

**ADJOURNED SESSION  
COUNTY BOARD MEETING**

**Tuesday, September 1, 1998**

Chairman Joseph Maehl called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, Oshkosh.

The meeting was opened with the Pledge of Allegiance and an invocation by Supervisor Wagner.

The following Supervisors were present: 30 - Kollath, Barker, Griesbach, O'Brien, Maehl, Koziczowski, Klitzke, Lauson, Albrecht, Leschke, Schwartz, Bertrand, Sundquist, Wingren, Wagner, Warnke, Footit, Troxell, Payne, Lawson, Crowley, Kramer, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin and Rengstorf.

Excused: 8 – Schaidler, Robl, Metzsig, Montgomery, Finch, Savas, Pech and Widener.

Motion by Supervisor Schwartz and seconded to adopt the agenda. CARRIED BY UNANIMOUS VOICE VOTE.

**COMMUNICATIONS, PETITIONS, ETC.**

A Notice of Claim from Peter Heil regarding alleged negligence by the Sheriff's Department staff at the Huber Facility was referred to the Personnel & Finance Committee.

A Notice of Claim from Ronald Wachholz regarding damage done to his livestock by dogs was referred to the Personnel & Finance Committee.

The following conference and seminar information was shared with the Board and is on file in the County Clerk's Office: Countdown 2000, Governor's Summit on Year 2000, October 8, 1998, Dane County Expo Center, Madison; Governor Thompson's Wisconsin Energy Initiative – 2 (WEI-2), October 22, 1998, Ramada Inn Capital Conference Center, Madison.

The following correspondence was read to the Board and is on file in the County Clerk's Office: a letter from Senator Herb Kohl regarding the Fox River and his opposition to naming it a Superfund site; Charles H. Thompson, Wisconsin DOT, regarding the intersection of Highways 110 and 116; Robert H. Hernke, Wisconsin Public Service, regarding the Sesquicentennial Committee's activities during the Winnebago County Fair; Senator Michael Ellis, regarding clean-up of the Fox River and the Highway 110 project; Representative Underheim, regarding clean-up of the Fox River and the Highway 21 improvement project.

**COMMITTEE REPORTS**

Supervisor Lauson reported that construction of the water retention pond at Community Park is underway. He also reported that work is progressing on the covered horse arena and the racetrack at the fairgrounds. He asked the Supervisors that if they're in the area, that they stop and check out these projects.

Supervisor Sievert encouraged everyone to vote on September 8. She also asked when the hazardous waste facility would be open to the public. Supervisor O'Brien reported that it is still under construction, but that he will check on its progress.

Supervisor Arne reported that an agreement has been reached between local units of government and the cellular communications industry in regards to siting cellular towers. The Federal Communications Commission's decision on this issue returns regulating power to local governments.

Supervisor Rankin reported that he attended the Midwest Counties Association Conference in Milwaukee. One of the seminars he attended was called "Pay to Stay", which is a program where inmates pay for their time spent in county jails. Sheriff Brooks reported that they are looking into implementing this policy in Winnebago County and will be making a report to the Judiciary & Public Safety Committee in the near future.

Supervisor Wagner reported that she had received a phone call from Debbie Backus, Park View Health Center, about a parade and party that is being planned for the residents of Park View. Ms. Backus is looking for donations of refreshments for this party. If anyone is interested in helping, they should contact Ms. Backus.

Supervisor Wagner shared a letter from Supervisor Wingren, in which he expressed concerns about the recent Emergency Government Committee meeting agenda and meeting in closed session. Supervisor Wagner explained that under state statute it is permissible to discuss certain topics in closed session. Supervisor Griesbach said that he has spoken with Supervisor Wingren and addressed his concerns.

Supervisor Rengstorf encouraged the Supervisors to try to attend the tank dedication at Mahler Park on

September 12. He explained that a lot of hard work went into making this tank memorial possible.

## **PUBLIC HEARING**

No one addressed the Board.

