



# Dane County

## Master

File Number: 2014 OA-047

File ID: 2014 OA-047

Type: Ordinance

Status: Ordinances  
Recommended to  
the Board

Version: 1

Reference:

In Control: Personnel &  
Finance Committee

File Created: 07/17/2014

Topic:

Final Action:

Title: AMENDING CHAPTER 30 OF THE DANE COUNTY CODE OF  
ORDINANCES, REGARDING CONTRACTS FOR EMERGENCY  
SHELTER SERVICES

### Internal Notes:

**Sponsors:** Supervisor WEGLEITNER, Supervisor FERRELL,  
Supervisor KRAUSE, Supervisor MATANO,  
Supervisor PAN, Supervisor RICHMOND, RITT,  
Supervisor WILLETT and Supervisor HENDRICK

**Enactment Date:**

**Attachments:** 2014 OA-047 SHELTER RIGHTS.pdf, 2014 OA 047  
Sub 1.pdf

**Enactment Number:**

**Contact:**

**Hearing Date:**

**Drafter:** peterson.karin@countyofdane.com

**Effective Date:**

### Approval History

Version	Date	Approver	Action
1	07/17/2014	MELINDA PIERSON	Approve
1	07/17/2014	CHUCK HICKLIN	Approve
1	07/17/2014	SCOTT MCDONELL	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	County Board	07/18/2014	referred	Health & Human Needs Committee		10/14/2014	
<b>Action Text:</b> This Ordinance was referred to the Health & Human Needs Committee							

1 County Board 07/21/2014 referred Homeless Issues Committee 07/22/2014

**Action Text:** This Ordinance was referred to the Homeless Issues Committee

1 County Board 07/21/2014 referred Personnel & Finance Committee 10/14/2014

**Action Text:** This Ordinance was referred to the Personnel & Finance Committee

1 Homeless Issues Committee 07/22/2014 recommended for approval

**Action Text:** Motion by Ketchum, seconded by Kozubek that this Ordinance be recommended for approval. Further discussion of intention of ordinance, impact of ordinance on provider operations, role of county ombudsman in hearing grievances, role of hearing examiner and how hearing is conducted, experiences with removal from shelter.

Wegleitner provided background and noted a few changes.

Preston Patterson and Brad Hinkfuss gave public comment expressing Porchlight's opposition to OA 47. Preston said he has no problem with third party review, but has concerns with the make up of the review panel and how it will address burden of proof. There was discussion of Porchlight's procedure for dismissal of a resident.

Wegleitner described the process leading up to a review panel.

Brad Hinkfuss provided additional information of Porchlight's appeal process. Expressed concerns with ordinance – providers should be allowed flexibility for their operations, provider assumes liability for decisions of third party panel, ordinance would create additional staff burden for agencies, victims will be unwilling to testify against attackers, admission provision has nothing to do with grievance procedure.

Brad Hinkfuss provided clarification on video recording procedures and postings at Porchlight in response to question from Marsha Rummel. There was discussion of the evidentiary burden Porchlight pursues.

Kristin Rucinski gave public comment expressing her concerns with provider liability under the ordinance. Has appreciated being able to provide input on the ordinance. Provides information on the Road Home's resident removal policy in response to question from Marsha Rummel.

Dave Peters gave public comment in support of the ordinance and a third party review process. Expressed concern for individuals who cannot seek shelter due to behavioral bans. There was discussion of the reinstatement process at Porchlight.

Al Muhaymin gave public comment in support of the ordinance. Said residents want to feel safe in shelter.

John Heimlich gave public comment in support of the ordinance. Wants to see oversight of shelter providers.

1 Homeless Issues Committee 07/22/2014 amended

**Action Text:** This Ordinance was amended as follows:

Delete entire section (6): Appeal to the Shelter Grievance Panel

Insert: new section (6): Compliance Data Collection and Periodic Review.

(a) Shelter providers shall maintain records necessary for the county to monitor compliance, including:  
 (i) all requests for reinstatement; (ii) all notices denying shelter services; (iii) all notices denying reinstatement; (iv) all requests for grievance hearings; (v) all hearing decisions.

(b) The shelter shall provide compliance records to the county contract administrator on a semi-annual basis for preparation of a semi-annual compliance monitoring report to the Homeless Issues Committee. Names of shelter applicants and participants shall be redacted from records submitted to the county, but shall be retained on file by the shelter provider for a period of six (6) years.

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Insert:

(8) Nothing in this ordinance shall limit the grievance and appeal rights and remedies of shelter applicants and participants under any other statute, regulation, ordinance or policy.

