

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

Office of the County Clerk, March 10, 2020.

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: 35 present, 1 absent. Members present: Thompson, Miller, Renteria, Patience, Gabrielson, Konetzke, Hammen, N. Thyssen, Krueger, Lamers, Dillenberg, Mc Daniel, Wegand, De Groot, Peterson, Schroeder, Croatt, Spears, Marcks, Thomas, T. Thyssen, Hagen, Klemp, Iverson, Nooyen, Davidson, Culbertson, Sturn, Buchman, Clegg, VanderHeiden, O'Connor-Schevers, Rettler, Melchert, and Surprise. Member absent: Woodzicka.

The Board Chairperson requested the Board's confirmation to excuse Supervisor Woodzicka. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

MINUTES OF THE FEBRUARY 25, 2020 COUNTY BOARD MEETING

Supervisor Konetzke moved, seconded by Supervisor Mc Daniel, to approve the minutes of the February 25, 2020, County Board meeting.

ROLL CALL: 34 aye, 1 abstain, 1 absent. MINUTES OF THE FEBRUARY 25, 2020, BOARD MEETING ARE APPROVED.

SPECIAL ORDER OF BUSINESS

Hmong deportation issue - Dr. Pam Her

Chair Nooyen introduced Dr. Her, who currently serves on Outagamie County's Health & Human Services Board. Dr. Her served as the first City of Appleton Intercultural Relations Coordinator in 1997. She has extensive background in community engagement and policy as well as key leadership roles in corporation, non-profit, and governmental entities. She has acted as an advisor to the Wisconsin Dept. of Justice; the U.S. Department of Justice, the Wisconsin State Supreme Court, and local and state governments on the issues of refugees, immigrants, and communities of color.

Dr. Her thanked Chairperson Nooyen and Supervisor Dan Gabrielson on inviting her to attend and share information on deportation issues the Hmong communities face. She reported:

- The purpose of the report is to provide truth and perspective regarding deportation issues which is addressed in Resolution No. 152.
- Deportation is not new with the current federal administration; it has been ongoing for many years. In 1996, U.S. immigration laws were changed and modified. Four key changes occurred: 1) expanding deportable services (prior to 1996, some individuals were not deportable based on the crimes committed, but after 1996, they may have qualified as deportable); 2) mandated detention and automated deportations (in the past, certain things would need judicial review and processes; now, people are automatically placed on the deportation list); 3) restricted judicial discretion (this is the most critical piece of the legislation as judges formerly had the opportunity

to really consider all circumstances prior to deportation, including whether the individual served their debt to society, continued education, and are contributing members of the community); and 4) retroactive ability to deport individuals (prior to 1996, this change was not allowable). In 1996, the U.S. Illegal Immigration Reform and Immigrant Responsibility Act of 1996 changed the landscape of deportations, but the legislation did not define immigration and refugees. Prior to 1996, the judicial system and judges had the discretion to assist with defining deportation in relation to immigration and refugees.

