

AGENDA

Eau Claire County

• Joint Meeting – Committee on Administration and Committee on Finance & Budget •

Wednesday, September 16, 2020

2:00 p.m.

Virtual Meeting – Webex

Dial In: 1-415-655-0001 **Access Code:** 145 998 2000 **please mute device upon entry*

For those wishing to make public comment, you must e-mail Samantha Kraegenbrink at samantha.kraegenbrink@co.eau-claire.wi.us at least 30 minutes prior to the start of the meeting. You will be called on during the public session to make your comments.

1. Call to Order and confirmation of meeting notice
2. Roll Call of Committees
3. Public Comment (3-minute limit/person) **Statements pertinent to agenda items may be made by attendees during the public comment section. Statements must be limited to 3 minutes per person. You will receive a 30 second warning before time is reached. You will be muted at 3 minutes to respect the opportunity for others to be heard. Written comments may also be provided. A total of 30 minutes will be allocated for public comment during this meeting, if needed. Please see the top of the agenda for public comment instructions.**
4. Review of Department Budgets – **Discussion/Information**
 - a. Veteran Services: Eric Killen
 - b. Administration/County Board: Kathryn Schauf, County Administrator
5. Approval of Department Budgets - **Action**
 - a. Facilities
 - b. Information Systems
 - c. Risk Management
 - d. Child Support
 - e. Corporation Counsel
 - f. Veteran Services
 - g. Administration/County Board
6. Adjournment of the Finance & Budget Committee – **Action**
7. Review/Approval of Committee Minutes – **Discussion/Action**
 - a. September 08, 2020 (Joint Committee Meeting)
 - b. September 08, 2020 (Committee on Administration)
8. **File No. 20-21/073:** Ordinance - To create Chapter 8.30 of the Code: Communicable Disease; to amend section 1.50.020 of the Code: Citation Code – **Discussion/Action**
9. Appointments – **Discussion/Action**
 - a. Library Planning Committee
10. Set Future Committee Meetings and Items for Discussion
11. Adjourn

Next Regular Meeting –October 13, 2020 at 2:30 p.m.

Prepared by: Samantha Kraegenbrink

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839- 6945 (FAX) 8391669 or (TDD) 8394735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703.

VETERAN SERVICES

DEPARTMENT MISSION

Honor, respect, support, and advocate for veterans and their families residing in Eau Claire County. As advocates we will guide veterans through the application process and help them to obtain all eligible opportunities that will improve their quality of life. We provide friendly and professional service to our veterans and their dependents for all their sacrifices in serving our country.

STRATEGIC DIRECTION AND PRIORITY ISSUES

Provision of Services. Ensure that current changes in Federal and State benefits are provided to local Veterans. Continue partnerships with local Veteran Service Organizations, Federal, and State agencies. Maintain flexible hours to meet the needs of our Veterans allowing them access to information and assistance. Partner and collaborate with the many community agencies to better assist the veterans of ECC.

Communication. Reach out personally to those veterans most affected by pandemic. Expand awareness of programs, and benefits utilizing marketing, social media, and customer surveys.

Technology. Veterans Benefits Management System (VBMS) electronic claims processing system allows faster and easier claims processing. We plan to continue to use and improve our digital capability with this system.

TRENDS AND ISSUES ON THE HORIZON

Remote Working – The onset of COVID-19 has made working from home a reality. This is an opportunity we can take advantage of as remote employees can execute their projects and surpass their goals wherever they please. They have flexibility to design their days so their professional/personal lives can be experienced to their fullest potential. This is a paradigm shift that we can capitalize on.

OPERATIONAL CHANGES – WITH FISCAL IMPACT

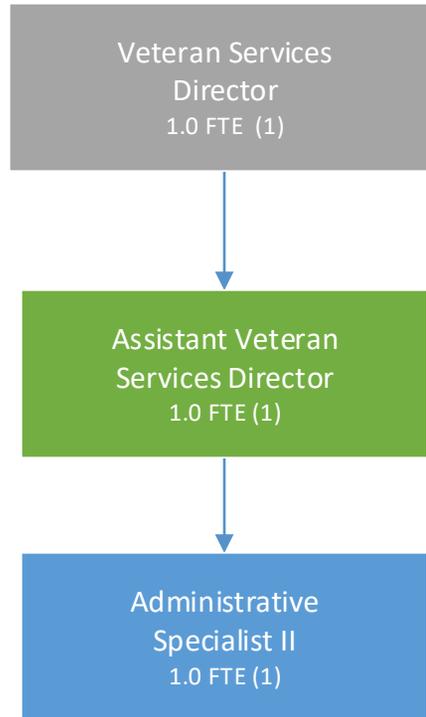
- Suspended attendance at national CVSO conference for certification. Plan to attend state level conference and save \$6,000.
- Reduced the size of flags for veterans' markers and saved \$3,000.

OPERATIONAL CHANGES – WITHOUT FISCAL IMPACT

- Suspended walk-in hours. We have moved appointments to phone or video appointments. Our veterans have found very convenient.
- Suspended DAV van rides to Minneapolis VA medical center. Volunteer drivers and veteran passengers fall into the high-risk category and we cannot take the chance of putting their health at risk.

