

PUBLIC HEARING OF THE
2017 HUMAN SERVICES DEPARTMENT BUDGET
August 29, 2016

Human Services Board Members Present: Agnew, Baumann, Cavanaugh, Henrickson, Ruggirello, Waack, Williams.

Board Members Absent: Burke.

Board Members Excused: Nasap.

Human Services Department Staff Present: Ader, Dodge, Fure, Garceau, Jenswold, Kelley, Murphy, Randolph, Tisler, Weina, Ziegelbauer.

CALL TO ORDER:

The Public Hearing for input into the 2017 Human Services Department Budget was called to order at 4:00 p.m. by Human Services Board Chair Rick Henrickson. Chair Henrickson stated the Ground Rules for Testifying.

PUBLIC COMMENT:

Chair Henrickson introduced Maura Yost, Cleveland.

Ms. Yost's testimony is as follows:

Hello, I am here to continue to advocate for a single Human Services Director as is required by state law, county code, an AG opinion, and a letter directly to Manitowoc County. I ask that the Human Services Board make and fund a single Human Services Director following the county code procedures for the upcoming budget.

As I have previously said, County Executive Ziegelbauer has neither the authority nor the discretion to appoint 4 so-called co-Directors in lieu of complying with state law and county code.

The reason is that the legislature stated its intent, and its intent is for each county to have a single Human Services Director, according to state law, cited below, and so the rule of construction interchanging singular and plural does not apply because it produces a result inconsistent with the intent of the legislature.

CB Supervisors have no authority to approve co-directors in lieu of a single, qualified Director. State law reads that "Any supervisor who refuses or neglects to perform any of the duties which are required of the supervisor by law as a member of the board, without just cause therefore, shall for each such refusal or neglect forfeit not less than \$50 nor more than \$200.

The 2013 AG letter clearly stated that there is no director because no one is over entire department. "None of these persons is a director because none of them is in charge of or the head of the entire county human services department." He reinforced that judgment when he stated that "This letter does not address the authority of the county to keep the human services director position vacant, since the issue is not the subject of your request." It is illogical to think that the AG raised that question if the existing 4 co-Directors organizational structure complied with state statutes.

It is essential to note that it was only after the CB voted on co-directors that the then corp counsel was directed to seek AG opinion and did so on 12/28/2012. That vote itself was controversial, requiring 3 tallies, ultimately ending with the then CB chairman, Paul Hansen, cast the determining vote.

Former Corporation Counsel, Steve Rollins, repeatedly said AG response had no merit because it is not a formal opinion. If that is actually the case, then CC did not fulfill CB instructions to get AG opinion. Instead, he wrote on 9/28/12: "Manitowoc County is not in compliance with the Wisconsin Statutes or the Manitowoc County Code with respect to legal requirements pertaining to the Human Services Director position. While the County Executive is responsible for appointing a Human Services Director, his ability to do so is contingent upon the County Board including the position in the county's budget and appropriating the necessary funds."

Then he further stated on 10/29/12: "A county may not enact an ordinance that is preempted by or in conflict with state law. While both state law and the county code require that the county have a human services director, the county has not complied with that requirement."

Almost a year later, on 9/9/2013, he contradicted his prior opinion by writing: "Although earlier opinions concluded that the county was not in compliance with Wis. Stat. § 46.23(3)(a), the county board subsequently created and funded 4 Human Services Co-directors as part of the 2013 Budget."

Corporation Counsel Rollins received a \$7,000 raise afterwards on the vote of 4 Personnel committee members rather than the entire county board, while other county employees received increases in the 1% range, giving the appearance, if not the actuality, of a quid pro quo.

The AG explained that issuing a formal opinion would not offer "meaningful guidance to other counties due to the unique facts presented;" in other words, the 71 other Wisconsin counties are in compliance with state law, so they wouldn't benefit from a formal opinion.

Chair Henrickson thanked Ms. Yost for her comment.

Since there was no other public comment, Board Chair Henrickson closed the public hearing at 4:07 p.m.

Respectfully submitted:

Chair Henrickson, Temporary Secretary
Human Services Board

RH/pd