

**MINUTES OF THE
ASHLAND COUNTY BOARD OF SUPERVISORS
GENERAL MEETING**

Wednesday, May 10, 2023

Ashland County Courthouse, 201 Main Street West, Room 204, Ashland, WI 54806

1. CALL TO ORDER

A General Meeting of the Ashland County Board of Supervisors was held on Wednesday May 10, 2023 by Remote/Zoom and in person at the Ashland County Courthouse, County Board Room. Chairperson Richard Pufall called the meeting to order at 9:03 a.m.

a. Roll Call:

Roll Call: Present: Ellefson, MacKenzie, Nagro, Metzinger, Campbell, Ray, Kinney, Pufall, Franek, Starck, Sztynдор, Berlin, Miranda, Bussey, Mika, Vitek, Huber, Schutte, Carl, Wiener, Mertig. 21

Absent: 0

Excused: 0

b. A moment of silence was held.

c. The Board recited the Pledge of Allegiance.

2. APPROVAL/ADOPTION OF THE AGENDA

A motion was made by Gary Mertig and seconded by Kathy Schutte to approve and adopt the Amended Agenda as presented. Motion carried.

3. PUBLIC COMMENTS

This agenda item was removed from agenda.

4. REVIEW, DISCUSSION, AND ACTION ON APPEAL OF K. LAVASSEUR GRIEVANCE DECISION

The Board/Committee may entertain a motion to move in and out of Closed Session Pursuant to §19.85(1)(b) to consider the appeal filed by Kimberly Lavoisier regarding her termination as Jail Administrator. Pursuant to Wis. Stats. § 19.85(1)(b), Ms. Lavoisier has the right to demand that this meeting be held in open session.

Following any closed session, the Board may reconvene in open session to take any action necessary on the closed session items.

Chairman Pufall announced the Hearing will be conducted by Assistant Corp Counsel, Alex Mohrbacher. Mr. Mohrbacher reviewed the rules from the employee handbook. An open session was requested by Kim Lavoisier. The meeting in its entirety will be held in open session.

A motion by Gary Mertig and seconded by Bradley Ray to acknowledge the date of Kim Lavoisier's termination is January 30, 2023.

Discussion.

A motion was made by George Bussey and seconded by Michael Starck to table the motion.

Roll Call: Yes: Metzinger, Pufall, Franek, Starck, Sztynдор, Berlin, Miranda, Bussey, Mika, Huber, Schutte, Wiener. 12

No: Ellefson, Nagro, Campbell, Ray, Kinney, Vitek, Carl, Mertig. 8

Abstain: MacKenzie. 1

A motion by Bradley Ray and seconded by Patrick Kinney to accept the Hearing Officer's impartial decision as complete, the burden of proof was not met and the date of January 30, 2023 is the termination date.

Discussion.

A motion was made by Ronald Szyndor and seconded by Laura Nagro to Call the Question.

Roll Call: Yes: Ellefson, Nagro, Campbell, Ray, Kinney, Pufall, Szyndor, Berlin, Vitek, Huber, Carl, Wiener, Mertig. 13

No: Metzinger, Franek, Starck, Miranda, Mika, Schutte. 6

Abstain: MacKenzie, Bussey. 2

Debate ended.

Roll call to accept the Hearing Officer's impartial decision as complete, the burden of proof was not met and the date of January 30, 2023 is the termination date.

Roll Call: Yes: Ellefson, Nagro, Campbell, Ray, Kinney, Pufall, Vitek, Carl, Wiener, Mertig. 10

No: Metzinger, Franek, Starck, Szyndor, Berlin, Miranda, Bussey, Mika, Huber, Schutte. 10

Abstain: MacKenzie. 1

Discussion continued.

A motion was made by George Bussey and seconded by Kathy Schutte that the impartial hearing officer's decision was clearly erroneous because of missing findings that the decision was rushed which lead to a different conclusion of law than what the impartial hearing officer had which was that the County did not have any rational basis to terminate Ms. Lavasseur because the decision was rushed.

At 10:44 a.m., the County Board recessed for 10 minutes.

The County Board meeting reconvened at 10:55 a.m.

Discussion continued.

A motion was made by Bradley Ray and seconded by Michael Berlin to Call the Question.

Roll Call: Yes: Ellefson, , Nagro, Metzinger, Campbell, Ray, Kinney, Pufall, Franek, Starck, Szyndor, Berlin, Miranda, Bussey, Mika, Vitek, Huber, Schutte, Carl, Wiener, Mertig. 20

No: 0

Abstain: MacKenzie. 1

Debate ended.

Roll Call to accept that the impartial hearing officer's decision was clearly erroneous because of missing findings that the decision was rushed which lead to a different conclusion of law than what the impartial hearing officer had which was that the County did not have any rational basis to terminate Ms. Lavasseur because the decision was rushed.

Roll Call: Yes: Franek, Starck, Szyndor, Berlin, Miranda, Bussey, Mika, Schutte. 8

No: Ellefson, Nagro, Metzinger, Campbell, Ray, Kinney, Pufall, Vitek, Huber, Carl, Wiener, Mertig. 12

Abstain: MacKenzie. 1

A motion was made by Bradley Ray and seconded by Laura Nagro to reconsider Bradley Ray's original motion to accept the hearing officer's statement in full.

Roll Call: Yes: Ellefson, Nagro, Metzinger, Campbell, Ray, Kinney, Pufall, Vitek, Huber, Carl, Wiener, Mertig. 12

No: Franek, Starck, Sztynodor, Berlin, Miranda, Bussey, Mika, Schutte. 8

Abstain: MacKenzie. 1

The motion on the table is the original motion made by Bradley Ray and seconded by Laura Nagro to accept the hearing officer's decision in full.

Roll Call: Yes: Ellefson, Nagro, Metzinger, Campbell, Ray, Kinney, Pufall, Vitek, Huber, Carl, Wiener, Mertig. 12

No: Franek, Starck, Sztynodor, Berlin, Miranda, Bussey, Mika, Schutte. 8

Abstain: MacKenzie. 1

5. ADJOURN

There being no further business, a motion to adjourn was made by Michael Berlin and seconded by Kathy Schutte. Motion carried. County Board adjourned at 11:12 a.m.

Respectfully submitted,



Heather W. Schutte
Ashland County Clerk