

**SPECIAL ORDERS SESSION
WINNEBAGO COUNTY BOARD MEETING
TUESDAY, MARCH 2, 2010**

Chairman David Albrecht called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, 415 Jackson Street, Oshkosh, Wisconsin.

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

The following Supervisors were present: Konetzke, Barker, Griesbach, Eisen, Koziczowski, Smith, Hamblin, Albrecht, Gabert, Riste, Lennon, Hall, Jacobson, Norton, Warnke, Robl, Eichman, Schmuhl, Kline, Locke, Nelson, Finch, Sievert, Farrey, Diakoff, Brennand, Ellis, Rengstorf and Reinert.

Excused: Miller, Thompson, Wingren, Ramos and Widener. Absent: Gearhart and Egan.

Motion by Supervisor Robl and seconded to approve the agenda for this evening's meeting. **CARRIED BY VOICE VOTE.**

PUBLIC HEARING

Bill Roh, 1555 Lyon Drive, Neenah thanked Chairman Albrecht, Peter Moll and anyone else responsible for putting the EAA Lease discussion on the agenda.

COMMITTEE REPORTS

Supervisor Barker encouraged everyone to participate in the Census Take 10 Campaign. This is encouraging everyone to fill out the 10 question form that will be sent out in early March. For every percent mailed back, \$85 million is saved by not having to conduct follow-up interviews.

REPORT ON AFFIRMATIVE ACTION – RON MONTGOMERY, HUMAN RESOURCE SPECIALIST

Ron Montgomery, Human Resources Specialist gave two handouts to each Supervisor entitled "1st-WRITER.COM" and "Equal Opportunity Policy and Affirmative Action Plan 2009-2010".

The "1st-WRITER.COM" gave a sample of an interview that may have been conducted prior to the Equal Employment Opportunity Regulations.

The updated Equal Opportunity Policy and Affirmative Action Plan will go before the Personnel & Finance Committee March 4th for approval. The goal, pledge and plan is to treat all employees, applicants, customers and clients fairly without regards to race, gender or other protected status.

Mr. Montgomery said every new employee receives training and every three years current employees are retrained in harassment and discrimination. If someone feels they have been discriminated against, a complaint can be filed with Mr. Montgomery, Karon Kraft, Human Resources Director or Peg Raugh.

The Annual Affirmative Action Report is a statistical analysis of the county workforce compared to the demographic data of the area. Highlights of this report are included in the handout.

The current policy can be viewed on the county website. A copy of the handouts can be seen in the County Clerk's Office.

**PREVAILING WAGE LAWS AND HOW THEY RELATE TO COUNTY HIGHWAY DEPARTMENTS
JOHN HAESE, WINNEBAGO COUNTY HIGHWAY COMMISSIONER**

John Haese, Highway Commissioner discussed a change in the prevailing wage laws and how they impact Winnebago County and the Highway Department. Mr. Haese prefaced his presentation by saying the state statutes and the information relating to the prevailing wage rates are very extensive. He will try to answer questions; however, some could be answered better by contacting John Bodnar, Winnebago County Corporation Counsel, a labor law attorney or checking the internet.

Mr. Haese stated many of the prevailing wage laws are related to the Davis/Bacon Act of 1931. In 1931 laws were enacted in Washington and Wisconsin to guarantee fair competition on federal and state construction projects. The Davis/Bacon Act primary sponsors were Congressman Robert Bacon and Pennsylvania Senator James Davis. They viewed the bill as a way of providing market stability in an unstable construction industry.

Mr. Haese explained a law prior to December 31, 2009 stated any public project involving a single trade which cost \$48,000 or more or a multiple trade which cost \$234,000 or more had to meet the prevailing wage law requirements. As of January 1, 2010, the threshold for meeting prevailing wage law requirements was lowered to \$25,000 and the single and multiple trade language was deleted. Any public project that is funded and costs more than \$25,000 falls under the new law.