### **REPORT FROM SHERIFF BROOKS – HOLDING CELLS AT COURTHOUSE**

Sheriff Brooks told the Board that his department is responsible for transporting prisoners from the jail and other institutions to their court hearings. He explained that they have between 15 and 22 prisoners in court at any one time. These prisoners are seated in the courtroom in the same area as the general public, which creates a "tremendous security risk". In addition, it is a drain on his department's manpower. For every 2-3 prisoners, he is required to have 1 officer. He said that at times he is forced to use detectives and to pull patrol officers off the road to assist in getting prisoners to court.

Sheriff Brooks told the Board that most courthouses have holding cells where the prisoners are placed until they are called into the courtroom. Holding cells reduce the number of officers that are needed. He explained that only three officers are used--one supervises the holding cells and two accompany the prisoner to the courtroom.

Sheriff Brooks said that the area in the basement of the courthouse where the Sheriff's Department use to be located, would be a very good place to put these holding cells. There is sufficient room in this area to place the 2-3 cells that would be needed, plus there is a non-public elevator located in that area. He stated that the cells would be designed to provide the necessary separation of county and state prisoners and the separation of men and women.

Sheriff Brooks said the cost of this project would be between \$100,000 and \$125,000, plus \$15,000 to \$20,000 for architectural services. He explained that the funds to cover the cost of this project would come from the Jail Assessment Fund. A portion of each fine paid in Winnebago County goes into the Jail Assessment Fund, which is set up specifically for this type of project.

Supervisor Sievert asked if the new jail facility would be designed for video court appearances by inmates. Sheriff Brooks explained that state law gives the defendant the option of whether they want to appear in person or via video conferencing. He stated that some counties have implemented this practice. He has received information from Supreme Court Chief Justice Shirley Abrahamson on what Winnebago County is required to do to have video conferencing in the new facility. Sheriff Brooks has also spoken with the Public Defenders Office and asked that they be involved in the plans for video conferencing to ensure that the State of Wisconsin's requirements are met. Sheriff Brooks told the Board that approximately 1/2 of the court appearances by the inmates could be conducted via video conferencing.

Supervisor Sievert asked if it would be feasible to have a courtroom at the new jail facility. Sheriff Brooks said that decision would need to be made by the judges and the County Board.

Sheriff Brooks hopes to bring his final proposal for the holding cells to the Board for their approval in October 1998.

### **WISCONSIN COUNTIES MUTUAL INSURANCE REPORT**

Supervisor Brennand told the Board that because of the continued success and growth of Wisconsin Counties Mutual Insurance Corporation, they will be returning the last of the \$314,573 of contributed capital to Winnebago County. This final amount will be approximately \$57,000.00. Supervisor Brennand said that he is proud to have been able to finish what former Supervisor Orrin King started many years ago. He then introduced Darla Hium from Wisconsin Counties Mutual Insurance Corporation.

Ms. Hium described Winnebago County as, "a pioneer" in the development of Wisconsin Counties Mutual Insurance Corporation in 1985. She explained that in 1985 there was a crisis in the insurance industry when insurance companies decided it was too expensive to cover counties and they dropped their liability coverage. At that time, Winnebago County, along with 40 other Wisconsin counties, got together and formed their own insurance company. In the first year, rates were reduced by 50%. Ms. Hium explained that, "good management, good risk management, good control at the county level and good control of legal counsel" allows them to reduce their costs.

Currently there are 55 counties that "own" Wisconsin Counties Mutual Insurance Corp. Its Board of Directors is made up of county board supervisors and county executives, "and it is designed to look after the

interest of county board supervisors."

Ms. Hium explained that from 1988 to 1992 they offered the first \$1,000,000 of coverage for any claim. After that the counties got together and "pool purchased" an additional \$4,000,000 of coverage for any claim. In 1993, Wisconsin Counties Mutual Insurance Corp. was able to purchase "free" insurance and they were then able to write their first \$5,000,000 coverage for every claim.

The capital contributions made by the counties to start Wisconsin Counties Mutual Insurance Corp. was approximately \$5.9 Million. The Board of Directors always considered this a loan and was dedicated to give those funds back to the members. Ms. Hium explained that over the years capital contributions have been reduced and earned capital has increased. At the end of 1998 they will have returned all of the money that the counties gave to them and will be operating off their own profits and revenues. That means that future dividends will be from the profits of the corporation.

