



The League of Women Voters of Dane County, Inc.

General Meeting and Public Forum

Topic:

Looking Ahead to 2020

Speaker:

Kathleen Falk
Dane County Executive

When:

Wednesday, September 9, 2009, 7 p.m.

Where:

The Capitol Lakes Grand Hall
333 West Main Street in Downtown Madison
Free Parking in Ramp Available Across the Street

LWVDC Dane County Government Study Committee:

Mary Bean, Carol Dutton [Convener], Kathy Fullin, Clare McArdle, Pam Rewey, Dorothy Wheeler

Listing of Study Materials about Dane County:

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Discussion Questions:

Size of the Dane County Board of Supervisors:

After the 2000 census and reapportionment, each supervisory district was designed to include approximately 11,000 residents. As of 2008, the average population of a county board district is 13,000. If Dane County's population increased to 500,000, and there were 33 supervisors, the average district population would be 15,000. (For comparison purposes, the average size of Madison aldermanic districts is about 10,650.)

- Do League members believe that this increase in the number of constituents would affect the accessibility and the accountability of supervisors?

Dane County: Medical Examiner vs. Coroner System:

Currently the coroner's office has 7 permanent and 2 limited-term staff, including the coroner, whose salary is \$77,687 annually. The office is advertising for a forensic pathologist at an annual salary between \$109,000 and \$147,000. John Stanley, current Dane County Coroner, points out that medical expertise and administrative expertise are two different skill sets.

- When the county board develops the transition to a medical examiner system, what should be done to ensure that the office is administered efficiently without a significant cost increase?

Dane County Shoreland Zoning:

- What is the line of authority that county government has in regard to shoreland zoning in unincorporated areas?

An Overview Family Care and Dane County Issues:

Family Care establishes a Managed Care Organization (MCO) to provide services at the county (or multi-county) level. The county may serve as the MCO or it may establish a county (or multi-county) district to contract with the state to provide services. This district would have an independent board of directors. However, the district would use county employees to manage services, similar to the present system. The county may choose to have the state contract directly with a private (non-profit or for-profit) organization to manage the long term care for clients. All of these alternative MCO's could contract with existing agencies to provide long term care services.

- Which alternative would you prefer and why?

Introduction

This month the LWVDC is looking at various issues facing Dane County Government. These issues have been chosen to provide examples of the role of the state of Wisconsin, its constitution, legislation and regulations with respect to Dane County.

The following general background information and the organization chart on the next page is from a profile of Dane County Government provided in the 2009 Adopted Dane County Budget:¹

Dane County government provides many functions and services for its 471,559 citizens through 2,200 elected and civil service employees. The County acts as an agency for the State of Wisconsin to enforce both state and county laws for the protection of its citizens' livelihood, safety, health and welfare, and property.

The Dane County Board of Supervisors establishes policies for the County. Supervisors are elected from each of the County's 37 supervisory districts in the spring of even numbered years. As the County's legislative body, the County Board also approves county ordinances, levies taxes, and appropriates funds for all county services.

The Office of the County Executive was established in 1972 to act as the Chief Executive Officer of the County. The County Executive is a county-wide elected position that serves a four-year term, with elections in the spring.

In addition to the County Board and County Executive, there are seven elected County officials whose offices are established by the constitution of the State of Wisconsin and who are elected in the fall of every even numbered year.

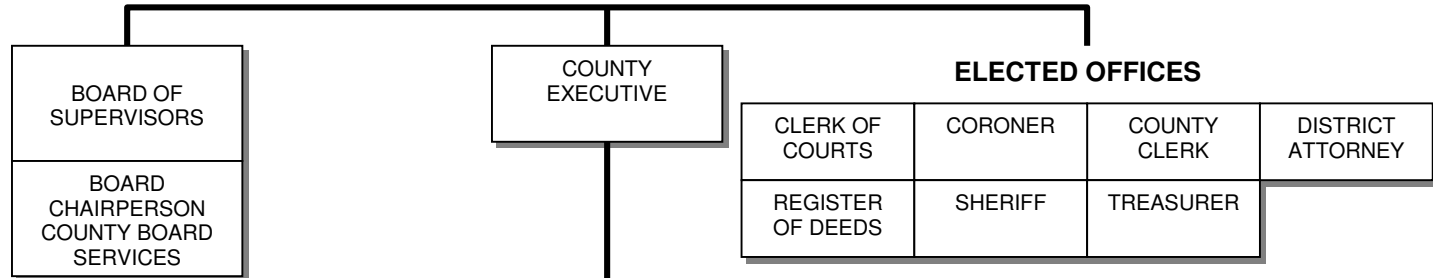
These offices are the Clerk of Courts, Coroner, County Clerk, District Attorney, Register of Deeds, Sheriff and Treasurer. Elected officials serve as the head of their respective agencies and carry out the policies established by the State Legislature, the County Board, and the County Executive.