POTENTIAL RISKS

- Communication risks: Stay in touch with employees who work from home so they do not feel isolated from the larger team.



Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
FTE	2.80	2.80	2.80	2.73	3.00	3.00	3.00	3.00	3.00	3.00	3.00

Federal, State, and County Veteran Benefit Programs

Provide professional guidance and assistance in obtaining federal, state, and county veteran benefits. Advise veterans with physical and mental health concerns on available resources and services. Ensure veterans, dependents, and survivors are treated fairly and equitably.

OUTPUTS	Source	2017	2018	2019	YTD* 2020
Veterans living in Eau Claire County (per 2019 Forward Analytics Report)		7,256	7,110	8.12% of ECC	8.12% of ECC
Number of office appointments with Veterans and dependents	Vetra Spec	2,096	1,974	1,579	481
Number of Veterans transported to VA medical centers	Tracker	247	376	333	52
Telephone calls with Veterans, dependents, agencies, etc...	Vetra Spec	10,598	14,466	8,296	6,154
Email and other communications with Veterans, dependents, agencies	Vetra Spec	unk	unk	6,181	2,257
Hours of certification training attended by staff	Tracker	104	72	180	24
Grants awarded to Veterans (gas cards, food cards, rents, etc...)	Tracker	20	17	88	35
Federal VA \$ coming into ECC: Compensation for Disabilities/Pension	VA	\$18.3 Mill	\$18.4 Mill	\$22.2 Mill	working
Federal VA \$ coming into ECC: Educational Benefits	VA	\$2.7 Mill	\$2.5 Mill	\$2.5 Mill	working
Federal VA \$ coming into ECC: Medical Benefits	VA	\$18.1 Mill	\$16.7 Mill	\$15 Mill	working

OUTCOMES	Benchmark	2017	2018	2019	YTD* 2020
Provide professional, compassionate and timely service. Goal is to address questions and provide an understanding of issues at end of meeting. (End of meeting Survey initiated to capture this metric).	85%	Unk	Unk	90%	Working
As mandated by VA, 100% of visitors requesting confidential information or paperwork will present proper identification and/or consent forms before having their requests fulfilled.	100%	100%	100%	100%	100%
Veteran Services will meet with the Eau Claire County Veteran's Service Commission no less than once quarterly to review expenditures to veterans in crisis and efforts to assist other veterans in need.	4	4	4	4	1
The Veteran Services Director and Assistant Veteran Services Director will maintain VA accreditation through accepted veteran service organizations in order to legally represent veteran's claims to the VA.	100%	100%	100%	100%	100%

*YTD indicates Jan - Aug results

Outreach, Public Education, and Advocacy (GOAL - Expand Awareness of Vets Programs)

Provide public outreach and education to raise awareness about federal, state and county veteran's benefits and services. Acts as official liaison between mandated county, state, and federal programs and providers. Advocate for veterans, dependents, and survivors.

OUTCOMES	Benchmark	2017	2018	2019	YTD* 2020
Submit an informative article for publication on a monthly basis.	12	12	12	16	4
Presentation to a veterans or community group at least quarterly	4	16	9	17	1
Develop and expand social media presence and increase the number of followers each quarter until a sustainable level is determined.	400	Unk	270	450	518
Honorably discharged veterans buried in ECC receive a cemetery flag/marker within 1 month of notification.	95%	100%	100%	100%	100%

Veterans Services

Overview of Revenues and Expenditures

Revenues	2019	2020	2020	2021	%
	Actual	Adjusted Budget	Estimate	Request	Change
01-Tax Levy	\$246,809	\$253,346	\$253,346	\$239,187	-6%
04-Intergovernment Grants and Aid	\$13,000	\$13,000	\$13,000	\$13,000	0%
09-Other Revenue	\$859	-	\$5,095	-	
Total Revenues:	\$260,668	\$266,346	\$271,441	\$252,187	-5%

Expenditures	2019	2020	2020	2021	%
	Actual	Adjusted Budget	Estimate	Request	Change
01-Regular Wages	\$172,861	\$176,703	\$177,336	\$175,354	-1%
02-OT Wages	\$202	\$400	\$100	\$200	-50%
03-Payroll Benefits	\$43,471	\$47,113	\$45,664	\$48,133	2%
04-Contracted Services	\$17,532	\$10,300	\$6,800	\$6,800	-34%
05-Supplies & Expenses	\$17,843	\$16,030	\$6,400	\$8,700	-46%
09-Equipment	\$12,108	\$15,800	\$14,955	\$13,000	-18%
10-Other	\$211	-	-	-	
Total Expenditures:	\$264,227	\$266,346	\$251,255	\$252,187	-5%

Net Surplus/(Deficit)- Veterans Services	(\$3,559)	\$0	\$20,186	\$0	
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Revenue Assumptions

