

**KENOSHA COUNTY BOARD OF SUPERVISORS  
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING  
May 1, 2012**

The **Regular Meeting** was called to order by Chairman Gentz at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Grady, Rose, Gentz, Montemurro, Dodge, Kubicki, Hallmon, R. Johnson, O'Day, Arrington, R. Frederick, Nudo, Kohlmeier, B. Frederick, Molinaro, Esposito, Noble, A. Johnson, Skalitzky, Breunig, Decker, Elverman.

Excused: Supervisor Underhill.

Present: 22. Excused: 1.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Gentz asked if anyone is interested in sitting on either Healthy People or Kemper Center Board to contact him. Supervisors who will be attending the WCA Conference in September should let the clerk know ASAP so hotel reservations can be made.

**SUPERVISOR REPORTS**

Supervisor Elverman stated KD park will be opened everyday beginning May 5<sup>th</sup>.

Supervisor Breunig reminded the board the Youth In Governance Orientation and Reception will be held before the county board meeting on May 15<sup>th</sup>.

Supervisor Hallmon stated any county board members wishing to have a tour of the Kenosha County Job Center/Human Services Building can contact John Jansen's office.

**CHAIRMAN APPOINTMENT**

1. Supervisor Anita Johnson to serve on the Kenosha Joint Service Board.

**OLD BUSINESS**

Ordinance - second Reading, two required

**ORDINANCE 1**

1. From the Executive Committee an Ordinance to amend Chapter 19 Sections 19.04(4)(i), 19.09-1, 19.10-1 and 19.14-1 and (7) of the Municipal Code of Kenosha County Pertaining to a Code of Ethics for County Board Supervisors. The Kenosha County Board of Supervisors does hereby ordain that Chapter 19 of the Municipal Code of Kenosha County be, and hereby is amended to read as follows:

1 19.04-1 STANDARDS OF CONDUCT

(4) (i) Business Associates and Clientele. No County Board Supervisor shall render

service to, engage in debate, lobby for, ~~or~~ make any decision concerning or involving any, as defined herein, former, present or known future business associate or client or customer of such Supervisor or other member(s) of the Supervisor's firm or his or its associates or partners who may have a matter pending before the County Board. Where such relationship and circumstances exist, the supervisor shall abstain from participation in any decision making process and file ~~an amended~~ a financial disclosure statement or an amended statement as required by this code and reveal the nature and extent of the relationship. This provision, however, shall not be applied in the case of a legally recognized privilege, such as in the case of an attorney-client or doctor-patient relationship. [see Sec. 19.04-1(4)(g)]

2 19.09-1 FINANCIAL/PERSONAL LEGISLATIVE INTEREST DISCLOSURE

The Financial/Interest Disclosure Form set forth in Appendix 1 shall be completed by all County Board Supervisor and candidates for such office, and filed with the Kenosha County Clerk as a public record prior to the end of business on the last day for filing nomination papers for the Spring election. In non-election years the disclosure statements shall be filed prior to January 7. Subsequent to filing the Financial/Interest Disclosure Form set forth in Appendix 1 a Supervisor shall, in the event of a change in circumstances or upon becoming aware of an omission or error in a form already on file with the County Clerk, file an amended form within five (5) business days of becoming aware of the change in circumstances or error.

3 19.10-1 POST COUNTY EMPLOYMENT CONFLICTS

County Board Supervisors who have voted on the awarding of a contract with a particular contractor, provider or vendor or who have had input into such award may not accept employment with such contractor, provider or vendor or their sub-contractors for a period of one year after ~~termination of their term of office~~ such vote. No contractor, provider or vendor or their sub-contractor may make an offer of employment to such County Board Supervisor or any member of their immediate family prior to such vote or within one year after ~~the completion of their contract with Kenosha County~~ after such vote.

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19.14-1 DEFINITIONS

In this code, and for purposes of this code only:

(5) "Former Client," for purposes of requiring an abstention from voting, means a person or other legal entity who has engaged the services of a County Board Supervisor or that Supervisor's employer or associate or who has been a customer of that Supervisor or that Supervisor's employer or associate within a period of ten years prior to any matter affecting that former client or customer coming before the County Board of Supervisors.

(7) "Known Future Client," for purposes of requiring an abstention from voting, means a person or other legal entity to whom a Supervisor or that Supervisor's employer or associate has a commitment either direct or implied, formal or informal to provide services or products for anything of value, as defined herein, at some time in the future after County Board consideration of a matter affecting such client or customer.

Renumber (5) through (13)

The District Attorney in an August 16, 2011 e-mail to this office has also opined that certain provisions of the municipal code should be clarified as outlined below. This office has reviewed his concerns, concurs in his interpretation and recommendation and adds its own additional recommendations to those of the District Attorney. The combined concerns and recommendations are as follows:

- I. former, present or known future clients of other members of the firm or business partners should be imputed to elected officials and subject to disclosure. In light of the current code language even an appearance of a conflict should be avoided;
- II. filing an amended financial disclosure statement should be made mandatory within a certain time frame after becoming aware of a change in circumstances;
- III. actual knowledge or knowledge which a County Board Supervisor should reasonably be expected to have of who the County contracts with and which could be considered a conflict should be the standard for determining a breach of the ethics code;
- IV. there should be consideration of whether the local code should maintain a lower threshold [currently zero tolerance] than the 15k allowed in the state code for contracts which an official may enter into; especially if, according to the Code, you can accept employment from someone the County contract's with after one year;
- V. how much time, if any, should pass before a Supervisor can vote or discuss a matter involving a former client; should it matter whether the relationship ended on good or bad terms;
- VI. there should be some consideration as to the impact of third party contracts on perceived ethical behavior.

SUBMITTED BY:

Executive Committee

Fred Ekornaas

Dennis Elverman

Douglas Noble

Kimberly Breunig

It was moved by Supervisor Molinaro to adopt Ordinance 1. Seconded by Supervisor Breunig.

It was moved by Supervisor Rose to amend Ordinance 1 to strike the words "or present any appearance of an impropriety" from the first paragraph. Seconded by Supervisor Molinaro.

Motion carried.

Motion on Ordinance 1 as amended carried.

**NEW BUSINESS**

Ordinance - first reading, two required

2. From the Human Services Committee an Ordinance to repeal and recreate Chapter 16 of the Municipal code of Kenosha County.

**CLAIM**

1. Mark Swenson, Sr. - vehicle damage.

Chairman Gentz referred Claim 1 to Corporation Counsel.

It was moved by Supervisor Grady to approve the April 17, 2012 regular and organizational and the April 23, 2012 minutes. Seconded by Supervisor Esposito

It was moved by Supervisor Decker to adjourn. Seconded by Supervisor Arrington.

Meeting adjourned at 7:50 p.m.

Prepared by: Edie LaMothe

Deputy Clerk

Submitted by: Mary Schuch-Krebs

County Clerk