In addition to the seven elected officials, Dane County has numerous appointed department heads that administer County, State and Federal regulations specific to their departments.

¹ <http://danedocs.countyofdane.com/webdocs/PDF/budget/2009/adopted/Profile.pdf>

ORGANIZATION OF DANE COUNTY GOVERNMENT

CITIZENS



STANDING COMMITTEES

Executive	Personnel & Finance	Health & Human Needs	Public Protection & Judiciary
Environment, Ag & Natural Resources	Public Works & Transportation	Zoning & Land Regulation	

ELECTED OFFICES

CLERK OF COURTS	CORONER	COUNTY CLERK	DISTRICT ATTORNEY
REGISTER OF DEEDS	SHERIFF	TREASURER	

DEPARTMENTS

Administration	Airport	Alliant Energy Center	Corporation Counsel	Emergency Management
Extension Office	Family Court Counseling	Human Services	Joint Board of Health	Juvenile Court Program
Land & Water Resources	Land Information	Library Service	Planning & Development	Public Safety Communications
Public Works, Hwy & Transp.	Veterans Service	Henry Vilas Zoo		

COMMITTEES OF THE COUNTY BOARD

City-County Liaison	Information Resources Management	Land Conservation	University Extension	Strategic Growth Management
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BOARDS & COMMISSIONS

B.U.I.L.D. Committee	Children Come First Commission	Civil Service Commission	Commission on Aging	Commission on Sensitive Crimes	Community Development Block Grant Commission	Coordinating Council	Cultural Affairs Commission	Economic Summit Council	Election Commission	Emergency Medical Services Commission
Employee Mgmt. Insurance Advisory Committee	Environmental Council	Equal Opportunities Commission	Ethics Board	Henry Vilas Zoo Commission	Historic Preservation Committee	Housing Authority	Human Services Board	Joint City-County Section 8 Rental Housing Provider Advisory Comm.	Joint Oversight Advisory Committee	Joint Public Health Advisory Committee
Justice Center Planning Oversight Committee	Lakes & Watershed Commission	Land Information Office Committee	Library Board	Living Wage Review Council	Local Emergency Planning Committee	Long Term Support Committee	Monona Terrace Convention & Community Center Board	North Mendota Parkway Advisory Committee	Park Commission	Public Safety Communications Center Board
Public Safety Comm. Oper. Practices Advisory Committee	Reclassification Appeals Board	Safety & Working Conditions Study Committee	Solid Waste & Recycling Commission	South Central Library System Board	South Central Wisconsin Rail Transit Commission	Southwest Dane Transportation Advisory Committee	Specialized Transportation Commission	Task Force on Chronic Wasting Disease	Traffic Safety Commission	Tree Board
Veterans Service Commission	W-2 Community Steering Committee	Wisconsin River Rail Transit Commission	DANE COUNTY, WISCONSIN					Women's Issues Committee	Youth Commission	

Size of the Dane County Board of Supervisors

With 37 members, the Dane County Board of Supervisors is one of the ten largest county boards in the nation. Six other Wisconsin county boards are also in the “top ten” by size, a result of Wisconsin’s historic tradition of keeping government close to the people.

Until 1966, the Dane County Board consisted of 91 members – every town was represented by its town board chair, and there were elected members from villages and city wards. As a result of “one person one vote” judicial decisions, state legislation set limits on county board size based on population. Dane County was permitted only 47 supervisors.

After the 1970 census the board was reduced to 41; after the 1990 census to 39; and after the 2000 census to 37. Redistricting will be necessary after the upcoming 2010 census, and will offer an opportunity to decide whether the county board size should be changed.

