



AGENDA
EXECUTIVE COMMITTEE
REGULAR MEETING
MONDAY, JANUARY 31, 2022 – 3:00 PM
ADMINISTRATION CENTER - AUDITORIUM
121 W MAIN STREET, PORT WASHINGTON, WI 53074

The public can access the meeting by viewing the live stream at the link which will be opened five minutes before the call to order:

[Executive Committee Live Stream](#)

The public can submit comments here: [Public Comment Form](#)
[Public Comment Policy & Instructions For Submitting Public Comments Online](#)

1. CALL TO ORDER

Roll Call

2. PROPER NOTICE

3. PUBLIC COMMENTS, CORRESPONDENCE, COMMUNICATIONS

4. APPROVAL OF MINUTES

a. January 3 & 19, 2022

5. ACTION ITEMS

a. RES.21-61: Amending Section 4.09 of the Ozaukee County Policy and Procedure Manual - Vehicle Use Policy

b. Resolution: Amending the Ozaukee County Policy and Procedure Manual Section 2.05(2) – Term Limits for County Board Chairperson, Vice-Chairperson, and 2nd Vice-Chairperson

6. DISCUSSION ITEMS

a. Schedule of County Board Meetings

7. COUNTY ADMINISTRATOR'S REPORT

a. American Rescue Plan Act Final Rule

b. Wage and Benefit Study

c. County Board Rules

d. Administration Center Security Upgrades

8. COMMITTEE REPORTS

9. CLOSED SESSION

Pursuant to Section 19.85 (1)(c) of the Wis. Stats. relating to Considering Employment, Promotion, Compensation or Performance Evaluation Data of a Public Employee: County Administrator's Annual Review

10. NEXT MEETING DATE

February 28, 2022

11. ADJOURNMENT

A quorum of members of committees or the full County Board of Ozaukee County may be in attendance at this meeting for purposes related to committee or board duties, however, no formal action will be taken by these committees or the board at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the County Clerk's Office at 262-284-8110, twenty-four (24) hours in advance of the meeting.

Executive Committee**AGENDA INFORMATION SHEET**

AGENDA DATE: January 31, 2022
DEPARTMENT: County Clerk
DIRECTOR: Julie Winkelhorst
PREPARER: Julie Winkelhorst

Agenda Summary January 3 & 19, 2022

January 3, 2022

https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_01032022-3012

January 19, 2022

https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_01192022-3019

RESOLUTION NO. 21-61

AMENDING SECTION 4.09 OF THE OZAUKEE COUNTY POLICY AND PROCEDURE
MANUAL - VEHICLE USE POLICY

RESOLVED, by the Ozaukee County Board of Supervisors that Section 4.09 of the Policy and Procedure Manual be amended to read:

4.09. VEHICLE USE POLICY

(1) Each employee required or authorized to drive a County owned or leased vehicle, shall submit to the Human Resources Department, upon hire or at the required time a valid Wisconsin driver's license for the type of vehicle to be driven.

(a) The validity of the employee's license will be checked through the Wisconsin Department of Transportation.

(b) Any employee performing work, which requires the operation of a vehicle, must notify his/her immediate supervisor forth with in those cases where his/her license is expired, suspended or revoked and/or the employee is unable to obtain an occupational permit from the State of Wisconsin Department of Transportation and shall not drive a County owned or leased vehicle until said condition is corrected.

(2) Personal Use of County Vehicles:

(a) Definitions:

1. "Commuting trip" means a one-way trip from either the home to the job site or the job site to the home, as the case may be, and not a round trip of home to job site to home.

2. "Personal use" means any use which is for the benefit or enjoyment of the employee, or is not in pursuit of the business or interests of the county, or is in pursuit of a business or trade other than that of the county.