In 1996, Wisconsin Counties Mutual Insurance Corp. was converted from an accessible corporation to a non-accessible corporation. They were able to do that because enough of the money needed to operate was generated from earnings, not from what the counties had given them.

Ms. Hium reported that in 1999 and 2000 the counties' dividends will be used to offset their premiums. The Board of Directors refers to this as, "the loyalty credit," because they want to reward the counties for their loyalty to this corporation.

Ms. Hium told the Board that the types of coverage that Wisconsin Counties Mutual Insurance Corp. provides are general liability, automobile liability, police/professional liability and public officials errors and omissions.

Based on the needs and wants of the counties, Ms. Hium said that their claims philosophy is that they, "will protect its members from frivolous lawsuits, we will promptly settle claims if there is undisputed liability and we will fight claims with disputed liability." She presented figures that showed how this philosophy has allowed operating expenses to decrease.

Ms. Hium explained that regardless of the number of claims Winnebago County might have, each claim is covered by \$5 Million of insurance. All policies are written on an "occurrence basis", which means that no matter when the claim was filed, if Winnebago County was covered when the incident occurred, the claims would be covered by Wisconsin Counties Mutual Insurance Corp.

In 1988, Winnebago County had a \$1,000 deductible. In 1990, Winnebago County increased its deductible to \$10,000. In 1995, they increased it again to \$50,000. Because of the amount of the deductible, Wisconsin Counties Mutual Insurance Corp. puts 45% of Winnebago County's premium into a Deductible Fund Escrow Account. The money in this account is used to pay the county's deductible. The maximum annual deductible the county is responsible for is \$250,000, or 5 claims. After that, Wisconsin Counties Mutual Insurance Corp. covers the whole claim. If there is a credit balance in this account at the end of the year, Winnebago County receives a check. If the fund was depleted before all the county's deductibles were met, Winnebago County is billed for the remainder of their deductible. Ms. Hium explained that the percentage of the County's deductible that goes into the Deductible Fund Escrow Account is based on the County's experience credit and loss prevention credit. Winnebago County is currently at the highest allowable percentage rate.

Ms. Hium presented insurance cost figures. She explained that all claims that were incurred through 1994 have been paid. She said that the first six months in 1998 have been very good for Winnebago County.

Ms. Hium described some of the other services that Wisconsin Counties Mutual Insurance Corp. provides, free of charge, to participating counties. Some of these programs are sexual harassment training and defensive driving training. This year they have purchased a fire arms training program, which will be used to help law enforcement officials. This program is mobile and is moved from county to county.

Ms. Hium stated that they are also working with the Wisconsin Supreme Court on courtroom security. They are trying to find funding sources so they can establish a training curriculum on courtroom security for participating counties.

Ms. Hium reported that they are also working on a training brochure for Zoning Boards and Boards of Adjustment; as well as, working with the Department of Corrections on how to reduce suicides and custody deaths. They have expanded from being a "liability only" provider to also providing self-insured workers compensation coverage. Recently they have also begun offering coverage to cities, villages and towns.

## COUNTY BOARD CHAIRMAN'S REPORT

Chairman Maehl read a letter he and Supervisor Albrecht received from the Tews family thanking the County Board and the Sesquicentennial Committee for the "certificate of recognition" they received for their century farm in the Town of Nepeuskun.

Chairman Maehl, in making a financial responsibility comparison between Winnebago County and area corporations, reiterated the importance of being educated and trained on issues affecting the county. He stated that being educated on issues is not only a personal gain, but also benefits the rest of the Board and their constituents.

Chairman Maehl told the Board that in 1998 Park View Health Center received reimbursement from Medicaid in the amount of \$1,260,868.00. For the previous five years, that totals \$14,633,681.

Motion by Supervisor Schwartz and seconded to adjourn to September 22, 1998, at 6:00 p.m.  
CARRIED BY VOICE VOTE. The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Susan T. Ertmer  
Winnebago County Clerk