

**** MINUTES ****
*** * OUTAGAMIE COUNTY BOARD * ***

Office of the County Clerk, August 27, 2019.

The Board met pursuant to adjournment, and was called to order by Chairperson Nooyen at 7:00 p.m. in the County Board Room, located at 320 South Walnut Street, Appleton, Wisconsin.

ROLL CALL: 30 present, 6 absent. Members present: Thompson, Miller, Patience, Gabrielson, Konetzke, Hammen, N. Thyssen, Krueger, Mc Daniel, De Groot, Peterson, Croatt, Spears, Marcks, Thomas, T. Thyssen, Hagen, Klemp, Iverson, Nooyen, Duncan, Culbertson, Sturn, Buchman, Woodzicka, VanderHeiden, O'Connor-Schevers, Rettler, Melchert, and Suprise. Members absent: Grady, Lamers, Dillenberg, Wegand, Schroeder, and Clegg.

The Board Chairperson requested the Board's confirmation to excuse Supervisors Grady, Lamers, Wegand, Schroeder and Clegg. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

MINUTES OF THE AUGUST 13, 2019 COUNTY BOARD MEETING

Supervisor T. Thyssen moved, seconded by Supervisor Patience, to approve the minutes (as corrected) of the August 13, 2019, County Board meeting.

Chairperson Nooyen noted that a correction was made to the minutes by the clerk (under ADJOURNMENT, adjournment was changed from September 10 to August 27, 2019). The correction was provided in DropBox and corrected online. No objection; so ordered.

ROLL CALL: 28 aye, 2 abstain, 6 absent. MINUTES OF THE AUGUST 13, 2019, BOARD MEETING ARE APPROVED AS CORRECTED.

SPECIAL ORDER OF BUSINESS

Introduction of Public Safety Assessment and Pretrial Program – Criminal Justice Treatment Services (CJTS) Director Bernie Vetrone

CJTS Director Bernie Vetrone provided a PowerPoint (PPT) presentation (copy available in the County Clerk's Office). Mr. Vetrone reported:

- History: Outagamie County's (OC) Evidence Based Pre-Trial program went live in June 2019 after four years of working with the National Institute of Corrections (NIC) and WI Dept. of Justice (WDOJ). In 2015, three states were selected by NIC to be part of an evidence based initiative (Indiana, Virginia, and Wisconsin) with six counties from each state. Change targets were identified to be implemented to enhance criminal justice processes at the local level. The one common change was to implement a Pre-Trial Justice program and act as a pilot site for other counties. The six counties in Wisconsin selected were: Chippewa, La Crosse, Marathon, Outagamie, Rock, Waukesha, and Eau Claire (Eau Claire was added later). Two have implemented (Outagamie & La Crosse). A third county, Milwaukee County, started the reform in 2012. Some policies from Milwaukee County were

adopted, but some were not scalable to a smaller county. Other counties that are beginning a Pre-Trail Program includes Brown County and Sheboygan County.

