

ORDINANCE NO. 662 – 01/11

AN ORDINANCE AMENDING ARTICLE III OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATIVE TO MASSAGE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That section Chapter 10 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

ARTICLE III.

MASSAGE

DIVISION 1.

GENERALLY

Sec. 10-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Communicable diseases* means those contagious or communicable diseases which ordinarily would be transmittable by massage in the manner permitted by this article. It would be appropriate, for example, to require a chest x-ray to determine tuberculosis and to determine whether or not the individual had any other form of obvious contagious or communicable disease.

*Massage* means any method of rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating the superficial parts of the human body with the hands or with any instrument.

*Massage establishment* means any place where any person regularly engages in, conducts or carries on massage or permits massage to be engaged in, conducted or carried on, where one of the parties constitutes a patron.

*Massage technician* means any person who gives or administers a massage to or for a patron.

*Patron* means any person who receives a massage under such circumstances that it is reasonably expected that he will pay money or give any consideration for the massage.

~~*Recognized school* means any school or institution of learning which has for its purposes the teaching of the theory, method, profession or work of massage technicians, which school requires a resident course of study of not less than 200 hours to be given in not less than three calendar months before the student shall be furnished with a diploma or certificate of graduation from such school~~

1 following successful completion of such course of study or learning. The school must show current  
2 membership in good standing in the American Massage and Therapy Association or other  
3 recognized professional massage organization. Schools offering a correspondence course not  
4 requiring actual attendance of class shall not be deemed a recognized school.  
5 (Ord. No. 121-12/89, § 1, 12-12-89)

6  
7  
8 **Sec. 10-82. Penalty.**

9  
10 Any person violating the provisions of this article shall, upon conviction, pay a forfeiture of  
11 not less than \$150.00 nor more than \$500.00 and in default of payment of such forfeiture shall be  
12 imprisoned in the county jail for not more than 60 days.  
13 (Ord. No. 121-12/89, § 12, 12-12-89)

14  
15 **Sec. 10-83. Prohibited conduct by technicians, operators and patrons.**

16  
17 (a) It shall be unlawful for any massage technician to massage or offer to massage the  
18 genital area of any patron or the breasts of any female patron, for any operator of a massage  
19 establishment to allow or permit such massage or offer to massage in the massage establishment, or  
20 for any patron to permit such massage upon his body.

21  
22 ~~(b) It shall be unlawful for any operator of a massage establishment or any massage~~  
23 ~~technician to violate the provisions of section 10-112.~~  
24 (Ord. No. 121-12/89, § 11, 12-12-89)

25  
26 **Sec. 10-84. Right of entry; suspension of technician.**

27  
28 (1) For purposes of ascertaining violations of this article and conducting routine  
29 inspections, sheriff's deputies, ~~the county sanitarian~~ public health workers and zoning inspectors of  
30 the county shall have the right of entry onto the premises of any massage establishment during the  
31 hours the establishment is open for business.

32  
33 (2) If any ~~such~~ officer designated in sub (1) observes that any massage technician has  
34 open sores or otherwise has reasonable grounds to believe that any massage technician is infected  
35 with a contagious or communicable disease, he shall have the right to suspend the massage  
36 technician from practicing or administering massage until such time as he furnishes a doctor's  
37 certificate showing him to be free of any contagious or communicable disease.  
38 (Ord. No. 121-12/89, § 3(h), 12-12-89)

39  
40 **Sec. 10-85. Exemptions.**

41  
42 (1) This article shall not apply to the following:

43  
44 ~~(1)~~ (a) Hospitals, nursing homes, sanitariums or other health care facilities licensed under the  
45 state, and physicians, surgeons, chiropractors, osteopaths or physical therapists  
46 licensed or registered to practice their respective professions under the laws of the

1 state acting under their direction or control.

2  
3 (2) (b) Barbershops and beauty parlors, barbers and beauticians licensed under the laws of  
4 the state, provided that such massage as is practiced is limited to the head and scalp.

5  
6 (3) (c) Accredited high schools and colleges and coaches and trainers therein while acting  
7 within the scope of their employment.

8  
9 (4) (d) Trainers of any amateur, semiprofessional athlete or athletic team.

10  
11 (2) The following provisions shall not apply to any person who is licensed by the  
12 credentialing board established under Chapter 460 of the Wisconsin Statutes.

13  
14 (a) Sec. 10-83

15  
16 (b) Sec. 10-84 (2)

17  
18 (c) Sec. 10-113

19  
20 (d) Sec. 10-112, except that sec. 10-112 (1) shall apply.

21  
22 (e) Division 3, except that Sec. 10-136 shall apply.

23  
24 (Ord. No. 121-12/89, § 15, 12-12-89)

25  
26 **Secs. 10-86--10-105. Reserved.**

27  
28 **DIVISION 2.**

29  
30 **ESTABLISHMENTS**

31  
32 **Sec. 10-106. License required.**

33  
34 No person shall carry on the business of operating a massage establishment at any place  
35 within the county unless he has a valid license issued pursuant to the provisions of this division for  
36 every such place of business.