~~(b) County employees shall not use any County owned vehicle for personal use, except by the provisions of the Code of Federal Regulations, Internal Revenue Regulations, as such may be amended.~~

~~1. The following are the employees who are permitted to drive a county vehicle to and from work:~~

~~a. Sheriff,~~

~~b. Planning and Parks Director (or Designee),~~

~~c. Emergency Management Director (or Designee),~~

~~d. Highway Department Superintendents,~~

~~e. Drug Unit Investigator,~~

~~f. Radio Equipment Technician/Programmer,~~

~~g. Undersheriff,~~

~~h. County Administrator,~~

- ~~i. Building Superintendent~~
- ~~j. Technology Resources Communications Services Manager~~
- (b) Take Home County Vehicles: take home county vehicles may be assigned to specific positions in order to enhance public safety and/or where it can be clearly shown to improve the efficiency of county operations.
- (c) Take home County vehicles are not intended as an employee fringe benefit.
- (d) The County Administrator's Office shall approve a list of positions eligible for take home county vehicles and file it in the Human Resources Office.
1. The list of positions assigned a take home vehicle shall be reviewed annually by the County Administrator's Office to ensure that each assignment continues to comply with this policy.
 2. The list of positions assigned a take home vehicle and the personal use valuation calculated per subsection (h) of this policy shall be reviewed annually by the Finance Committee.
- (e) Requests for adding additional positions to the list shall be made to the County Administrator in writing explaining the positive impact the take home vehicle will have on public safety and/or operational efficiency.
- ~~(f)2.~~ This section shall not forbid employees using county vehicles to commute to and from work from making stops or minimally deviating from their normal commuting route to attend to personal business.
- ~~(g)3.~~ Employees may be permitted to drive a county vehicle to commute to and from work for official business purposes with prior approval of their Supervisor or Department Head, this section shall not apply to employees who regularly use a vehicle for commuting purposes
- ~~(e)h)~~ Personal use valuation:
1. Each employee who is required to commute to and from work with a county vehicle shall have included as gross income one of the following:
 - a. The sum of \$1.50 per commuting trip
 - b. A sum equal to the same automobile travel allowance established for other officials and employees in a resolution annually adopted by the County Board per mile actually driven in so commuting to and from work
 2. This sum shall be reported as ordinary income for federal income taxes, state income taxes, and social security taxes.
- ~~(d)i)~~ No unauthorized persons will be allowed to either operate or ride in the vehicle.
- ~~(e)j)~~ Transporting family members in County vehicles shall be allowed only when the family member is accompanying an employee to a business meeting or official function.
- ~~(f)k)~~ All use of the vehicle assigned to the Sheriff, Undersheriff, County Administrator and Emergency Management Director shall be considered an official function.

Dated at Port Washington, Wisconsin, this 2nd day of March 2022.

SUMMARY: Amending Section 4.09 of the Policy and Procedure Manual - Vehicle Use Policy

VOTE REQUIRED: Majority

EXECUTIVE COMMITTEE

Executive Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	January 31, 2022
DEPARTMENT:	Administrator
DIRECTOR:	Jason Dzwinel
PREPARER:	Jason Dzwinel

Agenda Summary Amending Section 4.09 of the Ozaukee County Policy and Procedure Manual - Vehicle Use Policy

BACKGROUND INFORMATION: This amendment to the Policy and Procedure Manual would allow the County Administrator approve the positions eligible to take a county owned vehicle home for reasons of operational efficiency. It also requires that the Finance Committee review on an annual basis the vehicle use by these approved employees.

ANALYSIS: Currently, the authorization of a take home vehicle requires Oversight Committee, Finance Committee and County Board approval. Once approved the oversight by the committees ends, there is no reporting requirement. This policy entrusts the County Administrator to review the operational need for a take home vehicle and empowers the Finance Committee to review the use.

FISCAL IMPACT: None

RECOMMENDED MOTION: Staff respectfully request that the Committee approve the amendment to the policy.

RESOLUTION NO. (ID # 8488)

AMENDING THE OZAUKEE COUNTY POLICY AND PROCEDURE MANUAL SECTION
2.05(2) –TERM LIMITS FOR COUNTY BOARD CHAIRPERSON, VICE-CHAIRPERSON,
AND 2ND VICE-CHAIRPERSON

RESOLVED, by the Ozaukee County Board of Supervisors that Section 2.05(2) of the Policy and Procedure Manual be amended to read;

(2) Meetings

(a) Organizational Meetings:

1. The County Board shall convene on the 3rd Tuesday of April, in each year, for the purposes of organization per Sec. 59.11(1)(c), Wis. Stats.

a. At the organizational meeting in April of each even numbered year, the County Board shall elect one of its members Chairperson of the County Board and Executive Committee for a term of two years, or until a successor is elected and qualified.

(1) No Chairperson, Vice-Chairperson or 2nd Vice-Chairperson of the County Board shall serve more than three (3) consecutive terms in that specific capacity.