- OC Pretrial Justice Committee: Membership included members from Courts, Judges, the D.A.'s Office, County Board Supervisor Patience with CJTS staff coordinating the effort and Deputy Director Beth Robinson going to many of the State meetings as well.
- Program includes: 1) Assessment; release matrix used in court at initial appearance to determine bail and release, and 2) Supervision by a Pretrial Services Agency (3 FT case managers handle caseloads within CJTS). In packets to supervisors was a violation guide, which is an objective-based guide of what goes back to sentencing and what is handled in-house.
- Program goals: Maximize public safety; maximize court appearance; and maximize release 1) for costs, and 2) preserve legal rights in pre-sentencing. The criminal justice system overly relies on cash bonds. If the individual has money, they could provide bond for release (example: Manish Patel posted bond, but fled while some individuals are sitting in jail for less than \$200 bail.) Some districts have done away with cash bonds with assessments of flight risk (D.C., New Jersey, California, parts of Kentucky). Courts have previously ruled that individuals should only be held if extreme flight risks and should not be incarcerated unjustly. As Wisconsin law requires bonds, Outagamie County will continue to have posted bonds, but through this program they will be minimized.
- Reasoning for program (short-term): If a low risk offender is held within jail, their likelihood to commit new crimes increases. Days of incarceration/percentage to commit new crimes: 2-3 days, 40 percent; 4-7 days, 50 percent; 8-14 days, 56 percent. Failures to appear increased incrementally as well.
- Reasoning for program (long-term): Days incarcerated/correlations with recidivism: 2-3 days, 17 percent; 4-7 days, 35 percent; 8-14 days, 51 percent. Defendants supervision with Pretrial Services Agency results in defendants being less likely to fail to appear in court. If moderate risk person, you are 38% less likely to appear; if high risk, you are 33% less likely to appear in court.
- Day Report compared to Pretrial Services – In 2005, Day Report Center was started with Family Services contracted to help. The program was successful, but found not to be cost effective (levy impact \$220,000; annual capacity 150; court appearance rate 75%). In 2017, CJTS provided Pretrial Services and continued to present (levy impact \$320,000; annual capacity 600; court appearance rate 91%).
- Measuring Pretrial Risk
 - Pretrial risk assessment: An objective, statistically-based resource that uses pretrial risk factors to assess a person's likelihood of pretrial success or failure. A pretrial risk factor is a characteristic that, when present (e.g., criminal history), indicates an increased risk of pretrial failure. The results of a pretrial risk assessment can be used alongside other information to inform the release/detention decision. The assessment is not intended to "drive" the decision but instead, to inform the decision.
 - A comparison with the risk assessments would be the insurance industry, which uses assessments to base premiums.
 - Risk assessment: The tool used was developed by Arnold Foundation and validated by over 500,000 cases. The tool was implemented in Kentucky a couple years ago. Milwaukee has been using it for a year, and Outagamie implemented in early June. There are nine questions, which are based on static information. This assessment is not racially or economically means discriminatory. Staff doesn't have to be present to interview the defendant.

- A Release Conditions Matrix was provided in the PPT, which Court Commissioner Figy is using. The top line of the matrix provides NCA (New Criminal Activity) with the left side providing FTA (Failure to Appear). Levels of risk are then coordinated between the two scores and a decision is made regarding bonds and assessment. In addition to the matrix, the offense is also considered with defendant conditions. Violent offenders are automatically labeled a Category 4.
- Pretrial Supervision/Risk Reduction: Supervision levels tied to assessed risk levels greatly improve pretrial outcomes. Conversely, improper supervision produces poor outcomes and wastes resources. The “risk” principle has four levels: Level 1: No supervision; Level 2: Once per month; Level 3: Every other week; Level 4: Once per week. The levels save staff resources and are directed towards those needing it the most. When staff meets with individuals, it is a robust visit, which focuses on quality and motivational interviewing.
- Outcomes: CJTS is assisting with keeping the jail at stable numbers. A few months ago, 39% of defendants were in pre-conviction (cash bonds); 36% were post-conviction and 25% Other (probation holds, writs to other counties; warrants to other counties). Ideally, more work is needed. Ideally, pre-conviction numbers would be lower than post-conviction numbers. How low that it can be lowered is uncertain as there is always the need to house defendants prior to conviction and some people refuse signature bonds and some people are from other counties and cannot be placed on the program.
- Milwaukee County Results: In 2009, they had 64% cash bonds; in 2012, cash bonds were reduced to 40%, a reduction of 24%. Estimates are that Outagamie County’s implementation will not be as dramatic as law enforcement efforts are better at decisions and the court commissioner decisions are good in Outagamie County. CJTS’ 2020 budgetary goal is a reduction of 15% of cash bonds.
- Since June Implementation: A final slide shows the number of people that have increased into the program since the June implementation. In June, the average was around 75 pre-trial defendants, and the number in August the number has gone up to approximately 150. CJTS estimates the program will get to 175 participants.

During Q&A, CJTS, Bernie Vetrone and his staff were thanked for their work; if pre-trial evaluation data was reviewed to determine impacts to families and the indirect benefits to the program (hard to quantify in this study; has been reviewed in other justice programs); County Board’s position on current State law regarding cash bond (currently no position; Vetrone would be in favor of a change in WI law; may require a constitutional amendment).

ESTABLISH ORDER OF THE DAY

Supervisor De Groot requested that Resolution No. 44—2019-20 be held in committee. No objection; so ordered.

Supervisor Thyssen requested that Resolution No. 40 be withdrawn. No objection; so ordered.
RESOLUTION NO. 40—2019-20 IS WITHDRAWN.

Chairperson Nooyen requested suspension of the rules to move the County Executive and County Chairperson appointments to the Aircraft Maintenance Hangar Remodel Project Oversight Committee (8.B. and 8.C.) to be taken up after Resolution No. 53 (12.D. - resolution forming the Aircraft Maintenance Hangar Remodel Project Oversight Committee). VOICE VOTE CARRIED.