Under state law, county boards may reduce their size once during the 10-year interim between redistricting. Waukesha’s County Board downsized from 35 to 25 members in 2008, but several other WI counties rejected proposals to downsize. In 2006, the Dane County Board defeated a measure to reduce its size to 19.

Opponents of a severe size reduction cite a number of problems with much larger districts. They contend that the increased cost of running for office would deter some candidates, and that it would be difficult to knock on many more doors during campaigns. Scott McDonell, Chair of the Dane County Board, explained that “We don’t want election to the County Board to require spending a lot of money on media buys” as it might if districts became quite large.

Opponents point out that currently, each supervisor serves on one standing committee of the Board, and many serve on six or more of the 54 Boards and Commissions appointed by the County Executive. They are concerned that the workload would increase substantially if there were fewer supervisors to share the committee work.

Some rural supervisors currently represent part or all of as many as 8 municipalities now; it would be unlikely that a supervisor could attend many town or village board meetings if the supervisor represented many more municipalities.

The Wisconsin Taxpayers Alliance released a study in 2003 that found that “an increase in county board size of one supervisor was associated with lower spending of \$8 to \$10 per

resident.” Todd Berry, WISTAX President, said “having fewer constituents for each supervisor can help keep spending in check by making each supervisor more accountable.”

Proponents of downsizing believe that county board discussions involving 37 people sometimes lose focus with so many competing voices. However, Scott McDonell noted that the Madison City Council, with 21 members, often takes until 11 p.m. to finish its meetings. Because much of the work is done in committee, County Board meetings generally conclude by 9 p.m.

Proponents of a smaller Board point to the cost savings from eliminating the salaries of some county board members (supervisors receive \$8,200 annually). They also believe more supervisory elections would be contested if the districts were larger.

Opponents argue that the cost savings might evaporate if the workload increased, because supervisors might hire additional board staff to help with the increased workload or might seek higher salaries to compensate for the additional time spent dealing with board and constituent issues.

Milwaukee County’s 19 supervisors are considered “full-time.” The expectation is that full-time supervisors will be able to spend more time on major complex issues, and will be more accessible to their constituents because they do not have regular outside employment. However, former Dane County Board Chair Dick Wagner cautions that “A full-time supervisor system in Milwaukee County has not proved itself a better form of government.”

Scott McDonell said that he liked the current composition of the County Board. “You have farmers, housewives, students, and scientists. If the Board got a lot smaller, it would become more politicized as a step to further political office.”

Nonetheless, there seems to be a general feeling that 37 is a bit too large of a group for efficient deliberations. Scott summarized the general opinion by noting “I anticipate eliminating a few more districts in the next redistricting.”

Dane County: Medical Examiner vs. Coroner System

It is generally accepted in the state of Wisconsin that civil servants should perform government tasks that are administrative in nature, and that elections should be reserved for positions that make policy.

However, over the years, a number of county positions such as treasurer, clerk, and register of deeds have become more administrative in nature, but under Wisconsin's constitution they are still elected, not appointed. Counties under 500,000 in population do have the constitutional option of appointing a medical examiner rather than electing a coroner; counties over 500,000 in population must have an appointed medical examiner.

Under state statute, the duties of the coroner and medical examiner are the same. Coroners and medical examiners investigate deaths that may have occurred for reasons other than natural circumstances. Coroners or medical examiners are called upon to assist law enforcement agencies in determining whether deaths are due to homicide, suicide, or accidents, and may testify in court proceedings about their findings.

Dane County's population is currently 482,000. The constitutional provisions concerning "counties having a population of 500,000 or more" were all intended to apply only to Milwaukee County. It is probable that after the 2010 census that Dane will reach 500,000.

John Stanley, the current Dane County coroner, stated that Dane County is planning to move to a medical examiner system when he retires at the end of his term in January, 2011. He expects to bring a resolution to the County Board early in 2010, to authorize the transition, before nomination papers for the position of coroner would be circulated in June 2010.

Dane would be the only Wisconsin county whose population change would bring it close to the 500,000 limit and soon thereafter trigger the change to medical examiner system. Constitutional changes must pass two sessions of the Legislature and then a statewide vote, so there must be substantial motivation to attempt to amend the constitution. There is no vocal constituency for retention of the elected coroner vs. the medical examiner system.