Mr. Haese stated there are many questions that are asked of him regarding how this law pertains to the projects done by the Highway Department. One big question is: What types of projects are covered by local governmental unit prevailing wage laws? Projects such as highway, street, bridge, building and other infrastructure would be covered by prevailing wage laws. Projects completed by one governmental unit for another governmental unit are also covered.

Mr. Haese said there are exemptions to the laws for projects with a total estimated cost of contracted work and materials of less than \$25,000. He stated snowplowing, brushing, ditch cleaning and other maintenance work are also exempt because it falls into the minor services and work exclusion. Mr. Haese gave resurfacing of County Road E as an example. The road is owned by the County and the work will be done by the County Highway Department; therefore, they are exempt from prevailing wage laws. Another example given was the Town of Black Wolf and the Town of Neenah requested that the Highway Department do resurfacing for the projects in their respective townships. The prevailing wage laws would need to be adhered to because the county does not own the project (in this case the roads) and the costs would exceed \$25,000. Another example given by Mr. Haese was the razing of the old Park View buildings. Mr. Haese had contacted an attorney in Milwaukee regarding this project. He was told because the county owns the buildings, they do not have to meet prevailing wage laws. However, if subcontractors are hired for some portion of the project, those subcontractors would need to meet the prevailing wage laws.

Mr. Haese explained how the prevailing wage is determined. He said about 16,000 surveys are sent to contractors including municipalities with about 4,000 being returned. The State discards approximately 50% of those surveys and does not use any surveys returned by counties or municipalities. A problem arises when the Highway Department does a project that must meet prevailing wage law and the prevailing wage is above or below what that position is paid by contract. There is no mechanism currently available through the contract process to deal with this type situation.

Mr. Haese stated there are many gray areas in the bill and there is a movement by 87th District Representative Mary Williams to get the law repealed. Mr. Haese took questions from the Board.

HUMAN SERVICES DEPARTMENT REPORT ON FOSTER CARE

Renee Soroko, Human Services Child Welfare Unit, supervises the Foster Care Program, Day Care Program, Kinship Program and Shelter Care. She gave an overview of the Foster Care Program stating there are 65 licensed Foster Homes in Winnebago County. Of the 94 children in Foster Care, 36 are in "treatment" foster homes. "Treatment" foster homes receive more training, have children with more difficult behaviors and receive more support from social workers.

19 children are currently placed outside of Winnebago County. Because many times there are more children to place than there are homes to place them, private providers such as Lutheran Social Services, Community Care Resources and Children Service Society, who also license homes, are used. Many of the homes are located not only outside of Winnebago County, but long distances from their original home.

She stated 160 children are in Kinship placements. Kinship placements are child specific and children are placed with relatives or someone the child may be close to. There are also 3 receiving homes. A receiving home is used to place a child when a call comes for an emergency placement. A safe place is needed until a determination can be made as to where the child should be placed as a good match.

The goal of Foster Care is unification. Ms. Soroko said each child is matched with a foster home by finding out as much as possible about the child and their needs then looking at the available foster homes to determine the best fit.

Ms. Soroko referred to a handout entitled "Winnebago County Foster Care Summary". This refers to the "Foster connections to Success and Increasing Adoptions Act of 2008". The final pages of Ms. Soroko's handout discussed the graduated implementation for the levels of foster care. Effective January 1, 2010 all foster homes will need to be certified by levels. The kinship placements, which will be level one homes, have fewer requirements. Level two homes will be the regular foster homes and level three will be treatment homes.

Currently Level 1 & 2 need to be certified. Levels 3-5 and other phases including "Child Adolescent Strengths and Needs Summary Assessment Tool" will be implemented in 2011. Ms. Soroko took questions from the Board.

CHAIRMAN'S REPORT

Chairman Albrecht announced Supervisors Miller, Thompson, Wingren, Ramos and Widener were excused for tonight's meeting. Chairman Albrecht said everyone should look at the new county website.

Chairman Albrecht called for a brief recess at 7:20 p.m. The board reconvened at 7:30 p.m.