COMMUNICATIONS

Roll Call Request - Proceedings of the Board of Supervisors Electronic Version – In accordance to Resolution No. 150—2018-19, a roll call vote is requested for supervisors interested in a portable electronic version of Proceedings of the Board of Supervisors (thumb drives; cost is approximately \$5/drive; drives reusable for future years). The Proceedings of the Board of Supervisors are additionally available for viewing at: <http://myoc.org/departments/county-clerk> (if you do not want a thumb drive). Also, thumb drives will be distributed to all county local libraries for their reference departments.

ROLL CALL of supervisors interested in receiving a thumb drive: 4 aye, 26, 6 absent.

Chairperson Nooyen noted that handouts for placed on the desks included documents relative to amendments for Resolution Nos. 38 and 42.

Chairperson Nooyen reported:

- Resolution Viewing: It was brought to his attention that some resolutions may not be clear in DropBox or online. Supervisors who wish to see a more clear copy may contact Legislative Services for options.
- Spam Email: Some supervisors have queried regarding the receipt and retention of Spam email. Supervisors may unsubscribe from them and delete those emails. They do not need to be concerned about open record for that Spam email.
- Birthday/Retirement Announcement: Supervisor Duncan was thanked for birthday cake he provided for his birthday in June. Supervisor Duncan announced that due to health reasons, he will not be seeking re-election for next term after serving the County Board for 21 years. He intends to fulfill his term through March 2020. To mark the occasion and celebrate his retirement, he invited County Board members to a retirement open house at his house on October 28, 2019.

PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES (PERTINENT TO THE RESOLUTIONS OF THE DAY) – None.

APPOINTMENTS

County Executive Nelson nomination of re-appointment of Patricia Exharos to the Appleton Public Library Board of Trustees; said term expiring August 2022.

Supervisor Croatt moved, seconded by Supervisor Spears, for confirmation of the above-listed appointment.

ROLL CALL: 30 aye, 6 absent. RE-APPOINTMENT OF EXHAROS TO THE APPLETON PUBLIC LIBRARY BOARD OF TRUSTEES IS CONFIRMED.

REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated Supervisor Duncan for his 21 years on the County Board. He congratulated the following supervisors on their birthdays: Supervisors Don De Groot (Aug. 2); Kevin Sturn (Aug. 6); Dan Gabrielson (Aug. 17); and Christine Lamers (Aug. 29). A round of applause was given.

Executive Nelson reported the following:

- CJTS - Bernie Vetrone and his staff were thanked for their service and congratulated on the new Pretrial Sentencing Program. Outagamie County's alternatives to incarceration and other criminal justice programs have led the county, state, and nation. In order for the programs to succeed, every agency and every level must be on board for them to work, and Executive Nelson thanked the County Board for their support.
- Solid Waste & Recycling – A visual of the new recycling trucks that Inland will be utilizing was provided. The trucks will arrive in August, and they should address issues of recycling materials blowing when materials are collected.

During question and answer, discussion took place on the Gulfstream Service Center opening event and the hiring update of a new Health & Human Services Director (John Rathman has been appointed interim director) to replace Rosemary Davis, who retired.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

Board Chairperson Nooyen reported that Lobbyist Wadium would not be reporting out at the meeting.

UNFINISHED BUSINESS

Resolution No. 38--2019-20 – Legislative/Audit & Human Resources Committee.

Approve Administrative Rule AR-20-01, replacing AR-19-02, amending the County Employee Handbook pertaining to vacation, holiday, and life insurance policies together with clarifying language in several areas, as well as the removal of references to previous union affiliations or employee groups with changes effective January 1, 2020 and filed in the County Clerk's Office and that funds for changes be included in the 2020 Executive proposed budget, as noted on the attachments.

At the August 13, 2019 Meeting, Supervisor T. Thyssen requested to hold Resolution Nos. 38, 40, 42 in the Legislative/Audit & Human Resources Committee. No objections; so ordered.

At the August 27, 2019 Meeting, Supervisor Konetzke moved, seconded by Supervisor Spears, for adoption.

Supervisor T. Thyssen moved, seconded by Supervisor Sturn, to amend Resolution No. 38 by replacing the fiscal note with a new fiscal note as placed on the desks.

ROLL CALL to amend: 30 aye, 6 absent. AMENDMENT CARRIED.

ROLL CALL to adopt as amended: 30 aye, 6 absent. RESOLUTION NO. 38—2019-20 IS ADOPTED AS AMENDED.