	2019	2020	2020	2021		
Revenue Source	Actual	Budget	Estimate	Request	Assumptions	Confidence Level %
County Tax Levy	\$246,809	\$253,346	\$253,346	\$239,187	Historical data used to calculate	90%
State Aid - Vets	13,000	13,000	13,000	13,000	Historical amount provided by state of WI	90%
General Donations	859	-	5,070	-	Amount varies greatly year to year	50%
Transportation Donations	-	-	25	-	amount varies year to year	50%
TOTAL	\$260,668	\$266,346	\$271,441	\$252,187		

Budget Analysis

	2020 Adjusted Budget	Training Exp. Reduction for Certification	Veteran Marker Flag Savings	Cost to Continue Operations in 2021	2021 Requested Budget
01-Tax Levy	\$253,346	(\$6,000)	(\$3,000)	(\$5,159)	\$239,187
04-Intergovernment Grants and Aid	\$13,000			-	\$13,000
Total Revenues	\$266,346	(\$6,000)	(\$3,000)	(\$5,159)	\$252,187

01-Regular Wages	\$176,703			(\$1,349)	\$175,354
02-OT Wages	\$400			(\$200)	\$200
03-Payroll Benefits	\$47,113			\$1,020	\$48,133
04-Contracted Services	\$10,300	(\$6,000)		\$2,500	\$6,800
05-Supplies & Expenses	\$16,030		(\$3,000)	(\$4,330)	\$8,700
09-Equipment	\$15,800			(\$2,800)	\$13,000
Total Expenditures	\$266,346	(\$6,000)	(\$3,000)	(\$5,159)	\$252,187

ADMINISTRATION

DEPARTMENT MISSION

The County Administrator's office provides executive management and oversight to all operations of Eau Claire County government. The County Administrator is the county's chief administrative officer, develops and executes the annual budget and ensures that policies and procedures adopted by the county board are carried out.

STRATEGIC DIRECTION AND PRIORITY ISSUES

- Process validation and audits to create integrated internal control function
- Work with board and strategic partners to develop financial sustainability strategy
- Work with teams to develop "change-management" strategies to ensure capacity needs are met and sustainability is achieved (long term view). LEAN, identification of base service levels.
- County-wide initiative (knowledge bases): shared data and automated workflows
- Identification of long-term solutions to service; including which services will be discontinued.
- Collection of data (qualitative and quantitative to tell the story of county government.) Use to communicate challenges and future implications; as well as measuring success of evidence-based decision making

TRENDS AND ISSUES ON THE HORIZON

- Ten years of levy limits, revenue that does not support basic county function threatens financial sustainability of operations.
- Demographic changes and expectations of local government will continue to change.
- Revenue loss/changes due to the Covid-19 Pandemic

OPERATIONAL CHANGES – WITH FISCAL IMPACT

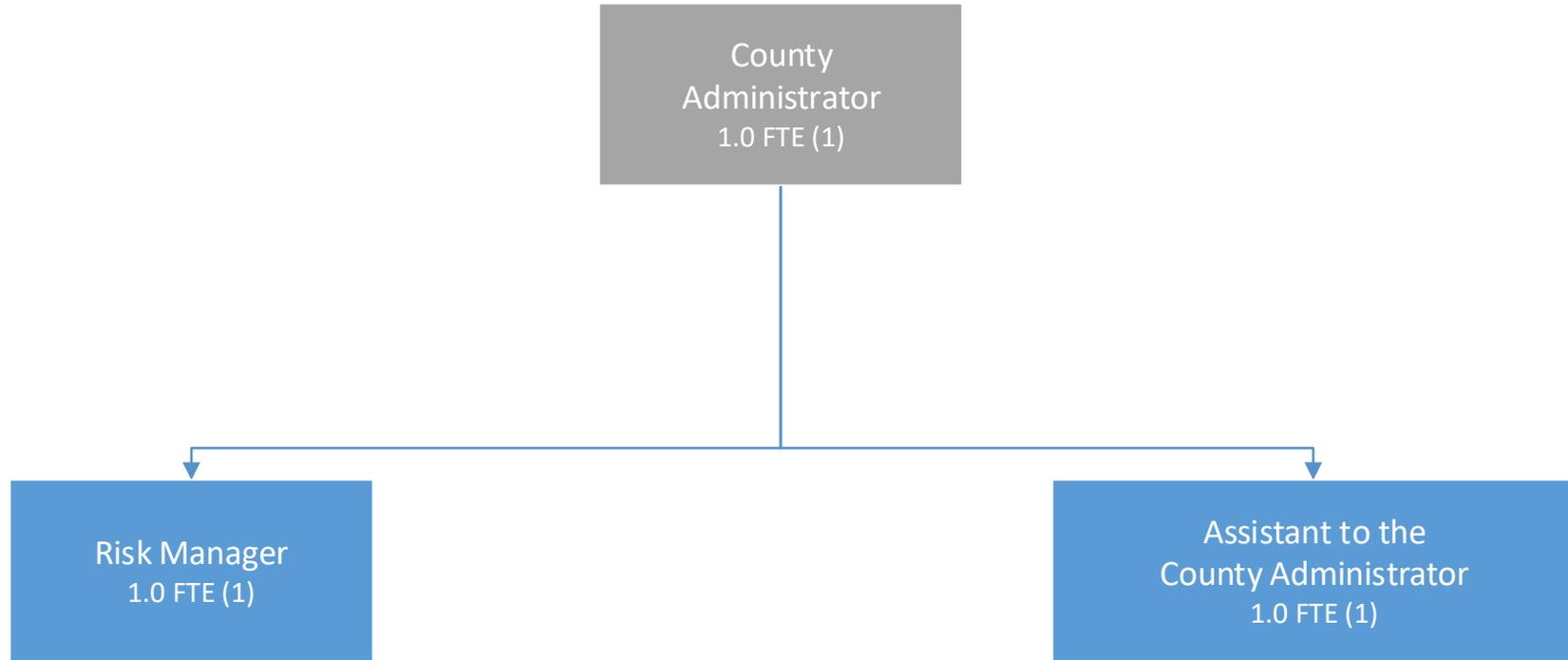
- Anticipate a savings of \$84,133 for Administration by the abolishment of the Administrative Operations Manager.
- Administration is requesting to abolish the Administrative Specialist III (-\$17,863) and create an Assistant to the County Administrator (\$22,110) – Fiscal Impact for Administration would be an increase of \$4,247.