EAA LEASE - DAVID ALBRECHT, COUNTY BOARD CHAIRMAN AND PETER MOLL, WITTMAN REGIONAL AIRPORT DIRECTOR

Chairman Albrecht explained he is helping present the lease because he was involved with the Aviation Committee at the time the original lease was negotiated. He asked Earl Lawrence, Vice President of Government and Industry Relation; David Goelzer, Legal Advisor; Julie Watson, Finance Director and Steve Taylor, Maintenance Director representing EAA to come forward.

Chairman Albrecht began by giving the following as history of the lease: The first lease was executed in March,

1970 with land rental of \$1.00 per year. Permanent building rate of \$.03 per square foot per year was paid and the lease was in effect until December 31, 1984. Civil rights assurances were added in April, 1976.

A lease dated March 13, 1979 cancelled the first lease. The \$1.00 per year land rental was the same, but the permanent building lease increased to \$.06 per square foot. EAA was to provide \$20,000 annually to the County for improvements of the convention site. The lease was in effect until December 31, 2010.

A ground lease and use agreement dated June 1, 1993 cancelled the March 13, 1979 lease. This lease was for 25 years with three additional 8-year renewal options. It designated an exclusive use leased area, base period rent and option period rent, contingency regarding available land and unleased land during the convention. On July 24, 1995 an amendment was made to the lease to include newly developed FAA policies regarding airport property leasing and making fourteen amendments to the master lease.

Chairman Albrecht said EAA's rights with the lease include:

- Use of common areas of the airport;
- Install, operate, maintain and repair buildings & store equipment necessary to conduct authorized activities;
- Host and conduct annual fly-in convention & airshow;
- Charge fees for participation within exclusive use and seasonal use areas;
- Sublease portions of exclusive use and seasonal use areas subject to County approval.

Chairman Albrecht stated the obligations of EAA include:

- Observe and obey laws, ordinances, rules and regulations;
- Receive no remuneration above direct cost for aircraft maintenance, repair or fuel transaction done on airport property, nor advertise for such services;
- No permanent advertising signs on airport property without consent of County;
- Abide by appropriate industry and fire standards;

Chairman Albrecht said the premises lease would include an "exclusive use area" which is the "...entire area of airport property upon which the lessee has constructed permanent, exclusive use buildings, paved parking lots, and aircraft aprons". This area is not less than 250,000 square feet, nor more than 1,500,000 square feet. This amount is adjusted annually as needed. Chairman Albrecht stated the use is currently approximately 870,000 square feet. There is also a seasonal use area which is the "...entire area of airport property not included in the exclusive use area but which is within the portion of the airport that is used by the LESSEE for seasonal exhibits, displays, concession and other fly-in activities and special events". This area is not less than 3.0 million square feet and not more than 12.0 million square feet. Seasonal use cannot be for more than six months per year.

Mr. Moll pointed out leased areas on the map. He also showed both the county and EAA property.

Chairman Albrecht discussed rental fees for the exclusive use lease areas, seasonal use lease areas as well as rental increases during optional period. He also discussed contingency regarding available land.

Chairman Albrecht stated the maintenance of lease areas including grass cutting, sealcoating, storm sewer cleaning and repair, pavement repair and snow plowing has become the responsibility of EAA.

Chairman Albrecht reported purchasing of land around the airport did not cost Winnebago County tax payers any money. Airport improvement money was used to purchase the land with EAA being billed for the contracted portion. Per the contract with EAA, there are additional properties to purchase. In 2005 and 2006 EAA not only paid the amount due per their contract, but also gave Winnebago County \$40,000 each year as a forward capital contribution towards the purchase of properties.

Each supervisor was given a copy of the presentation. A copy of the presentation is available for viewing in the County Clerk's Office.

Motion by Supervisor Robl and seconded to adjourn until the Board's next meeting on Tuesday, March 16, 2010.
CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 8:05 p.m.

Respectfully submitted,
Patricia Rabe, Deputy
Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Patricia Rabe, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their Special Orders Session held March 2, 2010.

Patricia Rabe, Deputy
Winnebago County Clerk