

**Minutes of the Executive Committee
Monday, February 4, 2008**

Chair Dwyer called the meeting to order at 8:32 a.m. and led the committee in the Pledge of Allegiance.

Committee Members Present: County Board Supervisors Jim Dwyer, Jim Behrend, Pat Haukohl, Ken Herro, Bill Mitchell, Bonnie Morris, Duane Paulson.

Also Present: Representative Sue Jeskewitz, Representative Rich Zipperer, Representative Scott Gunderson, Director of Public Works Rich Bolte, Director of Emergency Management Richard Tuma, Legislative Policy Advisor Dave Krahn, Legislative Policy Advisor Mark Mader, Office Services Coordinator Windy Jicha, Emergency Management Coordinator Bill Stolte, Director of Administration Norm Cummings, Circuit Court Services Business Manager Bob Snow, Financial Analyst Lyndsay Johnson, Deputy Jail Administrator Meg Schnabl, Jail Administrator Mike Giese, County Executive Dan Vrakas, Engineering Services Manager Gary Evans, Highway Operations Manager Peter Chladil, Budget Management Specialist Linda Witkowski.

Discuss and Consider Ordinance 162-O-094: Accept Homeland Security-Urban Area Security Initiative FY2006 Program Funding and Modify the 2008 Capital Budget to Create Capital Project 200828 VHF Overlay

MOTION: Paulson moved, Haukohl second, to approve Ordinance 162-O-094.

Tuma and Stolte reviewed the ordinance with the committee. Approval of this ordinance will add capital project #200828 installing a VHF radio overlay of the county's current 800 MHz trunked radio system. The project is estimated to cost \$615K and will be funded completely with federal funding from the Federal Homeland Security-Urban Area Security Initiative as administered through the State Office of Justice Assistance. On-going maintenance costs will be minimal and absorbed in the Radio Services budget when scheduled trunked system repairs are planned and completed. Staff does not anticipate the VHF system being replaced in the future when the useful life of the system is complete since they anticipate technology changes will likely eliminate the need for a future VHF overlay system.

Tuma said all Waukesha County municipalities are on 800 MHz while other agencies throughout WI are on VHF. This update will provide a patch between systems and allow Waukesha County to communicate VHF and mutual aid frequencies. It will provide another radio backbone.

Paulson asked if the entire budgeted amount of \$615K will be spent on the patch? Tuma said yes. Paulson said he is not a fan of Homeland Security grant money. This project may be the closest to homeland security he has ever seen. Tuma said this fulfills our effort to talk to other agencies. Paulson said it should be done on a federal level. Tuma said of all the communication systems, there isn't one with a large enough spectrum to handle all needs. This change will help us connect to all systems. Paulson said he knows if Waukesha County doesn't take the money, it will be returned and spent by someone else.

Haukohl said the Finance Committee noticed the ordinance needs to be amended. The word "overly" in line 36 of the ordinance should be "overlay."

Dwyer said if Waukesha County doesn't go after this money, it will put people at risk and not reduce taxes. If the overall effect of this money will help the region, he will vote for it.

Stolte said two most recent events in WI, tornados in the southeastern portion and flooding last fall in the southwestern parts, required people from other parts of the state to assist. A big part of the radio overlays are designed to supplement day-to-day capability to help with large scale events. This project will build the capability to manage whatever hits our jurisdiction.

Tuma said once we get the technology in place, we need to encourage communications between police and fire. Technology is the easy part. The difficult part is to change the philosophy of the groups. The Communications Center helps to build bridges.

Haukohl requested a chart showing what systems cover what areas of the county. Tuma said he can put together something to show the committee what systems work in what parts of Wisconsin.

Motion carried as technically amended 7-0.

Approve Minutes of January 14, 2008

MOTION: Morris moved, Behrend second, to approve the minutes of January 14, 2008 as amended.

Motion carried 7-0.

Correspondence

Dwyer distributed and reviewed the list of correspondence. He said supervisors should request copies of listed items from Jicha.