- Shared contracted position with the City of Eau Claire for Equity, Diversity, Inclusion, and Social Justice Coordinator. The cost would be \$58,000.
- Automation of legislative process with Granicus Legistar. The cost included in the budget is for the start-up cost of the software. This software will enable Administration along with Finance, Corporation Counsel, County Clerk, and all other departments who are tasked with the creation of legislation, agendas, and minutes work with a more streamlined process resulting in less time, less paper trail and less error (\$21,900).

POTENTIAL RISKS

- Delayed implementation of best practices across governmental operations.

Administration



Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
FTE	3.75	5.48	6.61	6.38	6.38	6.38	6.38	6.00	9.70	8.70	3.00

Administration

The County Administrator's office: Manages the daily county government operations; carries out policies and procedures adopted by the county board; ensures fiscal and programmatic accountability; provides support to the Board of Supervisors; and medical examiner services.

OUTPUTS	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>YTD* 2020</u>
Number of Community Events Attended	69	65	71	38	15
Number of Meetings Attended	514	478	411	686	474
Number of Board, Commission, Vacancies Recruited	21	15	16	15	35
# of Committee Agendas Prepared	56	17	28	40	31
# of County Board Agendas /Addendums prepared	27	9	15	21	15
# of Resolutions/Ordinances	151	51	80	88	76

*YTD indicates Jan-Jun Results

OUTCOMES	<u>Benchmark</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>YTD* 2020</u>
Cost per resdint for Medical Examiner services	<u>N/A</u>	New in 2019		\$3.24	\$3.59
Employees surveyed will indicate basic understanding of code of conduct.	<u>1:1</u>	New in 2019		<u>1:1</u>	
Strategic plan identifies focused goals and meaningful process as identified by survey of participants.	<u>1:1</u>	New in 2019		<u>1:1</u>	<u>1:1</u>
Contracts for shared services updated.	<u>100%</u>	New in 2019		<u>100%</u>	<u>100%</u>

*YTD indicates Jan-Jun Results

Administration

Overview of Revenues and Expenditures

Revenues	2019	2020	2020	2021	%
	Actual	Adjusted Budget	Estimate	Request	Change
01-Tax Levy	\$361,749	\$273,705	\$273,705	\$259,947	-5%
06-Public Charges for Services	\$985	-	\$50	-	
Total Revenues:	\$362,734	\$273,705	\$273,755	\$259,947	-5%

Expenditures	2019	2020	2020	2021	%
	Actual	Adjusted Budget	Estimate	Request	Change
01-Regular Wages	\$252,466	\$189,988	\$116,808	\$129,282	-32%
02-OT Wages	\$91	-	-	-	
03-Payroll Benefits	\$68,878	\$49,772	\$71,281	\$31,320	-37%
04-Contracted Services	\$20,809	\$21,620	\$12,092	\$87,220	303%
05-Supplies & Expenses	\$13,158	\$12,325	\$4,095	\$12,125	-2%
Total Expenditures:	\$355,403	\$273,705	\$204,276	\$259,947	-5%

Net Surplus/(Deficit)- Administration	\$7,331	\$0	\$69,479	\$0	
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Revenue Assumptions

Revenue Source	2019	2020	2020	2021	Assumptions	Confidence Level %
	Actual	Budget	Estimate	Request		
County Tax Levy	\$361,749	\$273,705	\$273,705	\$259,947		0%
Meeting Room Rentals	985	-	50	-		0%
TOTAL	\$362,734	\$273,705	\$273,755	\$259,947		

Budget Analysis

	2020 Adjusted Budget	Position Changes	Cost to implement Granicus Legistar	City of EC Contracted Position	Cost to Continue Operations in 2021	2021 Requested Budget
01-Tax Levy	\$273,705	(\$79,887)	\$21,900	\$58,000	(\$10,771)	\$262,947
Total Revenues	\$273,705	(\$79,887)		\$58,000	(\$10,771)	\$262,947

01-Regular Wages	\$189,988	(\$59,819)			(\$887)	\$129,282
03-Payroll Benefits	\$49,772	(\$20,068)			\$1,616	\$31,320
04-Contracted Services	\$21,620		\$21,900	\$58,000	(\$11,300)	\$90,220
05-Supplies & Expenses	\$12,325				(\$200)	\$12,125
Total Expenditures	\$273,705	(\$79,887)		\$58,000	(\$10,771)	\$262,947

COUNTY BOARD

DEPARTMENT MISSION

The county board is the governing body of the county and functions as the policy making and legislative branch of County government. Supervisors are elected in the spring nonpartisan election (even year) for two-year terms.