There is general agreement that hiring medical specialists as medical examiners will require higher salaries than elected coroners, however. The National Academy of Sciences has issued a report which calls on Congress to make funding available to assist in the replacement of coroners by medical examiner systems.

John Stanley emphasizes that the primary responsibilities of the coroner or medical examiner are administrative. He is not a medical doctor, and his office contracts with forensic pathologists when their medical expertise is needed to make accurate death determinations. Forensic pathologists are physicians with expertise in sudden, unexpected, and violent deaths.

The coroner's office is currently recruiting a physician to become a salaried staff member, and Stanley states that other staff have specific medical expertise. He therefore does not expect that the change to a medical examiner system in Dane County would increase the budget for the office.

One interesting feature of the constitutional provision is that if a medical examiner is appointed in a county under 500,000 in population, the appointment is made by the county board. When a county has a population of 500,000 or more, the appointment is made by the county executive, subject to board confirmation.

Dane County Shoreland Zoning

Wisconsin is home to 15,057 lakes that cover 1.2 million of the state 35.7 million acres. The state also has 84,474 stream and river miles. The DNR estimates that all of Wisconsin's privately owned shorelands will be developed by the year 2015. By developing shorelands however, we are destroying this natural treasure.

Existing shoreland zoning rules have been thoroughly studied and found to offer only minimal protection of fish and wildlife habitat, natural scenic beauty and water quality. Public hearings, listening sessions and rigorous studies conducted over the past 12 years, have led to a rewriting of NR 115, Wisconsin Administrative Code, a shoreland management program. "The proposed rule revisions address the issue of improving shoreland development standards to meet the statutory objectives of protecting water quality, fish and wildlife habitat and natural scenic beauty, while providing counties and property owners with more certainty and flexibility when amending shoreland zoning ordinances or applying for permits" (background memo on proposed revision to ch. NR 115 April 23, 2007 from Scott Hassett to Natural Resources board).

Dane County has approximately 6,059 miles of shoreline that are subject to zoning ordinances, of one type or another. NR115 does not apply to shorelands in areas incorporated prior to 1982, but we have the Dane County Lakes and Watershed Commission which does have authority to require shoreland zoning ordinances within incorporated cities and villages. Dane is the only county in the state that has such a commission. At a recent meeting of an urban Runoff Subcommittee (7/7/09) recommendations were made to the Dane County Board of Supervisors to amend the Dane County Comprehensive Plan and to the Capital Area Regional Planning Commission to amend the Dane County Water Quality Plan to higher standards than currently accepted. Shoreland classifications are divided into Urban, Developing, and Rural waters. The subcommittee further recommends: (1) use performance standards under waterbody classification to implement the "mitigation standards"* described in the current proposal for NR115; (2) adopt NR115 minimum standards for Urban Waters; (3) adopt differential standards that exceed state minimums for Developing and Rural Waters based on current waterbody classification recommendations; (4) complete shoreland zoning amendments to implement waterbody classification and NR115 compliance at the same time.

Shoreland property owners, builders, landscapers and others involved in waterfront activities will be impacted once counties amend their ordinances. These parties should benefit from regulations that reduce the need for variances and that provide clear standards for activities. The public who uses and enjoys Wisconsin's navigable waters will also benefit from the improved standards designed to protect public rights to navigable waters.

- *Mitigation Standards: To offer an equivalent measure of effort, in this case, shoreland protection.
- For further information see <http://dnr.wi.gov/org/water/fhp/lakes/> ; [http://www.danewaters.com/management/water body classification.aspx](http://www.danewaters.com/management/water_body_classification.aspx)

Clare McArdle would like to credit John Hendrick, Dane County Board Supervisor, District 6, and Brian Standing, Senior Planner of Dane County Planning and Development, for their help in developing this introduction to a very complex subject.

An Overview of Family Care* and Dane County Issues

Family Care was authorized by the Governor and Legislature in 1998 to provide long term care for people with physical or developmental disabilities and frail elders. The proposed changes were designed to address concerns about the complexity and cost of the long term care system, waiting lists, and the projections of increasing numbers of elderly citizens. The goals of Family Care were to give people better choices about where they live and the kinds of services and supports that they receive; to improve access to services; to improve quality of life; and to create a cost-effective system.

