparison to other counties within the state, in particular how they address their problems, could have improved this audit. Misko said it is not just hiring pace that keeps the staff from being full. Staff gets lost due to injury, not necessarily job related, as well as military leave. He said the goal is to stay ahead of the staffing need but there are not enough applicants to fill the current open positions.

Over a ten year period overtime expenditures exceeded overtime amended budgets by an average of 171%. The audit report shows no indication of any notable internal control overtime management issues. Overtime is largely related to issues with vacancy, turnover and insufficient overtime funds budgeted for current department operating circumstances. The bulk of overtime is dedicated to patrol and jail services. Recommendations from the audit include increased staff turnover has negatively impacted the number of staff available and should be minimized. A strong correlation exists between increased correctional officer turnover and the number of overtime hours since 2014, demonstrating the need to effectuate programmatic approaches to reduce turnover.

The current necessary use of Sheriff's Department monies from salary/benefits to overtime exacerbates deputy and correctional officer vacancy rates as personnel are not always hired timely in order to meet budgetary demands. This can ultimately increase operational risk for the existing staff contingent. Filling vacancies in a timely fashion should be given equal due diligence as effective budgetary management. In order to further minimize overtime, once all authorized positions for Deputies and Correction Officers have been filled, the Sheriff's Department should implement and fund an over hiring program in order to have a pipeline of individuals ready to work when positions become available. Shubert discussed recommendations as per the audit. The Department should continue efforts to fill authorized staffing level vacancies and minimize the operational impact of turnover. Appropriate staffing levels and adequate overtime budgets will ultimately help to minimize overtime usage and facilitate meeting minimum levels in core functional areas. The Sheriff's department and Human Resources should work together to develop a policy and devise guidelines that stipulate the maximum overtime and off duty employment hours that staff can work in a pay period. The Department and Department of Administration (DOA) should work together to develop a realistic annual overtime budget based on historical trends and in a broader context. Investigate implementation of a system or methodology to capture time cards and overtime electronically. This should be completed in conjunction with the DOA. Incorporate the revised overtime code system in the electronic time keeping software program. N. Cummings commented on the audit report and would like to get into further detail and come back to the committee with DOA comments on overfill positions, vacancy and turnover budgeting.

MOTION: Wolff moved, second by Heinrich to approve the Sheriff's Department overtime audit. Motion carried 7-0.

Discuss and Consider Resolution 172-R-004: Authorize Selection And Engagement Of Outside Counsel Regarding Potential Opioid Litigation

Weidig said this resolution authorizes Corporation Counsel to select and engage outside legal counsel for potential litigation against companies and/or individuals that engage in practices contributing to the opioid epidemic. The County is in the midst of an opioid epidemic that is claiming many lives each year, destroying families and harming communities. Concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to the County as the opioid epidemic spans across the country, infiltrating communities and affecting individuals of all ages, races, ethnicity, education and socioeconomic status. The societal costs associated with the opioid epidemic are staggering and, according to the Centers for Disease Control and Prevention (CDC), amount to over \$75 billion annually. The National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the opioid epidemic by virtue of their aggressive, unlawful and unethical marketing practices. In response to this epidemic state and local governments around the country have filed lawsuits against wholesale distributors, claiming a violation of the federal Controlled Substances Act by failing to alert the U.S. Drug Enforcement Administration of suspicious opioid purchases. Lawsuits have been filed against manufacturers stating an exaggeration of the benefits of the medication and a failure to warn doctors about the extreme addictive nature of the opioids. Lawsuits have also been filed against opioid manufacturers that lobbied politicians to maintain a favorable political climate for the continued and expanded use of opioids and/or intentionally falsely represented to doctors and other stakeholders the addictive properties of opioids.

Certain opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the opioid epidemic. State and local governments have previously filed lawsuits against industries engaging in illegal business practices to protect their citizens. The County is aware that other counties and local governments have filed lawsuits against certain opioid manufacturers to force persons and entities responsible for the opioid epidemic to assume financial responsibility for the costs borne by governments and citizens to address and combat the opioid epidemic. The County has spent significant amounts of unexpected and unbudgeted time and resources in its programs and services related to the opioid epidemic. It is responsible for a multitude of programs and services, all of which require the County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources. The need to direct increasing resources toward addressing the opioid epidemic makes it more and more difficult to provide other essential programs and services as all resources the County directs toward the opioid epidemic cannot be used for other essential

programs and services that it provides to its citizens, residents and visitors. Through pursuit of claims against such entities and/or individuals, the County would be attempting to hold those persons and entities that had a significant role in the creation of the opioid epidemic responsible for the financial costs assumed in dealing with the opioid epidemic.

Nelson asked about the outside counsel in consideration, and Weidig described the different firms involved and what their roles would be. He is actively investigating and would like to proceed with careful urgency using due diligence. Zimmermann asked for clarification what this resolution will accomplish. Weidig said this action gaining the board's approval will allow him to move forward and will only need to come to the board again if there are major changes. Swan asked what the outcome could be. Weidig said not to expect a big payout, but if there is a significant payout the Department of Health and Human Services, Sheriff's Department and the Medical Examiner's Office would be reimbursed for their services resulting from the epidemic. Howard commented that the reward in joining this lawsuit is not about the payout, but the principle in making the pharmaceutical companies admit they are in the wrong. Zimmermann echoed Howard's sentiments about the lawsuit's purpose. Heinrich suggested language in the resolution be changed, striking out "and according to some" and replacing with "alleged unlawful".