STRATEGIC DIRECTION AND PRIORITY ISSUES

- Automation to streamline the Legislation Process

OPERATIONAL CHANGES – WITH FISCAL IMPACT

1. Coverage for 29 County Board Supervisors to attend County Officials Workshops, Wisconsin Counties Association events, and Eggs & Issues in addition to their current \$500.00/year training/travel budget – \$24,280
2. Contract with Granicus (shared with Administration) to automate the legislation process (county board meetings, legislation); fiscal impact to the County Board budget: \$12,936.00 for 2021. This will be an ongoing contract.
3. Administration is requesting to abolish the Administrative Specialist III and create an Assistant to the County Administrator. Seventy percent of these positions are allocated to County Board; fiscal impact for County Board would be an increase of \$9,909.

County Board

Overview of Revenues and Expenditures

Revenues	2019	2020	2020	2021	%
	Actual	Adjusted Budget	Estimate	Request	Change
01-Tax Levy	\$141,511	\$218,032	\$218,032	\$259,295	19%
Total Revenues:	\$141,511	\$218,032	\$218,032	\$259,295	19%

Expenditures	2019	2020	2020	2021	%
	Actual	Adjusted Budget	Estimate	Request	Change
01-Regular Wages	\$42,700	\$118,566	\$118,566	\$120,248	1%
03-Payroll Benefits	\$43,182	\$63,773	\$49,913	\$71,611	12%
04-Contracted Services	\$720	\$3,580	\$1,070	\$15,406	330%
05-Supplies & Expenses	\$14,007	\$32,113	\$14,442	\$52,030	62%
Total Expenditures:	\$100,609	\$218,032	\$183,991	\$259,295	19%

Net Surplus/(Deficit)- County Board	\$40,902	\$0	\$34,041	\$0	
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Revenue Assumptions

	2019	2020	2020	2021
Revenue Source	Actual	Budget	Estimate	Request
County Tax Levy	\$141,511	\$218,032	\$218,032	\$259,295
TOTAL	\$141,511	\$218,032	\$218,032	\$259,295

Budget Analysis

	2020 Adjusted Budget	Granicus Legistar Software	Additional Training	Position Changes	Cost to Continue Operations in 2021	2021 Requested Budget
01-Tax Levy	\$218,032	\$12,936	\$24,280	\$9,909	(\$5,862)	\$259,295
Total Revenues	\$218,032	\$12,936	\$24,280	\$9,909	(\$5,862)	\$259,295

01-Regular Wages	\$118,566			\$1,993	(\$311)	\$120,248
03-Payroll Benefits	\$63,773			\$7,915	(\$77)	\$71,611
04-Contracted Services	\$3,580	\$12,936			(\$1,110)	\$15,406
05-Supplies & Expenses	\$32,113		\$24,280		(\$4,363)	\$52,030
Total Expenditures	\$218,032	\$12,936	\$24,280	\$9,909	(\$5,862)	\$259,295

MINUTES

Eau Claire County

• Joint Meeting – Committee on Administration and Committee on Finance & Budget •

Tuesday, September 8, 2020

2:30 p.m.

Virtual Meeting – Webex

Present **Committee on Finance & Budget**: Stella Pagonis, Jim Dunning, Gerald Wilkie, Robin Leary, Steve Chilson (at 3:37 p.m.)

Present **Committee on Administration**: Gerald Wilkie, Mark Beckfield, Colleen Bates, Nick Smiar, Ray Henning

Others: Matt Theisen, Adam Kohls, Amy Weiss, Dave Hayden, Glenda Lyons, Kathryn Schauf, Megan Brasch, Norb Kirk, Sonja Leenhouts, Tim Sullivan, Samantha Kraegenbrink – Committee Clerk

Public: present

Chair Smiar called the meeting to order at 2:33 p.m. for the Committee on Administration. Chair Pagonis called the meeting to order at 2:33 p.m. for the Committee on Finance & Budget. Committee Clerk for the Committee on Finance & Budget, Amy Weiss, called the roll of the committee and is noted above under present **Committee on Finance & Budget**. Committee Clerk for the Committee on Administration, Samantha Kraegenbrink, called the roll of the committee and is noted above under present **Committee on Administration**.

No members of the public wished to make comment.