- The County Board has passed legislation supporting refugees and to be an open community for refugees. Dr. Her thanked the County Board for that support and noted that she is a refugee. Without the welcome of communities and without people who are willing to allow people to start over, refugees would not be alive today.
- Immigrants are defined, according to the U.N., as individuals who would like to go and live some other place and are free to move from one country to another country. These individuals have a choice.
- Refugees are not self-designated. They have to go through the U.N. Human Rights Commission to be recognized as refugees. The primary factor for consideration of refugee status is persecution. If the individual would remain where they lived, they would be killed. Due to this persecution, these individuals are allowed the opportunity to seek asylum.
- Hmong began arriving in 1975 as political asylum refugees. The refugees were deemed political asylum refugees as they were allied to the U.S. during the Vietnam War in the “Secret War”. The Secret War started in 1964, when Hmong were recruited. They were supportive from 1964-1975. When the U.S. pulled out in 1975, the war ended for the U.S., but the war did not end for the Hmong in 1975. There were 300,000 Hmong who lived in Laos prior to the war. In 1969, when the U.S. documented the efforts, 60% of the soldiers who assisted in the war were ages 10-16. Dr. Her’s father was 10 years old when he fought in 1964. Exact statistics of the Secret War are unknown, including the causalities of the Hmong. However, it is generally recognized that approximately 90,000 Hmong died during the war and another 90,000 died after the war due to the genocide of the Hmong. As a result after the war, many Hmong sought refuge in adjacent countries. The Hmong, in seeking refuge had to trek through areas where Agent Orange destroyed the land surviving of whatever could be found that survived Agent Orange; many Hmong had to carry their elderly relatives; and then, the Hmong had to pass through the Mekong River, a very difficult area to pass. In the refugee camps, Hmong faced many difficulties in proving their refugee status. As Laos is a third world country and the Hmong were an illiterate people, the Hmong did not sign contracts or have paperwork showing their support of the war effort. Families had to prove themselves to officials as well as go through medical screening before being resettled. Starting over again for refugee deportees would be very difficult due to potential persecution that could occur. In the war, approximately 20 Hmong soldiers died for each American soldier killed.
- Dr. Her explained her story of resettlement; she arrived in Houston, TX, as a four-year old. The Hmong did not understand the conflict in the U.S. due to the Vietnam War, and many individuals were unaware of the Secret War. She explained the difficulties the Hmong faced with resettlement including bullying and living in poverty. However, the Hmong believe in the American people and the Hmong were provided hope in resettling to the U.S. Many Hmong overcame the difficulties in assimilating into the U.S. A large population settled in Wisconsin. However, the Hmong had a lot of chaos in resettlement and many individuals, mostly children, did not have role models. Because of the war and difficulties with resettlement, many young people who lacked support got involved in criminal activities as young people.

- Dr. Her worked with young people in Appleton as their first cultural liaison. She also worked with young people involved in gang activities, who were involved in criminal activities. She explained that in Laos, a police state, the Hmong considered police in a different state of mind due to the police state policies and action. If you were picked up in Laos by police, you plead guilty and hoped to remain alive. Therefore, many Hmong plead guilty to charges in the U.S., even if they could have been found not guilty or guilty of lesser charges.
- There are 4,800 Hmong on the deportation list. Most of the crimes committed were from 2-3 decades ago. These individuals have served their time, and gone on to have families and become productive members of society. If these individuals are deported, there is a question of where they would be deported to as the Hmong do not have an official country of origin. The Lao government has reported they will not accept them as refugees. Therefore, previous administrations have backed away from their deportation. The Trump Administration, however, is trying to get an agreement from the Lao government to accept the deportees by providing incentives for their acceptance.
- Dr. Her explained why the refugees should not go back. The U.N. has said that refugees should never be returned to their country of origin due to persecution and the chance of being killed. Often people question why refugees do not become citizens. One reason is that once convicted of a felony, those individuals cannot become citizens, which is a punishment for them for the remainder of their lives.
- The Hmong have been in the community for 45 years; they are contributing members who are professionals, business owners, and family members.

Dr. Her pleaded for the County Board to consider the contributions the Hmong have provided to the U.S. and to send a message to legislators and the administration by supporting Resolution No. 145.

During Q&A, discussion took place that the majority of the 4,800 on the deportation list are individuals who had committed crimes decades ago, but some are still in the criminal justice system, and that their return to Laos could be a death sentence, which is not the sentence for their crime; discussion took place on the previous appeals process vs. the current laws/Trump Administration plans; and members were encouraged to individually make known the plight of the Hmong deportees to their legislative representatives.

ESTABLISH ORDER OF THE DAY

Chairperson Nooyen noted that County Executive Nelson would not report out as he was yielding his time for a longer Public Participation.

COMMUNICATIONS

Chairperson Nooyen reported:

- March 24, 2020 will be last of County Board meeting of the session. Due to the last meeting, the Legislative/Audit and Human Resources Committee will meet at 5:30 and the County Board will have a social event at 6:30 p.m. which will include pizza, soda, and dessert.
- Supervisor Hagen was thanked for birthday cookies provided.
- Resolution No. 152 proposed amendment was placed on the desks.
- A report was provided regarding an email many County Board members had received.

PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES

Long Vu, 408 Dixon St., Kaukauna, Executive Director of Wisconsin Hmong Association (the Association has 13-14 member agencies including the local Hmong American Partnership), spoke in support of Resolution No. 152. He thanked the County Board for their support. In the past, the Laotian government would not accept any Hmong for repatriation, but now the U.S. government has appropriated \$100,000 for Laos to accept the Hmong back. The funds are to use to teach them Laotian again. These individuals have no families in Laos and they are productive members of U.S. society. In the past, criteria would not allow the individuals to be deported, but with this proposed program, the deportations would be automatic. From his research, Hmong soldiers during the Secret War were paid \$.10/day to fight. For approximately \$2,000, a whole Hmong troop was funded, which were strongholds that protected their fronts. In Congressional documents, the U.S. has documented that the Hmong were very cheap soldiers for fighting, but effective. Mr. Vu is working with Senator Ron Johnson and Congressman Mike Gallagher to get certain bills to pass to protect the Hmong and Resolution No. 152 will emphasize the support of the community to these legislators to stop sending Hmong back to Laos.

Kou Vang, 1625 W. Kaylee Ln., Appleton, Board President Hmong/American Partnership, reported that he was speaking in support Resolution No. 152 and on behalf of Hmong veterans. Their message is that “you promised that if we fight with you, if we protect and guard the Ho Chi Minh trail, and if we rescue the downed pilots, and if we protect Phou Pha Thi, the radar site that directs the B52 bombers to bomb North Vietnam, that if we win, you would help us develop our country, if we lose, you would find a place for us.” One of the veterans at the Appleton City Council Meeting yesterday reported that, “The Hmong is like a bowl of water that the Americans used to wash their hands. If you send the bowl of water back to Laos, what will the Laos government do? They will just throw away; empty it. Why send it back to Laos if they are just going to throw it away, just empty it here in the United States.” If these individuals are sent back, the Laos will kill them. They already paid their dues. Mr. Vang reported that if they are to die, kill them in the U.S. The Hmong bled for the U.S. efforts. For every U.S. pilot that was rescued, on average ten Hmong were killed.

Dao Vang, 1625 W. Kaylee Ln., Appleton, spoke regarding her support of Resolution No. 152. She noted that over the years she has heard many stories from Hmong parents about their journey to the U.S. She reported that she is very lucky because she doesn’t have a story that would put her on the deportee list. For her community, this is the only home they know, the U.S., Wisconsin, and the different cities within Outagamie County. Deportation will unravel families. She urged the County Board support the resolution, and all of the individuals who are unfortunately on the deportation list, most of whom have learned from their mistakes. While the resolution will not stop deportation, it will give the Hmong community hope, and hope is very powerful for the community to fight for what they believe.

Vue Pao Moua, 413 W. Verbrick St., Appleton (25 year resident), shared the story of his family with the war and his personal struggle in the U.S. Mr. Moua was born after the war in 1978, and he was brought to the U.S. as his father could not live in Laos. His father lost many uncles who were killed, his first wife, and all the children that they had together were killed. Similarly, his mother’s first husband and their sons were all killed in Laos. He is the last survivor of his family, and his father suffered mental health problems from the war, so he could not teach his son. In the U.S., he made mistakes as a youngster. However, he turned his life around and is now a father of nine children to carry on the legacy of his parents. He has put behind him his past. Mr. Moua noted that the Hmong do not have a country. Therefore, if he is to die, he would rather die here than go back to Laos. As his story is similar to others, he urged the County Board to pass Resolution No. 152.

APPOINTMENTS

County Executive Nelson nomination for re-appointment of Robert Paltzer to the Local Emergency Planning Committee; said terms expiring June 30, 2022.