1	Homeless Issues Committee	07/22/2014	tabled	Pass
	<b>Action Text:</b> A motion was made by SCHOOLER, seconded by BARBETT, that this Ordinance be tabled. The motion carried by the following vote:			
	<b>Notes:</b> <i>This Ordinance was tabled.</i>			
		Ayes: 8	WILLIAMS, SCHOOLER, WEGLEITNER, PAN, BARBETT, KETCHUM, KOZUBEK and RUMMEL	
		Absent: 3	ATKINSON, ZWEIFEL and PALM	
1	Homeless Issues Committee	08/26/2014	amended	Pass
	<b>Action Text:</b> A motion was made by SCHOOLER, seconded by PALM, that the Committee take up Porchlight's proposed changes to OA 47 one at a time and vote on them. The motion carried by the following vote: 7-0			
		Ayes: 7	WILLIAMS, SCHOOLER, ATKINSON, WEGLEITNER, KOZUBEK, PALM and RUMMEL	
		Absent: 4	ZWEIFEL, PAN, BARBETT and KETCHUM	
1	Homeless Issues Committee	08/26/2014	amended	Fail
	<b>Action Text:</b> A motion was made by PALM, seconded by SCHOOLER, to delete 2.b. The motion failed by the following vote: 2-5 (Wegleitner, Kozubek, Palm, Rummel)			
	<b>Notes:</b> • <i>Wegleitner reviews goals of the legislation and outreach efforts.</i>			
	• <i>Discussion of need for ordinance.</i>			
	• <i>Discussion of using county Ombudsman process for complaints and uniform policy for contracts.</i>			
		Ayes: 2	SCHOOLER and ATKINSON	
		Noes: 5	WILLIAMS, WEGLEITNER, KOZUBEK, PALM and RUMMEL	
		Absent: 4	ZWEIFEL, PAN, BARBETT and KETCHUM	
1	Homeless Issues Committee	08/26/2014		
	<b>Action Text:</b> Motion by Palm to open up public comment once more, seconded by Schooler. Motion passes 6-1 (Atkinson). Eric Femrite – Shared experience of being banned from Safe Haven in cold weather. Supports OA 47.			
	<b>Notes:</b> • <i>Discussion of allowing providers to determine and enforce their own rules for intake re: alcohol and drug use.</i>			
	• <i>Discussion of limitation of shelter facilities and how they contribute to procedure and policy for organizations.</i>			
1	Homeless Issues Committee	08/26/2014	amended	Pass
	<b>Action Text:</b> A motion was made by PALM, seconded by SCHOOLER, that in 3(b) change first "provided" to "offered" and change "receipt" to "offer of receipt". The motion carried by the following vote: 7-0			
		Ayes: 7	WILLIAMS, SCHOOLER, ATKINSON, WEGLEITNER, KOZUBEK, PALM and RUMMEL	

- Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM
- 1 Homeless Issues Committee 08/26/2014 amended Pass  
**Action Text:** A motion was made by PALM, seconded by SCHOOLER, that in 4(b) change “has” to “have.”. The motion carried by the following vote: 7-0  
Ayes: 7 WILLIAMS, SCHOOLER, ATKINSON, WEGLEITNER, KOZUBEK, PALM and RUMMEL  
Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM
- 1 Homeless Issues Committee 08/26/2014 amended Pass  
**Action Text:** A motion was made by PALM, seconded by SCHOOLER, that in 5(b)3. add after “upon;” except the name of a witness may be redacted from documentation to be provided to the grievant. The motion carried by the following vote: 6-1 (Wegleitner)  
Ayes: 6 WILLIAMS, SCHOOLER, ATKINSON, KOZUBEK, PALM and RUMMEL  
Noes: 1 WEGLEITNER  
Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM
- 1 Homeless Issues Committee 08/26/2014 amended Pass  
**Action Text:** A motion was made by PALM, seconded by SCHOOLER, that in 5(c) strike text after last “grievant.” The motion carried by the following vote: 6-1 (Wegleitner)  
Ayes: 6 WILLIAMS, SCHOOLER, ATKINSON, KOZUBEK, PALM and RUMMEL  
Noes: 1 WEGLEITNER  
Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM
- 1 Homeless Issues Committee 08/26/2014 amended Pass  
**Action Text:** A motion was made by PALM, seconded by SCHOOLER, that under 5(d) add to the beginning of paragraph before “The grievant”: “After exhausting the shelter provider’s review process.” Strike “In writing” from first sentence. Add after “request a hearing” in first sentence: “for all denials of service lasting more than five (5) days, not including extensions. The grievant must make the request in writing within 30 days of the notice of the adverse decision.” Delete “Such request shall be by written notice to shelter provider.” Change “three (3)” to “five (5)” in last sentence. The motion carried by the following vote: 7-0  
Ayes: 7 WILLIAMS, SCHOOLER, ATKINSON, WEGLEITNER, KOZUBEK, PALM and RUMMEL  
Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM
- 1 Homeless Issues Committee 08/26/2014 amended Pass  
**Action Text:** A motion was made by PALM, seconded by SCHOOLER, that under 5(i) add after first sentence, second sentence: “The requesting party is responsible for the cost to record.” The motion carried by the following vote: 5-2 (Wegleitner, Palm)  
Ayes: 5 WILLIAMS, SCHOOLER, ATKINSON, KOZUBEK and RUMMEL  
Noes: 2 WEGLEITNER and PALM  
Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM
- 1 Homeless Issues Committee 08/26/2014 amended Pass  
**Action Text:** A motion was made by PALM, seconded by SCHOOLER, that under 5(j) strike everything in section after “was based.” The motion carried by the following vote: 7-0  
Ayes: 7 WILLIAMS, SCHOOLER, ATKINSON, WEGLEITNER, KOZUBEK, PALM and RUMMEL  
Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM
- 1 Homeless Issues Committee 08/26/2014 amended Fail