The Committees were jointly provided with an overview of the following budgets and discussed:

- a. Facilities: Matt Theisen, Facilities Director
- b. Information Systems: Dave Hayden, Information Systems Director
- c. Risk Management: Sonja Leenhouts, Risk Analyst
- d. Child Support: Megan Brasch, Director of Child Support
- e. Corporation Counsel: Tim Sullivan, Corporation Counsel

At 4:43 p.m., Supervisor Pagonis requested that the remaining budgets (Veteran Services, Administration, and County Board.) be postponed to a different meeting. The meeting will be postponed until Wednesday, September 16, 2020 at 2:00 p.m.

Chair Pagonis adjourned the Finance & Budget Committee at 4:45 p.m. The Committee on Administration meeting continued at this time.

Respectfully submitted by,



Samantha Kraegenbrink – Administration Committee Clerk

MINUTES

Eau Claire County

• Joint Meeting – Committee on Administration and Committee on Finance & Budget •

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Present **Committee on Administration**: Gerald Wilkie, Mark Beckfield, Colleen Bates, Nick Smiar, Ray Henning

Others: Matt Theisen, Adam Kohls, Amy Weiss, Dave Hayden, Glenda Lyons, Kathryn Schauf, Megan Brasch, Norb Kirk, Sonja Leenhouts, Tim Sullivan, Samantha Kraegenbrink – Committee Clerk

Public: present

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Chair Pagonis adjourned the Finance & Budget Committee at 4:45 p.m. The Committee on Administration meeting continued at this time.

The committee reviewed the minutes from August 11, 2020. Motioned to approve the minutes as presented by Supervisor Beckfield; seconded by Supervisor Wilkie. Minutes were approved as presented.

Motion by Supervisor Henning to discuss File No. 20-21/061: Resolution – Authorizing the expenditure of funds to conduct a forensic audit of the finances of the Department of Human Services. Motion was seconded by Supervisor Wilkie. Supervisor Beckfield provided further detail on the cost of the forensic audit which would be \$30-50,000 depending on the ability for the department to provide a broad scope of the department. Supervisor Beckfield also advised he requested a program audit, which would be a separate resolution. Supervisor Wilkie suggests the Committee on Administration offer an amendment strike line 36 "\$100,000" and insert "\$50,000," however pulled back the suggestion for amendment and will not be considered at this committee. The committee further discussed the resolution. Supervisor Henning calls the question. Roll call vote 3 yes (Supervisors Wilkie, Beckfield and Henning) and 2 no (Supervisors Smiar and Bates.) Motion passes.

Chair Smiar requested motion to appoint Mark Kaeding to the City – County Board of Health. Supervisor Henning motioned to approve; Supervisor Wilkie seconded the motion. All in favor.

Chair Smiar requested a motion to appoint Alyson Jones, Charlene Conradi, Leslie LaRose, Pam Westby, Stella Pagonis, Chris Hambuch-Boyle, and John Thompson to the Library Planning Committee. Motion by Supervisor Bates; seconded by Supervisor Wilkie. All in favor.

The appointment for all others to the Library Planning Committee will be completed at a future meeting.

The next meeting is September 16, 2020 at 2:00 p.m.

The meeting was adjourned at 5:36 p.m.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Samantha Kraegenbrink". The signature is written in a cursive style with a large initial 'S'.

Samantha Kraegenbrink – Committee Clerk

FACT SHEET
FILE NO. 20-21/073

This ordinance authorizes the local health officer to issue orders of general application in times of public health emergency with retained legislative oversight. The ordinance is needed to delegate limited legislative authority for prompt, evidence-based, effective, and enforceable action to protect public health from highly infectious, novel, or difficult to treat communicable disease that threatens human life. Any orders must be necessary to mitigate local public health conditions, based on best available scientific information, share that information and any restrictions with the public, and maintain the ability for the public, through its elected officials, to make or amend the laws affecting them consistent with our constitutional structure of government. The ordinance specifically grants the ability for elected officials to make any enforceable order issued pursuant to this section into one that is advisory if, after consideration on a properly noticed agenda, the elected officials deem it necessary to do so.

A local legislative enabling ordinance that does not alter state statute but necessarily incorporates it into local code with the constitutionally required safeguards is needed to allow local enforcement of a local health officer order. Those safeguards ensure decisions are evidence-based, that foundational evidence and information is shared with the public, that there is a means of legislative input and oversight, and then permits lawful enforcement of any necessary orders to protect and preserve our community's health and safety. Similarly, this ordinance does not give the local health officer any additional authority beyond that granted by statute, but provides the necessary legislative oversight to enforce general orders of general application.

There have been several important state supreme court and appellate level judicial decisions, a statewide multi-disciplinary public health task force, and consideration of and consultation with national scholarly writings and topical experts that have informed this proposed ordinance. Only carefully crafted orders and authorizing ordinances that thoughtfully balance public health benefits along with impact on liberty interests and timely professional action with required democratic legislative participation, are likely to result in orders found legitimate by the public and lawful and enforceable by the courts.

Fiscal Impact: None

Respectfully,

Samantha Kraegenbrink

2
3 TO CREATE CHAPTER 8.30 OF THE CODE: COMMUNICABLE DISEASE; TO AMEND
4 SECTION 1.50.020 OF THE CODE: CITATION CODE

5
6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

7
8 SECTION 1. That Chapter 8.30 of the code be created to read:

9
10 Chapter 8.30

11
12
13 COMMUNICABLE DISEASE

14
15 Sections:

16
17
18 8.30.010 Purpose.