Supervisor T. Thyssen moved, seconded by Supervisor Spears, to reconsider Resolution No. 38 for the purpose of lock in.

ROLL CALL to reconsider: 30 aye, 6 absent. RESOLUTION NO. 38—2019-20 IS RECONSIDERED.

ROLL CALL to adopt as amended & lock in: 30 aye, 6 absent. RESOLUTION NO. 38—2019-20 IS ADOPTED AS AMENDED & LOCKED IN.

Resolution No. 40—2019-20 – Legislative/Audit & Human Resources Committee. Oppose legislation that will allow the commissioner of insurance to regulate pharmacy benefit managers by requiring them to register, establishing price transparency and contract requirements, and other requirements, as noted on the attachments.

At the August 13, 2019 Meeting, Supervisor T. Thyssen requested to hold Resolution Nos. 38, 40, 42 in the Legislative/Audit & Human Resources Committee. No objections; so ordered.

At the August 27, 2019 Meeting, Supervisor Thyssen requested that Resolution No. 40 be withdrawn under Establish Order of the Day. No objection; so ordered. RESOLUTION NO. 40—2019-20 IS WITHDRAWN

Resolution No. 42—2019-20 – Legislative/Audit & Human Resources Committee. Approve the Exempt Employee Wage Schedule and Non-Exempt Employee Wage Schedule which includes reclassification of several positions, additional positions, and two position title changes and consolidated wage schedules effective on the date of each impacted employee's step increase, as noted on the attachments.

At the August 13, 2019 Meeting, Supervisor T. Thyssen requested to hold Resolution Nos. 38, 40, 42 in the Legislative/Audit & Human Resources Committee. No objections; so ordered.

At the August 27, 2019 Meeting, Supervisor Spears moved, seconded by Supervisor Konetzke, for adoption.

Supervisor T. Thyssen, seconded by Supervisor Thomas, moved to amend Resolution No. 42 on line 12 changing \$533,000 to \$583,000 and \$100,000 to \$50,000 with a new fiscal note to reflect the change.

ROLL CALL to amend: 30 aye, 6 absent. AMENDMENT CARRIED.

ROLL CALL to adopt as amended: 30 aye, 6 absent. RESOLUTION NO. 42—2019-20 IS ADOPTED AS AMENDED.

Supervisor T. Thyssen moved, seconded by Supervisor Iverson, to reconsider Resolution No. 42 for the purpose of lock in.

ROLL CALL to reconsider: 30 aye, 6 absent. RESOLUTION NO. 42—2019-20 IS RECONSIDERED.

ROLL CALL to adopt as amended & lock in: 30 aye, 6 absent. RESOLUTION NO. 42—2019-20 IS ADOPTED AS AMENDED & LOCKED IN.

Resolution No. 44—2019-20 – Highway, Recycling and Solid Waste Committee. Authorize removing the 0.57 mile segment of CTH U (N. County Line Road) between CTH VV and STH 29 from the County Trunk Highway System and jurisdictionally transfer the east half of the roadway and maintenance authority of the entire roadway to the Village of Hobart and the west half of the roadway to the Town of Oneida, as noted on the attachments.

At the August 13, 2019 Meeting, Supervisor De Groot requested to hold Resolution No. 44 in Highway, Recycling and Solid Waste Committee. No objections; so ordered.

At the August 27, 2019 Meeting, Resolution No. 44 was held in committee; see Establish Order of the Day.

NEW BUSINESS

Resolution No. 50—2019-20 – Highway, Recycling and Solid Waste Committee.

Support the reconstruction of WIS 76 between Everglade Road and County JJ, including wider travel lanes, wide outside paved shoulder, curb and gutter, multi-modal accommodations and a roundabout at the County JJ intersection.

Supervisor De Groot moved, seconded by Supervisor Mc Daniel, for adoption.

ROLL CALL: 30 aye, 6 absent. RESOLUTION NO. 50—2019-20 IS ADOPTED.

Resolution No. 51—2019-20 – Legislative/Audit & Human Resources Committee.

Approve the deletion of one full-time Recycling and Solid Waste Maintenance Technician position and the creation of one full-time Recycling and Solid Waste Environmental Maintenance Technician position, as noted on the attachments.

Supervisor N. Thyssen moved, seconded by Supervisor Konetzke, for adoption.

ROLL CALL: 30 aye, 6 absent. RESOLUTION NO. 51—2019-20 IS ADOPTED.