	<b>Action Text:</b>	A motion was made by PALM, seconded by SCHOOLER, that under 6(b) change six years to three for records keeping. The motion failed by the following vote: 2-5 (Schooler, Wegleitner, Kozubek, Palm, Rummel)		
		Ayes: 2 WILLIAMS and ATKINSON		
		Noes: 5 SCHOOLER, WEGLEITNER, KOZUBEK, PALM and RUMMEL		
		Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM		
1	Homeless Issues Committee	08/26/2014 amended		Pass
	<b>Action Text:</b>	A motion was made by PALM, seconded by SCHOOLER, that under 5(h) strike existing language in this section, replace with: "The grievance decision shall be based upon substantial evidence presented at the hearing. Substantial evidence is that quantity and quality of evidence which a reasonable person could accept as adequate to support a conclusion but a factual finding may not be based solely upon uncorroborated hearsay." The motion carried by the following vote: 5-2 (Wegleitner, Rummel)		
		Ayes: 5 WILLIAMS, SCHOOLER, ATKINSON, KOZUBEK and PALM		
		Noes: 2 WEGLEITNER and RUMMEL		
		Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM		
1	Homeless Issues Committee	08/26/2014 amended		Pass
	<b>Action Text:</b>	A motion was made by RUMMEL, seconded by PALM, that under 5(b) add item "6. Contact information for the Dane County Department of Human Services' Ombudsman." The motion carried by the following vote: 7-0		
	<b>Notes:</b>	<i>Discussion of proper method to make legal standard language accessible to those who would be holding hearing.</i>		
		Ayes: 7 WILLIAMS, SCHOOLER, ATKINSON, WEGLEITNER, KOZUBEK, PALM and RUMMEL		
		Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM		
1	Homeless Issues Committee	08/26/2014 recommended for approval as amended		Pass
	<b>Action Text:</b>	A motion was made by PALM, seconded by RUMMEL, that this Ordinance be recommended for approval as amended. There was discussion about need for legislation. The motion carried by the following vote: 6-1 (Atkinson)		
		Ayes: 6 WILLIAMS, SCHOOLER, WEGLEITNER, KOZUBEK, PALM and RUMMEL		
		Noes: 1 ATKINSON		
		Absent: 4 ZWEIFEL, PAN, BARBETT and KETCHUM		
1	Health & Human Needs Committee	10/07/2014 amended		Pass
	<b>Action Text:</b>	A motion was made by Wegleitner, seconded by Zweifel to recommend adoption of OA 47 Sub 1. A motion was made by ZWEIFEL, seconded by LEVIN, that OA 47 Sub 1 be amended as follows: Strike paragraph 7(f). The motion carried by the following vote: 7-0 YGP 2-0		
		Ayes: 7 LEVIN, CLAUSIUS, DYE, FERRELL, VELDRAN, WEGLEITNER and ZWEIFEL		
1	Health & Human Needs Committee	10/07/2014 recommended approval of Sub. 1 as amended		Pass
	<b>Action Text:</b>	A motion was made by WEGLEITNER, seconded by ZWEIFEL, that OA 47 Sub 1 be recommended for approval as amended. The motion carried by the following vote: 7-0 YGP 2-0		
		Ayes: 7 LEVIN, CLAUSIUS, DYE, FERRELL, VELDRAN, WEGLEITNER and ZWEIFEL		
1	Personnel & Finance Committee	10/13/2014 not acted on		
	<b>Action Text:</b>	Motion by O'Loughlin, second by Erickson to recommend sub. 1 to O.A. 47 as amended by the Health and Human Needs Committee for adoption		
1	Personnel & Finance Committee	10/13/2014 amended		Pass

**Action Text:** Motion by Stubbs, second by Hendrick to delete the word "cured" on line 33 and replace with the words "adequately addressed". Motion carried on a voice vote of 7-0, YGP 1-0.

1 Personnel & Finance 10/13/2014 amended Pass  
Committee

**Action Text:** Motion by Hendrick, second by Stubbs to add the words "and safety plan" at the end of line 34. Motion carried on a voice vote of 7-0, YGP 1-0.

1 Personnel & Finance 10/13/2014 recommended approval of Sub. 1 as amended Pass  
Committee

**Action Text:** A motion was made by O'LOUGHLIN, seconded by ERICKSON, that sub. 1 to O.A. 47 as amended by the Health and Human Needs Committee and the Personnel and Finance Committee be recommended approval. The motion carried by a voice vote of 6-1, YGP 1-0.

1 County Board 10/23/2014

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**Text of Legislative File 2014 OA-047**