37 (Ord. No. 121-12/89, § 4, 12-12-89)

38  
39 **Sec. 10-107. License application.**

40  
41 (a) *Fee.* Any person desiring to obtain a license to operate a massage establishment shall  
42 make application to the county sheriff. A fee of \$200.00 shall accompany the submission of the  
43 application to defray the costs of administration and investigation.

44  
45 (b) *Contents.* Any person desiring a massage establishment license shall file a written  
46 application with the county sheriff on a form to be provided by the county sheriff. If the applicant is

1 a corporation, the name of the corporation shall be set forth exactly as set forth in its articles of  
2 incorporation, together with the names and addresses of each of its officers, and the name and  
3 address of the agent, who shall be a natural person. ~~directors, and each stockholder of the~~  
4 ~~corporation and the application shall be verified by an officer of the corporation.~~ If the applicant is a  
5 partnership, the application shall set forth the name and residence address of each of the general  
6 partners, including limited partners, and the name and address of the agent, who shall be a natural  
7 person ~~application shall be verified by each partner. If one or more of the partners is a corporation,~~  
8 ~~the provisions of this section pertaining to a corporate applicant shall apply to the corporate partner.~~  
9 If the applicant is neither a corporation nor a partnership, the application shall set forth the full name  
10 and address of the applicant, ~~and be verified by the applicant.~~ The application for massage  
11 establishment license shall set forth the proposed place of business and the facilities therefor,  
12 together with a detailed description of the nature and scope of the proposed business operation. In  
13 addition to the foregoing, the following information shall be furnished concerning the applicant ~~if an~~  
14 ~~individual, and concerning each individual stockholder of the corporation, each officer and director~~  
15 ~~if the applicant is a corporation, and concerning the partners, including limited partners, if the~~  
16 ~~applicant is a partnership or agent:~~

- 17
- 18 (1) The previous addresses, if any, for a period of three years immediately prior to the
- 19 date of application and the date of such residence.
- 20
- 21 (2) The date of birth.
- 22
- 23 (3) Two passport-size photographs, one inch by one inch in size, taken within six months
- 24 of the date of application.
- 25
- 26 (4) A complete set of fingerprints.
- 27
- 28 (5) The business, occupation or employment history for three years immediately
- 29 preceding the date of application, including but not limited to whether such person
- 30 previously operated under a permit or license in another municipality in this or
- 31 another state had such license suspended or revoked.
- 32
- 33 (6) All convictions, including ordinance violations, exclusive of traffic violations, with a
- 34 brief statement of the nature of the convictions and the jurisdiction in which the
- 35 convictions occurred.

36 (Ord. No. 121-12/89, § 4(a), 12-12-89)

37  
38 **Sec. 10-108. Investigation of applicants.**

39  
40 Applications for licenses under this division shall be referred to the sheriff and the directors  
41 of Land Use and Resource Management and the Department of Health and Human Services  
42 ~~planning, zoning and sanitation,~~ all of whom shall cause an investigation to be made. Applicants  
43 shall cooperate with any investigation conducted pursuant to the provisions of this division and shall  
44 permit access to the proposed place of business and facilities therefor in conjunction with any such  
45 investigation.

46 (Ord. No. 121-12/89, § 4(b), 12-12-89)

1 **Sec. 10-109. Granting of license.**

2  
3 Within 60 days of the receipt of an application, the executive committee ~~county sheriff~~ shall  
4 either grant or deny a massage establishment license. ~~The county sheriff may grant a county~~  
5 ~~employee or official the authority to grant or deny the massage license on his behalf. The county~~  
6 ~~sheriff shall grant a massage license if he finds:~~ The application may be denied if one or more of the  
7 following provisions have not been satisfied:

- 8  
9 (1) The required fee has been paid.  
10  
11 (2) The application conforms in all respects to the provisions of this article.  
12  
13 (3) The applicant has not knowingly made a material misstatement in the application for  
14 a license.  
15  
16 (4) The applicant has fully cooperated in the investigation of his application.  
17  
18 (5) The massage establishment as proposed by the applicant would comply with all  
19 applicable laws, including but not limited to, the county's zoning and health  
20 regulations.  
21  
22 (6) The applicant, if an individual, or any of the officers ~~stockholders~~ of the corporation,  
23 ~~any officers or directors~~, if the applicant is a corporation, or any of the general  
24 ~~partners, including limited partners~~, if the applicant is a partnership, have not been  
25 convicted of any crime involving dishonesty, fraud, deceit or immorality as outlined  
26 in the state statutes within five years prior to the date of the application.  
27  
28 (7) The applicant has not had a massage establishment license or a massage technician  
29 permit or other similar license or permit denied or revoked for cause by this county or  
30 any other municipality located in or out of this state within the five years prior to the  
31 date of the application.  
32  
33 (8) The applicant, if an individual, or each of the officers and directors if the applicant is  
34 a corporation, or each of the partners, including limited partners, if the applicant is a  
35 partnership, is 18 years of age.  
36  
37 (9) The applicant, if a corporation, is licensed to do business and in good standing in the  
38 state.  
39  
40 (10) The massage establishment as proposed by the applicant would comply with the  
41 requirements of section 10-111.