MOTION: Heinrich moved, second by Swan to amend Resolution 172-R-004 line 19. Motion carried 7-0.

MOTION: Nelson moved, second by Zimmermann to approve Resolution 172-R-004 as amended. Motion carried 7-0.

Public Works Highway Operations Audit Follow-Up Report Presentation

Schubert said the Internal Audit Division completed a follow up of the audit of the Public Works Highway Division originally presented in May 2017. The original report included 18 recommendations intended to improve efficiency of operations, project tracking, and evaluation and documentation of procedures and performance measures. The Division has implemented six recommendations, is in the process of implementing nine others, and has determined three were not feasible for implementation at this time. Schubert gave an update of each of the recommendations. Investigation of the expansion of Cartegraph use by acquiring the OMS module to enhance project management financial capabilities is complete. No funding is available at this time to acquire OMS so this is cost prohibitive. If or when future systems are evaluated project management capabilities should be considered in the specifications. Investigation of the implementation of an electronic card system to more efficiently track and allocate hours worked to the appropriate project is complete. No funding is available at this time to acquire RT Vision so this is cost prohibitive. Schubert stated that the Division is currently performing a time study related to these duties. The return on investment on this system should be reevaluated upon completion. The development of a written set of standard operating procedures for estimating PbM project costs has been completed. In the recommendation to track PbM positive revenue variance when it is realized, and document and monitor its future use to ensure that it is used solely for future investments related to the County's infrastructure, revenue is now tracked and monitored within the Department. Past usage has been solely used for Highway infrastructure or equipment. The development of a comprehensive project management manual and training all employees assigned as project managers in its use and application is ongoing. Cross training of administrative staff has been implemented with current procedures to ensure operations continue despite staffing changes. Bussler added that with all the turnover this will extend beyond administrative. The implementation of additional performance metrics to measure and evaluate benchmarking is ongoing.

MOTION: Swan moved, second by Howard to accept the follow-up report of the Public Works Highway Operations audit. Motion carried 7-0.

Discuss and Consider the Following Appointments:

Appointment 172-A-037: Abby Lorenz to the Airport Operations Commission

MOTION: Howard moved, second by Zimmermann to approve appointment 172-A-037.

Appointment 172-A-038: Melissa Rigney Baxter to the Waukesha Public Library Board of Trustees

MOTION: Nelson moved, second by Wolff to approve appointment 172-A-038. Motion carried 7-0.

Appointment 172-A-039: Cathy Priem to the Community Development Block Grant Board

MOTION: Howard moved, second by Nelson to approve appointment 172-A-039. Motion carried 7-0.

County Board Committee Reports by Committee Chairs for the Following 2018 Meetings:

Parks & Land Use of January 16- Zimmerman reported the committee approved two ordinances and heard an update on the Property Assessed Clean Energy (PACE) program.

Public Works of February 15- Swan reported the committee held the meeting at the County Airport to tour the remodeled terminal. They approved an ordinance to modify the speed limit on Highway VV and an ordinance to modify the airport budget. They also discussed the Wisconsin County Highway Commission Winter Road School Conference.

Health & Human Services of February 15- Howard reported the committee heard an overview of the HOPE Center and the County Public Health Division program overview, and heard the County Public Health Division annual report. They also approved an ordinance to modify the Department of Health and Human Services 2018 budget to create twelve regular full-time sunset positions.

Judiciary & Law Enforcement of February 16- Wolff reported the committee met at the Huber Facility for a presentation on electronic monitoring and a tour of the facility. They also approved an ordinance to create one full-time position of senior information technology professional and abolish one full-time position of detective.

Wisconsin Counties Association (WCA) Legislative Exchange Update

Nelson, Heinrich and Spaeth attended the WCA Legislative Exchange and reported on the Supreme Court candidates and governor remarks, the Director of Military Affairs spoke about 911, confirmation the dark stores bill is not moving forward, a diversity seminar, and a politics roundtable. Nelson spoke about the County's AAA rating.

Legislative Update

Spaeth updated the committee on the bill to overhaul juvenile corrections which proposes to close Lincoln Hills by 2020. Serious Juvenile Offenders (SJO) would be in the care of the Department Of Corrections (DOC), and counties would be responsible for those not considered SJOs. A grant program would cover the establishment of a secured residential care (SRC) center. The County, which has two kids not considered SJO and does not incur costs associated with establishing an SRC, can contract with another county such as Racine, which already has an SRC. Spaeth also updated the committee on the County Executive Modernization bill. Proposed changes include a compensation commission, the authority to accept donations, grants and gifts without board approval, and biennial budgeting without board consent with an aggressive timeline. Spaeth will testify at the Senate hearing Wednesday and is seeking input from the board. Nelson expressed his concern at the lack of checks and balances these changes would bring, and Zimmermann said important oversight is lost in this bill. Decker echoed these sentiments.

MOTION: Wolff moved, second by Zimmermann to adjourn at 12:30 p.m. Motion carried 7-0.

Respectfully submitted,

Peter Wolff
Committee Secretary