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

ROLL CALL: 35 aye, 1 absent. APPOINTMENT OF PALTZER TO LOCAL EMERGENCY PLANNING COMMITTEE IS CONFIRMED.

REPORT BY THE COUNTY EXECUTIVE – No report given.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported:

- Badger Sheriff Association Meeting (2/26/2020) – Lobbyist attended and legislators were invited. A Sheriff from Colorado provided a presentation regarding their experience with medical marijuana and recreational marijuana. From a Sheriff's perspective, they were not in support of the legalization. [A report](#) is provided in Dropbox. A suggestion is that the legislature should ask the federal government to change from marijuana from a schedule 1 drug to a schedule 2 drug to make medical research easier. On the Legislative Bulletin Board only, is a copy of a letter from a legislator's office dated 9/17/2019 signed by a number of legislators to the federal delegation asking for the change from schedule 1 to schedule 2.
- NACo Legislative Conference-Washington, D.C. (2/29 – 3/4/2020) – Lobbyist attended and reported:
 - Meeting from County Lobbyist from around the country – A presentation was provided from the Executive Director of Federal Permitting from the White House on efforts to improve the federal permitting process. Basically what they are attempting is to get multiple agencies involved cohesively in permitting to run at the same time, rather than separately, to shorten the timeline.
 - Presentation from the Director of Impact Strategies on [opportunity zones](#).
 - Presentation from NACo staff on FY2020 spending agreement and FY2021 President's proposed budget.
 - National County Administrators Meeting – Lobbyist attended and discussions were held on the Coronavirus, Census 2020, cybersecurity, housing and shelter issues for homeless.
 - Lobbyist also attended policy briefings. One briefing included the topic of recycling concerns since China tightened up their market on what they are willing to accept. Another briefing discussed what counties are doing to combat homelessness. Local zoning can be an issue by restricting the ability to infill and increase density in some areas. Lobbyist discussed the issue with the former Housing Director for Homelessness, and they are aware of that concern. One suggestion is that the State preempt local zoning to allow mother-in-law cabins or conversion of upper parts of garages.
- WisPolitics Seminar with Congressmen Gallagher & Pocan – Lobbyist attended. Discussion included coronavirus, and a bill HR6049 to amend the Federal Food & Drug & Cosmetic Act to provide enhanced security of the medical supply chain. There are worries that some drugs could become unavailable if factories in China are disrupted.
- Lobbyist made office visits on Capitol Hill and discussed issues with staff of federal legislators. A variety of topics were discussed, and documents are provided on the Bulletin Board and in Dropbox.

- Wisconsin FY2018-19 Financial Statements – Lobbyist provided an abbreviated version in DropBox along with the Legislative Audit Bureau Briefing Sheet. The State of Wisconsin is moving in a positive financial direction across the board and they are continuing to monitor agencies to comply with statutory law in compliance, and they are watching agencies to see if they are keeping their IT systems compliant/safe.
- Appeals Court Ruling – Sanctuary Cities – A federal appeals court on 2/26/2020 ruled that the Department of Justice could withhold funding from cities and states that refuse to cooperate with the Trump administration's crackdown on undocumented immigration (sanctuary city).

During Q&A, discussion took place regarding Wisconsin remaining legislative session activities; the Colorado marijuana report and that Colorado has seen increased marijuana use in children and the unknown of how much tax revenue is raised vs. the social costs with its use.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Resolution No. 151--2019-20 – Health and Human Services Committee and Property, Airport, Recreation and Economic Development Committee. Approve declining the creation of an oversight committee for the Brewster Village window replacement project.

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

ROLL CALL: 35 aye, 1 absent. RESOLUTION NO. 151—2019-20 IS ADOPTED.

Resolution No. 152—2019-20 -- Health and Human Services Committee. Strongly oppose deportation and repatriation of Hmong and Lao residents of Wisconsin to the Lao People's Democratic Republic, as well as the deportation of Hmong and Lao refugees throughout the United States and support pending Wisconsin legislation that opposes efforts by the State Department and Trump Administration to allow for the deportation of Hmong and Lao U.S. residents to the Lao People's Democratic Republic.