The program was established in five pilot counties and remained a limited program until Governor Doyle announced plans to expand Family Care statewide in his 2006 State of the State speech. An independent assessment (by APS Healthcare, Inc.) completed in 2005, had found that Family Care produced substantial savings for similar people who received long term care in

other state funded or Medicaid Waiver programs. Average monthly costs for Family Care members were \$452 lower per person (\$55 less per month in Milwaukee County). Wisconsin has been a leading state in developing community alternatives to nursing home care. However, about 11,500 people are on waiting lists for community care, statewide.

Family Care is a managed care model with two major organizational components:

1. Aging and disability resource centers (ADRCs), to provide single entry points for elderly people and people with disabilities to receive information and advice about resources available to them in their local communities; and
2. Managed Care Organizations (MCOs), which combine funding and services from a variety of existing programs into one long term care benefit to meet individual needs and preferences.

The ADRCs are available as a resource for all citizens to provide information and planning for long term care and other benefits counseling. The ADRCs also administer the Long-Term Care Functional Screen (upon request), to assess the individual's level of need for services and eligibility for the Family Care benefit. The MCO's provide managed long term care services for individuals who are both functionally and financially eligible for Medicaid (MA) services, or for the more flexible state-funded Community Options Program (COP).

*The information in this summary was taken from the Family Care webpage on the website of the Wisconsin Department of Health Services.

As of August 1, 2009, Family Care is available in 47 counties in Wisconsin. In June of 2009, nearly 60% of the Wisconsin residents, who qualify for publically funded long term care, had access to Family Care. In addition, several other counties provide resource-center (ADRC's) only services. A total of thirty-two ADRCs serve 55 counties and 1 Tribe, accounting for over 70% of the state's population. The state plans to "phase in" Family Care to all counties in the next two biennial budgets.

Dane County has a long history of providing excellent long term care for people with disabilities and the frail elderly. The county has provided more funding than required by the state to fulfill the necessary match to receive state funding through the Community Aids program. In addition, when the state made it possible for counties to use local GPR to secure federal Medicaid (MA) matching funds, Dane County took advantage of the opportunity.

Dane County officials have resisted participation in Family Care because of the state requirement for maintenance of effort that is the usual rule when the state assumes programs formerly provided by counties. The state has maintained that it cannot take over programs unless the full county match, and in some counties—the “overmatch”—continues to be available for the services. Dane County has recently contributed about \$19,500,000 per year in county property tax revenue (GPR) for long term care. Most of this funding has been “overmatch”, beyond the state required “match.” In the last biennium, this problem was partially solved by legislation that would require Dane County to contribute the full \$19.5 million only in the first year. The amount owed the state Family Care Program would decrease each year, with \$15.6 million owed the second year, \$11.7 the third year, \$7.8 million the fourth year and then would stabilize at \$3.89 million the fifth year and for all subsequent years.

The Dane County Board Committee on Health and Human Needs is working with the Department of Human Services to define the needed actions to change the system to Family Care. They are trying to decide which model of Family Care would be best for consumers in this county. 1) Should the county contract with the state to be the MCO (Managed Care Organization) and continue to serve consumers or 2) should they institute a separate “district” that holds the contract with the state as the MCO while the county continues to deliver the services, or 3) should they settle for a private organization designated as the MCO and delivering the services? After much deliberation with several county committees, this collaborative discussion produced no decision. This question will continue to be studied by the authorities so they can plan for the change to Family Care.

Advocates for people with developmental disabilities have also tended to distrust Family Care because of the claim that Family Care could eliminate all waiting lists and still be “budget neutral.” This means that many more people would be served with no increase in state funding. The average monthly cost for an adult receiving long term care in the Family Care counties is \$3226. An adult receiving long term care in Dane County averages \$4978. Services in Dane County have been very good. However, it is also true that a number of placements have been made in Dane County from Central Wisconsin Center because the people could not be served in their home counties. Most of these placements are individuals who are medically fragile and need to be near more sophisticated medical resources. Dane County also has more accessible transportation and other resources for people who use wheel chairs. These resources have also attracted families to move here if at all possible if they have a family member with severe and multiple disabilities. People with developmental disabilities have been the most expensive to serve and seem to have the most to lose with Family Care. The adults with developmental disabilities often have multiple disabilities and also lack the “natural supports” of friends and family after their parents are no longer available for their care. Natural supports can help lower costs.