Discussion with State Legislators on State Legislative Issues

911 Legislation - Tuma explained that he is the Director of Emergency Management in Waukesha County, legislative chair for ECHO and a member of APCO and NENA. Wisconsin counties are facing a number of issues involving 9-1-1 services in the state. The current landline 9-1-1 language written in the late 1970s is outdated. It does not provide sufficient funding for certain counties or address newer technologies. The wireless 9-1-1 implementation period is drawing to an end and then counties will be responsible for additional on-going costs that are currently covered by landline 9-1-1 applications. Counties need assistance and funding to meet current and future technology needs to keep up with technology and the public's expectations. We are looking for technology neutral legislation to cover landlines, wireless, VOIP and any other new technologies such as NG911 that access 9-1-1 and at the same time provide a method for the counties to recover their increasing costs.

Dwyer asked where is Representative Montgomery on the legislation? Tuma said he met with Montgomery before Christmas and he is interested in doing something. He submitted a list of names for a statewide committee and is trying to put together a meeting. Jeskewitz commented there's not much time left to meet.

Vrakas said our Communication Center went from a small center to a \$4.2 million budget. Technology has changed since the Center was built. Growth is due to cell phone calls. When there's an accident, the Center receives many calls about the same accident. All devices that can call 9-1-1 come equipped with technology so you can find the caller. Technology costs money. It is not unreasonable to attach a small fee to cell phone bills. It's reasonable. People are abandoning their landlines and there needs to be a way to fund this. There will be a timing issue if this sunsets in November. Tuma said according to a study done in 2001-2002, 31-32% of 9-1-1 calls were wireless. In 2004 the number increased to 81%. The number of landlines is decreasing. We may get 20 to 30 calls for one incident but they may not all be for the same accident.

Gunderson said the fact that 81% of the calls are cell phone calls is skewed. If your dispatchers are skilled, they will move the calls quickly. The system is as good as the operators you have. If they're doing their job, they're on the phone line for three to four seconds per call.

Jeskewitz asked could we just lift the sunset? Tuma said the 9-1-1 statutes need to be rewritten. They were written 30 years ago when some of the current technology, maintenance and training weren't even thought of. Jeskewitz asked Tuma if he had specifications he wanted included in the bill? Tuma committed to getting her the specifications and Krahn volunteered to deliver them tomorrow when he is in Madison.

Krahn said a total rewrite of the bill should look at ongoing costs for 9-1-1 centers and future enhanced technology. We need to look at a surcharge that would be on all phone bills regardless of the type of line. Most states use some kind of surcharge to pay for their 9-1-1 systems. Tuma said his budget next year will have a \$200K difference for costs no longer covered under the grant. Other counties will be in the same situation.

Zipperer asked do both the fees and grants expire in November? Tuma replied yes. We will receive one more check in January 2009. For the grant process we had to say how much we anticipate spending. We don't get reimbursed for what we actually spent. Zipperer asked what is the condition of the fund? Tuma said it is healthy. It hasn't been raided. Wisconsin is one of the few states where it hasn't been raided.

Vrakas said there was a debate a few years ago whether or not the surcharge was appropriate. Should there be an update in legislation? Jeskewitz said the surcharge should stay with new legislation. Vrakas said they tried to eliminate the sunset. He knew it wasn't going anywhere. You need to let it sunset and rewrite it.

Gunderson said no one argues there should be a surcharge to cover the costs. It comes down to how much is actually needed. Perhaps someone should craft the legislation and update the charges. Mitchell said the cost should be less than \$.50 because it will be spread over more lines.

Paulson said Waukesha County went forward with the Communication Center before state legislation was done for 9-1-1. The counties are the receivers of the 9-1-1 calls and they distribute them to the municipalities. A lot of the calls are passed forward. Tuma said there are also county-to-county calls transferred. Waukesha County gets Milwaukee County's calls when their lines are busy.

State public defender legislation AB 576/SB 321 –

Snow said this legislation would overhaul the state public defender's indigency determination process which has not been updated since 1987. Because the current standards are so outdated, there are individuals who fall through the cracks and their legal representation is paid for by the county taxpayer. The judges have to determine what will happen to a person who can't get a public defender and will appoint an attorney. In Waukesha County in 2006, expenditures for court appointed attorneys for indigent individuals totaled \$134,528. In 2007 the amount is estimated to be approximately \$180K. SB 321 would ensure a consistent eligibility standard is used throughout the state, provide equal protection under the law for Wisconsin citizens, avoid the potentiality of a lawsuit against the state and be more effective.

Snow said the law needs to be changed from an equity point of view. People are bounced all over the system and rescheduled multiple times until they get counsel. It's not a good use of state or county resources and is a disparity between those who qualify and those who don't.