(2) A term shall be defined as a period of three (3) full years from the Organizational Meeting Sec. 59.11(1)(c), Wis. Stats.

FURTHER RESOLVED, that this policy shall take effect on April 19, 2022.

Dated at Port Washington, Wisconsin, this 2nd day of March 2022.

SUMMARY: Term Limits for County Board Chairperson, Vice-Chairperson and 2nd Vice-Chairperson.

VOTE REQUIRED: Majority

Resolution brought forth by Supervisor Thomas Winker to the Executive Committee.

EXECUTIVE COMMITTEE

Executive Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	January 31, 2022
DEPARTMENT:	Administrator
DIRECTOR:	Jason Dzwinel
PREPARER:	Jason Dzwinel

Agenda Summary Amending the Ozaukee County Policy and Procedure Manual Section 2.05(2) –Term Limits for County Board Chairperson, Vice-Chairperson, and 2nd Vice-Chairperson

BACKGROUND INFORMATION: This resolution will place a limit on the County Board Chairperson, Vice-Chairperson or 2nd Vice-Chairperson.

ANALYSIS: The limit will be three terms beginning with the 2022-2024 term.

ATTACHMENTS:

- County Board Leadership Term Limits (PDF)


OFFICE OF THE CORPORATION COUNSEL

Rhonda K. Gorden
Corporation Counsel

Rik Kluessendorf
Assistant Corporation Counsel

To: Jason Dzwinel
County Administrator

Thomas Winker
County Board Supervisor

From: Rhonda Gorden
Corporation Counsel

Date: January 25, 2022

Re: County Board Chairperson - Proposed Term Limit Policy

A proposal has been made to set term limits for the position of county board chairperson and vice chairperson. While there is no statutory prohibition on term limits for these positions, term limits would be unenforceable based on the following analysis.

The provisions of Wis. Stat. 59.12 address the positions of chairperson and vice chairperson. The section requires that

- (1) The board, at the first meeting after each regular election at which members are elected for full terms, shall elect a member chairperson. . . .
- (2) The board at the time of the election of the chairperson shall also elect a member vice chairperson, for the same term, who in case of the absence or disability of the chairperson shall perform the chairperson's duties. . . .

An Attorney General opinion, 61 OAG 352 (1972) construes the predecessor statute to 59.12, 59.05 (which contains language identical to (1) and (2) above except for the use of gender specific titles). The opinion states that 59.05 provides that "any member of the board to be next elected is eligible after filing his oath to stand for election to the office of county board chairman or vice chairman . . . the board is without power to deny any member the right to have his name placed in nomination at the duly convened *first* meeting of the board after the regular election." *Id.*, at 109-110.

The opinion also states that “actions of the board will be held valid if no statute requires a set of procedure, even though the board’s own rules of procedure were not followed.” *Id.*, at 109. Were the County Board to establish a rule on term limits, the Board could validly choose not to follow the rule and re-elect a chairperson for additional terms beyond the limit.

Finally, the opinion reiterates a well-established rule that “one board cannot act in such a way as to tie the hands of a future board. 26 OAG 313, 3134 (1937); 28 OAG 588 (1939).” *Id.*

In addition to being unenforceable, a term limit policy could inaccurately educate and even mislead supervisors who do not know that the rule is unenforceable. A policy that undermines accurate insight is not a desirable one.

I surveyed my peers on our Corporation Counsel list serve to ascertain if there were any other counties with county board chairperson term limits. The counties responding provided the following responses: There are no county board chairperson term limits in Calumet, Chippewa, Clark, Dodge, Dunn, Eau Claire, Fond du lac, Green, Green Lake, Marinette, Monroe, Oconto, Oneida, Rock, Sauk, St. Croix, Trempealeau, Vilas, Waushara. There is no rule in Kenosha but there is a practice of a chairperson starting as vice chairperson for one term, being unanimously elected chairperson for one term and then being done. Racine County used to have term limits, they were abolished and an effort to bring them back last year failed.

We were previously aware that Sheboygan County has a term limit policy. In speaking with their Corporation Counsel’s office I gathered that no one has challenged the rule so they operate under it comfortably by default. Corporation Counsel agreed with me that the Attorney General opinion referenced appears to be problematic to their term limit practice.