19 8.30.020 Definitions.

20 8.30.030 Duties and authority of the local health officer.

21 8.30.040 Orders authorized by the county board.

22 8.30.050 Order authorization by direct legislation.

23 8.30.060 Procedural safeguards.

24 8.30.070 Substantive safeguards.

25 8.30.080 Advisory directives.

26 8.30.090 Exclusive application.

27 8.30.100 Enforcement.

28
29
30 8.30.010 Purpose. The purpose of this Chapter is to establish the authority of the Local
31 Health Officer as defined in section 2.52.06 of the code to ensure for the health and safety of the
32 residents as it relates to communicable disease within Eau Claire County by taking appropriate
33 measures to investigate, prevent, suppress and control communicable disease within Eau Claire
34 County. During such times, the responsibility of the health officer to act in a manner that is
35 reasonable and necessary cannot encompass everything and anything but shall be focused. This
36 chapter neither restricts the local health officer's statutorily granted authority to issue orders to
37 specific individuals or entities related to communicable disease, nor the local health officer's
38 ability to issue advisory directives, rather it delegates limited legislative authority compatible
39 with constitutional structure and with necessarily retained oversight to promptly issue
40 enforceable orders of general application consistent with Ch. 252 Wis. Stats. and this Chapter.

41
42 8.30.020 Definitions. In this chapter, the following words and terms shall have the
43 following meanings, unless the context clearly requires otherwise:

- 44 A. "Board of health" means the board of health established under 2.52.030.
45 B. "City" means the city of Eau Claire.
46 C. "City council" means the city council of the City of Eau Claire.
47 D. "County" means Eau Claire County.
48 E. "County board" means the Eau Claire County Board.
49 F. "DHS" means the State of Wisconsin Department of Health Services.

1 G. "Health department" means the Eau Claire city-county health department
2 established under 2.52.020.

3 H. "Local Health Officer" is the Director of the Health Department as established
4 under 2.52.060.

5 I. "Public Gathering" is gathering or assembly of individuals, not of the same
6 household, at a public place, business or event that is open or accessible to members of the
7 community at large.
8

9 8.30.030 Duties and authority of the local health officer. Consistent with the language of
10 Wisconsin Statutes § 252.03 the Local Health Officer shall have the following duties and
11 authority:

12 A. Investigation. Upon the appearance of any communicable disease in the County
13 shall immediately investigate and make a full report to the Board of Health as to the nature and
14 spread of the disease.

15 B. Do what is reasonable and necessary for the prevention and suppression of
16 disease, including ordering isolation and quarantine consistent with Wisconsin Statutes §§252.06
17 and 252.07.

18 C. Consistent with Wisconsin Statutes §252.03 may inspect schools and other public
19 buildings as needed to determine whether the buildings are kept in sanitary condition.

20 D. May do what is reasonable and necessary for the prevention and suppression of
21 disease, including prohibiting or limiting public gatherings when deemed necessary to control
22 outbreaks identified to individuals or businesses, subject to the following:

23 1. Orders directed at specific individuals or businesses shall be based on the
24 best available scientific understanding as informed by the local conditions in Eau Claire County
25 that an individual or business is either infected or the source of a community based infection,
26 and that in order to stop the spread of the infection it is necessary to order the individual or
27 business to quarantine, isolate or close, but only for so long as is necessary to stop or suppress
28 the spread of the disease, and shall only be in effect until such time as the business has taken the
29 appropriate actions to appropriately sanitize the business and take the appropriate precautions to
30 prevent future spread of the disease; or the individual has completed the quarantine or has been
31 released from isolation under health department guidelines.
32

33 8.30.040 Orders authorized by the county board. In the absence of an emergency
34 declaration, when an enforceable general local public health order of general application is found
35 to be necessary by the local health officer, based on the best available scientific understanding of
36 the conditions in Eau Claire County, the local health officer may issue such an order consistent
37 with the requirements of s. 252.03, Wis. Stats., for a duration of no longer than 30 days.

38 A. Within the duration of any order issued in accordance with this paragraph, the
39 county board may consider on its agenda a resolution to support and uphold such order. If the
40 resolution fails, the order shall become advisory and shall no longer be enforceable within the
41 county. If the order is not considered by the county board within the duration of the order, the
42 order shall be deemed approved.

43 B. Orders issued in accordance with this chapter may be issued in no more than 30
44 day increments up to a maximum of 180 days from the first local public health order issued
45 related to the same incident or local health condition.

46 1. Upon request of the local health officer, based on local conditions, the
47 county board may consider resolutions to extend the enforceability of a local health officer order
48 for an additional 90 days each to a total maximum of one year.
49

1
2
3 8.30.050 Order authorization by direct legislation. As an alternative means of protecting
4 the public health, safety and welfare of the county and its residents, the county board may
5 consider adoption by ordinance of a local health officer order, or advisory, in whole or in part, at
6 any time. Ordinance adoption following a properly noticed meeting and public discussion shall
7 be necessary in order to continue enforceability of any local health officer order, in whole or in
8 part, after the time period of one year related to the same incident or local health condition.
9

10 8.30.060 Procedural safeguards. Any order issued pursuant to this chapter shall satisfy
11 all of the following or failing to do so shall be only advisory in nature.