February 4, 2008

Krahn said the taxpayers will get a better deal if changes were made to the indigency level. The State Public Defenders Office needs to be equipped so they can do their work. There is no fiscal impact until the next budget. We're asking you to consider this legislation as a place holder and setting a priority for the next budget.

Gunderson asked why did this take so long? Has this been ongoing? Krahn said part of the delay was the State Public Defenders Office getting together the issue, moving it forward and introducing the bill. We're looking for a commitment from the state.

Jeskewitz said you wouldn't dare bring this forward with the state's current fiscal situation. Gunderson said anything over \$50K has to go to finance. They probably won't move on it.

Gunderson said the Great Lakes Water Compact is an agreement between eight states and two Canadian provinces. Because the Compact isn't very friendly to Wisconsin, especially the southeastern portion and Waukesha in particular, he is trying to fix it. The governor believes what was crafted under his leadership as head of the council is a good agreement and shouldn't be changed. Any change would have to be ratified by governors of all the involved states. Through research it was found that if all eight states enacted legislation, the compact wouldn't have to go back to the council. Minnesota has a small link to the water. Illinois has large draw with a large percentage of it going down the Mississippi River. Indiana has a fair amount of diversions. The State of Michigan is ninety-eight percent in the basin holding all the cards but hasn't passed legislation yet. Pennsylvania has 30 miles of shore land. Republicans in both Wisconsin and Ohio understand there's an issue. Ohio is worried about Toledo because they're outside the basin. We're talking with people in Ohio to see if we're on the same page with similar legislation.

Gunderson said the agreement allows one state to have veto power which is troubling. They also want all the water to stay in the basin. It's a problem when you have communities outside of the basin who need to get water. Communities should be able to get water as long as they send their treated water back to the basin. He told municipalities last year that all waste water had to be treated and sent back to the basin.

Haukohl said it's very important to define diversion. Gunderson said our governor and others who have crafted the language don't want to make any changes.

Herro said Kenosha and Racine are sending the water back into the basin. Under the governor's legislation is that illegal? Gunderson said agreements made ahead of time will stand so those diversions will stand. The compact has specific language especially in Pleasant Prairie. Herro said we're in the same boat as Kenosha but no one will recognize it. Gunderson said as Chair of the Natural Resources Committee he can't push or pass something that won't help the communities he represents. He can't imagine what would happen if Waukesha ran out of water because some state decided they won't divert water here. All of a sudden it affects economic growth which is scary. People say there needs to be a strong compact but no one will define what that is.

Vrakas said this could be a huge issue with the upcoming Michigan governor's election. He has concerns. Everyone's going to the prom with no agreement on what to wear. What we're doing is what should be done and we're getting penalized for it. Why should we allow ourselves to be at the whims of other states?

Gunderson said what's happening in New Berlin is bad. Milwaukee agreed to let them have water and then the governor gave Milwaukee orders that no water can be given until the compact is agreed upon. All they need to do is to connect to the pipe and turn the spigot.

Krahn said to Gunderson there's admiration for what you're trying to do. It's a tough spot. He thanked the legislators for their support of the publication bill.

AB553 relating to the selection process for certain public works consulting contracts-

Evans said this bill is not good. We have a system where costs and quality are considered at the same time. If this bill passes it will cost money to hire contractors. We prefer it be left alone and hire who we choose. Gunderson said it would save money on state projects. Evans said the bill says "design projects with state money." Zipperer said he talked to the representative on this bill and he will be rewriting it. Evans said this is not good from a competition standpoint.

Discuss and Consider Ordinance 162-O-093: Modify the 2008 Capital Budget to Create Project 200827 State Salt Shed and Appropriate WIDOT Funding

MOTION: Behrend moved, Morris second, to approve Ordinance 162-O-093.

Bolte said the state approached us several times to see if Waukesha County would work with the state to provide additional salt storage capacity. The state, desperate for additional salt storage capacity and having money to build another salt storage facility, asked if there was room to build a facility at the Woodburn Road site and offered to pay for everything. This ordinance creates a new capital project #200827, State Salt Shed with expenditure authority of \$500K and WIDOT revenue funding of \$500K for the project. A 10K ton storage capacity salt shed will be constructed on the grounds at the County Highway Operations facility at Woodburn Road in the City of Waukesha and include related site improvements for salt loading and salt runoff containment. Anticipated on-going operating costs for pumping out the runoff storage tank and sealing the concrete base will be budgeted and reimbursed by WIDOT in future Public Works State Highway Operations budgets. The state will own the salt storage facility and purchase its own salt directly. The goal is to have the dome up and operating by fall 2008.