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

Supervisor Gabrielson moved, seconded by Supervisor Miller, to amend to strike the word "Wisconsin" on page 2, line 2.

ROLL CALL to amend: 35 aye, 1 absent. AMENDMENT CARRIED.

ROLL CALL to adopt as amended: 35 aye, 1 absent. RESOLUTION NO. 152—2019-20 IS ADOPTED AS AMENDED.

Resolution No. 153—2019-20 -- Legislative/Audit and Human Resources Committee. Oppose pending legislation that would increase the minimum retirement age from 55 years old to 59.5 years old for participants who are under the age of 40 on the effective date of the bill and support pending legislation that would reduce the waiting period for Wisconsin Retirement System retirees to return to a Wisconsin Retirement System participating employer from 75 days to 45 days and support pending legislation that would allow a Wisconsin Retirement System retiree to work for a Wisconsin Retirement System participating employer in a full time status for up to three years (36 months) without suspending his/her WRS annuity.

Supervisor Spears moved, seconded by Supervisor Peterson, for adoption.

Supervisor Thomas noted a correction on line 13, “returning to the workforce as a WRS” should be changed to “returning to the workforce with a WRS”. Chairperson Nooyen requested unanimous consent on the correction. No objections; so ordered.

ROLL CALL: 34 aye, 1 nay, 1 absent. RESOLUTION NO. 153—2019-20 IS ADOPTED AS CORRECTED.

Resolution No. 154—2019-20 – Property, Airport, Recreation & Economic Development Committee. Establish the North Aircraft Hangar Remodel and Expansion Project as a public works project whose total cost will exceed \$250,000 in accordance with Section 50-87 of the *Outagamie County Code of Ordinances* and authorize the formation of the North Aircraft Hangar Remodel and Expansion Project Oversight Committee to oversee all phases of the project to assure that the project is proceeding in the best interest of the County.

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

ROLL CALL: 35 aye, 1 absent. RESOLUTION NO. 154—2019-20 IS ADOPTED.

Ordinance No. I—2019-20 – Legislative/Audit and Human Resources Committee. Approve amendments to the County Code of Ordinances as pertains to Chapter 2, as noted on the attachments.

Supervisor Konetzke moved, seconded by Supervisor Iverson, for adoption.

ROLL CALL: 35 aye, 1 absent. ORDINANCE NO. I—2019-20 IS ADOPTED.

Chairperson Nooyen noted that normally a break would be taken. The Closed Session would be short, and he requested that the Board complete the meeting without a break. No objection; so ordered.

CLOSED SESSION: PURSUANT TO SECTION 19.85(1)(e) WISCONSIN STATUTES TO DISCUSS STRATEGY REGARDING ONGOING NEGOTIATIONS WITH ANOTHER ENTITY SO AS NOT TO COMPROMISE THE COUNTY'S BARGAINING POSITION

Supervisor Krueger moved, seconded by Supervisor Patience, to go into Closed Session as noted above.

ROLL CALL: 35 aye, 1 absent. COUNTY BOARD ENTERS CLOSED SESSION.

END CLOSED SESSION

Supervisor T. Thyssen moved, seconded by Supervisor Wegand, to end Closed Session.

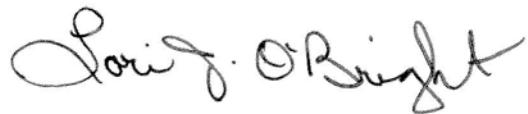
ROLL CALL: 35 aye, 1 absent. COUNTY BOARD ENDS CLOSED SESSION.

REPORTS – None.

ADJOURNMENT

Supervisor Peterson moved, seconded by Supervisor Dillenberg, to adjourn until March 24, 2020, at 7:00 p.m. VOICE VOTE CARRIED.

The meeting adjourned at 8:38 p.m.



Lori J. O'Bright, Outagamie County Clerk