12 A. As soon as practicable upon issuance of an order and regularly thereafter, the
13 local health officer shall undertake an investigation of all relevant local medical and public
14 health conditions and report the same to the board of health for review and recommendation.

15 B. Such orders shall be no longer than 30 days in effect but may be renewed for
16 succeeding 30 day or shorter periods based on local conditions.

17 C. The local health officer shall make a report to the county board regarding the local
18 conditions and the necessity of any requirements in the local health order at every held regularly
19 scheduled county board meeting during the order, which shall be at least every 30 days.

20 D. Publication as a class one notice under ch. 985, Wis. Stats. for public notice and
21 awareness of standards of conduct they must follow or be subject to enforcement. Such orders
22 shall have the full force and effect of law immediately upon publication of the order as a class 1
23 notice under ch. 985, Wis. Stats., and, unless otherwise specifically provided, shall take effect
24 immediately following publication. Publication shall be required upon the initial issuance of the
25 order and for any renewal of the order in which the substantive requirements for an individual or
26 entity's actions have changed.
27

28 8.30.070 Substantive Safeguards. Any order issued pursuant to this chapter shall also
29 satisfy all of the following or failing to do so shall be only advisory in nature.

30 A. Only impose such restrictions and requirements as are necessary based on a
31 factual inquiry into local circumstances to prevent, suppress and control direct human health
32 risks proximately related to a highly infectious, novel or otherwise unusually difficult to treat
33 communicable disease, illness, or comparable community wide public health threat that without
34 prompt action significantly threatens the health and imperils the lives of residents as determined
35 in the professional judgment of the local health officer.

36 B. To the extent feasible, orders shall be content neutral, non-discriminatory, avoid
37 classifications and shall be reasonable and necessary in scope and duration . Classification shall
38 only be used when necessary, and if necessary, then only when classification substantially relates
39 to the mitigation of a threat to public health based on local conditions and as supported by best
40 available scientific understanding. n scope and duration.

41 C. State the strategic purpose of the order.

42 D. State a finding by the local health officer that voluntary targeted disease control
43 strategies are inadequate to achieve the order's purpose and that compulsory measures are
44 reasonable and necessary to disrupt the disease transmission.

45 E. State the current scientific understanding on which the order relies are is based,
46 including any available evidence and the reasoning behind any determinations the public health
47 officer has made regarding the transmission and virulence of the infectious agent or toxin, the
48 routes by which the it is transmitted, and the factors the determine the risk of transmission as
49 they relate to the content of the order, including the local health officer's finding that a

1 communicable disease as described in subparagraph A. above is affecting or is likely in the near
2 future to affect the geographic area to which the order is applied and that voluntary measures or
3 targeted disease control measures are unlikely to be adequate to achieve the strategic purpose of
4 the order.

5 F. Include any limitation, exceptions, or accommodations reasonably necessary to
6 ensure conformance with requirements of federal, state, and local disability laws, federal and
7 state constitutions.

8
9 8.30.080 Advisory directives. The local health officer shall consider the issuance of an
10 advisory directive prior to utilization of county board authorization under this chapter.
11 Mandatory enforceable general orders of general application shall only be utilized when deemed
12 necessary to ensure the public health safety and welfare of the county as determined in the
13 legislative discretion of the county board as directly exercised or lawfully delegated in this
14 chapter. Local health officer orders issued beyond one year that have not been previously
15 adopted by ordinance prior to that date shall not be enforceable and shall be thereafter solely
16 advisory in nature.

17
18 8.30.090 Exclusive application. Only those orders issued pursuant to and in compliance
19 with this chapter shall be applicable within Eau Claire County.

20
21 8.30.100 Enforcement. Failure of an individual or business to comply with the order of
22 the Local Health Officer may result in the issuance of a citation by the Local Health Officer or
23 his or her designee, resulting in a forfeiture of up to \$200 per incident, with each incident
24 constituting a new and separate violation.

25
26 SECTION 2. To amend Section 1.50.020 of the code:

27

<u>ORDINANCE</u>	<u>OFFENSE</u>	<u>DEPOSIT</u>
28 8.20.090	Animal control - violation—penalties	500.00
29 <u>8.30.040</u>	<u>Communicable Disease Order</u>	<u>200.00</u>
30 9.40.040	License - Assemblies	500.00

31
32

33 ENACTED:

34
35 The foregoing represents the action of the
36 Committee on Administration on
37 September ____, 2020 by a vote
38 of ____ for, ____ against.

39
40
41 _____
42 Nick Smiar, Chair
Committee on Administration

The foregoing represents the action of the
City-County Board of Health on
September ____, 2020 by a vote
of ____ for, ____ against.

43 _____
44 Merrey Price, Chair
City-County Board of Health