Paulson asked Bolte why he is bringing this project forward when the county is trying to reduce salt usage? Why should the county do this? Chladil showed the committee a map of the Woodburn Road site highlighting where the salt storage building will be located. Bolte said the state's policy is to have 130% of their annual salt usage under cover. It is the state's practice to keep salt on site in counties allowing them to purchase large quantities of salt earlier in the year at a better price. The state has wanted more storage in Waukesha County for a long time but Bolte has always said no.

Herro said the Public Works Committee approved building this facility. Esler brought up many cons at the meeting. Herro wonders why Bolte agreed to let the state build the storage facility this year when he's been rejecting their offers for years? Bolte said there's no secret about it, through his career he's been a problem child to the state because he hasn't been bashful about his opinions. He believes in the past he was being stubborn. Was he saying "no" to say "no?" He analyzed the issue and decided if we have the room, why not build the facility. The state has the ability to make large purchases of salt and stores it all over the state. The state has been more than willing to build storage facilities with their money. It makes sense to build them near the service providers.

Herro asked if the facility is built with state money on county property, who owns it? Bolte said it will be a state-owned building. It is their dome. The state will pay us for maintenance. If Waukesha County doesn't want it on our lands any more, the county will have to pay to remove the building plus pay the state for it.

Bolte said we don't have building plans done yet. Dwyer asked will the salt storage building be located near the evidence storage building? Why not locate it further away from Grandview? Does the facility

have self-contained run off? Bolte said it's easier to put the loader in one area where the trucks are located. There will be a containment vessel system.

Dwyer said he'd like to see contract language with the state regarding what happens if the state decides to contract with private contractors instead of the county. Will private contractors come on our land?

Dwyer suggested the following amendment:

Be it further ordained that construction shall not be initiated until a contract or memorandum of understanding is completed and approved by the Executive Committee which could include such items as ownership, maintenance charges, liability, period of use, etc.

Dwyer asked if Bolte has any problem with the amendment? Bolte said it is an oversight issue. All of our storage facilities were constructed with joint money and without such language. If the state doesn't contract with us any longer, it will be because the county decides not to provide the service as directed by the board or one of its committees. The amendment "over thinks" the issue. Dwyer said the board wants to know what we're getting into. Bolte said current storage facilities are filled with salt belonging to the state and county. Dwyer said this facility will be filled completely with state salt. Bolte said none of the trucks use a mixture of state and county salt.

Mader said if the county functioned like a business, he would want to be prepared to answer questions regarding the value of the land versus the value of the county's relationship with the state. How do you explain why we're giving our land away to the state to build a dome? A one-page, very simple memo clarifying ownership and maintenance costs would not be too much to ask.

Haukohl asked if any trees will be removed? Bolte said no.

Paulson said there should be language in the contract outlining what happens if this operation ceases, who is responsible for removing the building and who is the owner. Perhaps a phrase could be added stating if the building is not used for two years, ownership reverts to the county. Bolte said we buy trucks and brine makers with the understanding we'll continue maintaining state roads.

Behrend said this is an example of governments working together and we want to continue the relationship. It's obviously a good relationship. The state could ignore any memo we send them. He doesn't know why we would want to "mudify" the relationship. Dwyer said we should trust but verify. Behrend said we should endorse cooperation.

Mitchell said a future Director of Public Works may not be as reasonable as Bolte. It's good to lay out ground work in a memo of understanding because it is a good practice, not because of lack of trust. When other groups are involved, we owe the citizens clarification of what will happen if the relationship doesn't continue the same way.

Morris asked did the state send a letter to the county outlining the maintenance agreement? Bolte said he received an authorization of expenditure outlining what the state pays for. Morris said attaching a copy of that document to the ordinance would satisfy the committee.

Dwyer said capital projects usually follow a five-year process. This one is being taken care of in three meetings. The project benefits the state but we need to protect the county. Why would the county board give up our right to make policy? The facility should revert to county ownership after "X" number of years. Herro said it's county-owned in essence. Dwyer said we should have an agreement in case three years down the road Bolte no longer works for the county or our state connection is gone.