Resolution No. 52—2019-20 – Legislative/Audit & Human Resources Committee. Approve the following Brewster Village position changes: Delete of one full-time Nursing Coordinator; Add one full-time Recruitment and Retention Site Specialist; Add one part-time Receptionist; and increase the full-time Wellness Nurse-RN position by .20; retaining any savings from this change in the Nursing cost center, as noted on the attachments.

Supervisor Gabrielson moved, seconded by Supervisor Krueger, for adoption.

ROLL CALL: 30 aye, 6 absent. RESOLUTION NO. 52—2019-20 IS ADOPTED.

Supervisor T. Thyssen moved, seconded by Supervisor Spears, to reconsider Resolution No. 52 for the purpose of lock in.

ROLL CALL to reconsider: 30 aye, 6 absent. RESOLUTION NO. 52—2019-20 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 30 aye, 6 absent. RESOLUTION NO. 52—2019-20 IS ADOPTED & LOCKED IN.

Resolution No. 53—2019-20 – Property, Airport, Recreation & Economic Development Committee. Approve establishing the Aircraft Maintenance Hangar Remodel Project as a public works project as total cost will exceed \$250,000; and authorize formation of the Aircraft Maintenance Hangar Remodel Project Oversight Committee to oversee all project phases to assure the project proceeds in the best interest of the county.

Supervisor Culbertson moved, seconded by Supervisor Melchert, for adoption.

ROLL CALL: 30 aye, 6 absent. RESOLUTION NO. 53—2019-20 IS ADOPTED.

APPOINTMENTS-Continued

County Executive Nelson nomination of appointments of Abe Weber, Paul Farrell and Craig Moser to the Aircraft Maintenance Hangar Remodel Project Oversight Committee.

Supervisor Hagen moved, seconded by Supervisor Culbertson, for confirmation of the above-listed appointments.

ROLL CALL: 30 aye, 6 absent. APPOINTMENTS OF WEBER, FARRELL, MOSER TO THE AIRCRAFT MAINTENANCE HANGAR REMODEL PROJECT OVERSIGHT COMMITTEE ARE CONFIRMED.

County Board Chair Nooyen nomination of appointments of Jason Wegand as Chair, Ronald Klemp and Jeff Nooyen to the Aircraft Maintenance Hangar Remodel Project Oversight Committee; said terms expiring April 2020.

Supervisor T. Thyssen moved, seconded by Supervisor Miller, for confirmation of the above-listed appointments.

VOICE VOTE CARRIED UNANIMOUSLY. APPOINTMENTS OF WEGAND (CHAIR), KLEMP, NOOYEN TO THE AIRCRAFT MAINTENANCE HANGAR REMODEL PROJECT OVERSIGHT COMMITTEE ARE CONFIRMED.

Resolution No. 54—2019-20 – Property, Airport, Recreation & Economic Development Committee. Approve the Ninth Addendum to the Lease Agreement with Gulfstream Aerospace Services Corporation, as noted on the attachments.

Supervisor Culbertson moved, seconded by Supervisor Klemp, for adoption.

ROLL CALL: 29 aye, 1 abstain, 6 absent. RESOLUTION NO. 54—2019-20 IS ADOPTED.

Resolution No. 55—2019-20 – Property, Airport, Recreation & Economic Development Committee. Approve entering a lease agreement with Tricopian, Inc. for space at the Appleton International Airport to place FuelRod mobile charging kiosks, with cost centers changes: increase Terminal Miscellaneous Revenue \$250 and decrease Terminal Fund Balance Applied \$250, as noted on the attachments.

Supervisor Culbertson moved, seconded by Supervisor Hagen, for adoption.

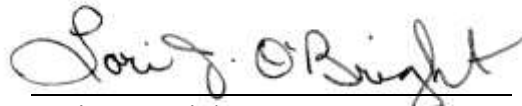
ROLL CALL: 30 aye, 6 absent. RESOLUTION NO. 55—2019-20 IS ADOPTED.

REPORTS – None.

ADJOURNMENT

Supervisor Buchman moved, seconded by Supervisor Patience, to adjourn until September 10, 2019, at 7:00 p.m. VOICE VOTE CARRIED UNANIMOUSLY.

The meeting adjourned at 7:55 p.m.

A handwritten signature in cursive script, reading "Lori J. O'Bright". The signature is written in dark ink and is positioned above a horizontal line.

Lori J. O'Bright, Outagamie County Clerk