Herro asked if a memo of understanding could be developed outlining our concerns? Dwyer said staff from Corporation Counsel should help draft it.

MOTION: Paulson moved, Herro second, to table Ordinance 162-O-093. Motion carried 7-0.

Staff and Committee Member Report on Their Participation in the Jail Staffing Training Seminar

Morris said the 2.5 day seminar was fascinating. The presenter, Rod Miller, showed how communities can analyze jail staffing needs making it unnecessary to pay professionals. First a core group is formed with representation from jail staff, labor unions, jail administrators, supervisors, etc. It is important to get a buy in and representation from all groups involved. The group determines how much time is needed to complete certain tasks and then they combine that with three to six months of gathered data. Jobs may need to be moved to different times of the day for optimal staffing. She was very impressed. Representatives from the State of Oregon prison system, Indiana prison inspectors, City of Milwaukee's juvenile corrections, City of West Bend and Waukesha County attended the training.

Paulson said the idea is to break time into 30 minute segments and then decide how to best organize tasks. It's a change of culture. A lot of this is currently done at the jail. He was impressed with the presenter. Mr. Miller was impressed how the jail was done. Giese and Schnabl could answer any question about our facilities without hesitation.

Mitchell said one of Giese's greatest nightmares would be for a committee to tell him how to staff the jail. Can Giese embrace this plan? Would such a plan help sell the need for more staff? Could it be a tool to demonstrate need? Giese said yes. When we didn't get the staffing requested in the last budget, he suggested to the sheriff they write for a technical assistance grant to do a staffing analysis. Rod Miller no longer does all out analysis though he will lead you through the process. He believes you need to do your own analysis. It's a political nightmare to get that involved. Giese said he told the sheriff we need to get as many people involved in the process as possible so they understand why we need more staff. We have an obligation to identify needs and push them forward. The current system we use to determine staffing is outdated. The new plan uses a formula for net hours worked. On average it takes six to eight months to devise a plan but we hope to do it in three to four months. He is comfortable bringing these people back as soon as possible while the training is fresh to help develop the total package. We may find efficiencies. It was an interesting and positive experience.

Discuss and Consider 162-A-022: Appointment of Kurt W. Bauer as Waukesha County Surveyor

MOTION: Herro moved, Behrend second, to approve Appointment 162-A-022.

Paulson asked if Bauer leaves SEWRPC, does the appointment automatically go to the next surveyor hired by SEWRPC? Dwyer said a new appointment will have to come back to the board.

Motion carried 7-0.

Committee Reports by Committee Chairs for the Following Meetings:

January 31, 2008 – Health and Human Services – Behrend said this was a combined meeting.

Implementation of the ADRC seems to be going ok but there are some small delays. Representatives from the two CMOs made presentations. Esler asked some questions whether or not the ADRC will work. Paulson (a member of the HHS board) said this is the first time he heard it will cost more money to get the project up and running.

Executive Committee

February 4, 2008

January 31, 2008 – Public Works – Herro said the committee approved two ordinances, heard an update on Public Works capital projects and went on a tour of the Facilities Management relocation areas in the Courthouse and Administration buildings. The county is out of salt so we are mixing sand with salt. Bolte is working to buy more.

February 1, 2008 – Judiciary – Morris said the committee approved 162-O-094 (Accept Homeland Security-Urban Area Security Initiative FY2006 Program Funding and Modify the 2008 Capital Budget to Create Capital Project 200828 VHF Overlay), reviewed the emergency management contract between Ozaukee and Waukesha Counties and heard reports on grant applications/intent to apply for Homeland Security UASI grants.

January 16 and 30, 2008 – Finance – Haukohl said at the January 16 meeting, the committee approved three contract procurements, four fund transfers, heard an update on controlled screening and the annual report of disposal of fixed assets.

On January 30, the committee approved ordinances 162-O-092, 162-O-093, 162-O-094 and 162-O-095. Ordinance 162-O-095 was a direct result of the recently completed Non-Departmental Audit. Bill Mitchell reported on Information Management Panel discussions with help from Richard Tuma reporting on Spillman Software issues. The committee also heard an update on the second shift highway operations and salt brine usage for winter road maintenance.

MOTION: Mitchell moved, Behrend second, to adjourn the meeting at 11:33 a.m. Motion carried

Respectfully submitted,

Bonnie J. Morris
Secretary