42 (Ord. No. 52-9/76, 9-14-76; Ord. No. 121-12/89, § 4(c), 12-12-89; Ord. No. 162-6/95, pt. 1, 6-20-  
43 95)

44  
45 **Sec. 10-110. Operating without license.**

1  
2 It shall be unlawful for any person to operate a massage establishment without having a  
3 license as required by this division.

4 (Ord. No. 121-12/89, § 7, 12-12-89)  
5

6 **Sec. 10-111. Requirements for facilities.**  
7

8 Every massage establishment shall maintain facilities meeting the following requirements:  
9

- 10 (1) Every massage establishment shall be equipped with security deposit facilities  
11 capable of being locked by the patron. Sufficient safety deposit facilities shall be  
12 furnished so that each patron will have a separate compartment available for storage  
13 of clothing and valuables.  
14
- 15 (2) Toilet facilities. Separate, clearly marked toilet rooms, which shall include approved  
16 handwashing facilities, shall be provided for men and women patrons' and employees'  
17 use. These toilet rooms shall have direct access to the waiting room. This does not  
18 preclude, but shall be in addition to, similar facilities in massage rooms.  
19
- 20 (3) If male and female patrons are to be served, such massage rooms, dressing facilities,  
21 toilet facilities, steam rooms and sauna rooms as are provided shall be separate for  
22 male and female patrons and each such separate facility or room shall be clearly  
23 marked as such.  
24
- 25 (4) Rooms in which massage is to be practiced or administered shall have at least 50  
26 square feet of clear floor area and shall maintain a light level of no less than 40  
27 footcandles as measured at three feet above the floor. Lighting in colors other than  
28 white shall be prohibited. Such rooms shall be equipped with cabinets for the storage  
29 of clean linen and chemicals and approved receptacles for the storage of soiled linen.  
30 Such rooms shall contain a door incapable of being locked from the exterior or  
31 interior.  
32
- 33 (5) No stuffed or upholstered furniture or beds and mattresses shall be permitted in rooms  
34 in which massage is to be practiced or administered. Such rooms shall be equipped  
35 with massage tables having a hard surface impervious to liquids with a width of no  
36 more than three feet and a length of no more than eight feet. The surface of such  
37 tables shall be positioned at least two feet from the surface of the floor so as to allow  
38 for free access to the floor beneath. Such tables may be equipped with either  
39 nondisposable pads or coverings or disposable coverings not more than 2 1/2 inches  
40 thick. Nondisposable pads or coverings shall be removable, impervious and  
41 cleanable.

42 (Ord. No. 121-12/89, § 2, 12-12-89)  
43

44 **Sec. 10-112. Operation.**  
45

46 Every massage establishment and every massage technician shall comply with the following

1 operating requirements. These requirements shall be prominently and publicly displayed in a  
2 conspicuous place upon all premises licensed under the provisions of this division.

- 3
- 4 (1) Massage establishments shall commence operations no earlier than 8:00 a.m. and the  
5 hours of operation shall extend no later than 10:00 p.m. Massage technicians shall not  
6 practice or administer massage at massage establishments at any time outside the  
7 hours of operation.
- 8
- 9 (2) Massage establishments and massage technicians therein shall prominently and  
10 publicly display on the premises their licenses and permits during all hours of  
11 operation.
- 12
- 13 (3) Massage establishments shall keep a record of the date and hour of each massage, the  
14 name and address of the patron receiving the massage and the name of the technician  
15 practicing or administering the massage. Such record shall be open to inspection by  
16 officials charged with enforcement of this division. Information furnished or secured  
17 as a result of such inspection by authorized officials shall be confidential.
- 18
- 19 (4) Massage establishments shall at all times be equipped with an adequate supply of  
20 clean sanitary towels, coverings and linens. Clean towels, coverings and linens shall  
21 be stored in cabinets. Towels and linens shall not be used on more than one patron  
22 until they have first been laundered and disinfected. Disposable coverings and towels  
23 shall not be used on more than one patron. Soiled linens and paper towels shall be  
24 deposited in approved receptacles.
- 25
- 26 (5) Instruments utilized in performing massage shall not be used on more than one patron  
27 unless they have first been sterilized, using disinfecting agents or sterilizing  
28 equipment approved by the county sanitarian. Massage table pads and reusable table  
29 coverings shall be disinfected between each massage with approved chemicals.  
30 Chemicals used during massage shall be stored separately in containers clearly  
31 labeled as to contents. All chemical containers shall be stored in cabinets reserved  
32 solely for such purpose.
- 33
- 34 (6) Massages shall not be given unless patrons are wearing clothing fully covering their  
35 genitals and female patrons are in addition wearing clothing fully covering their  
36 breasts. Where such clothing is furnished patrons by the massage establishment, it  
37 shall not be used by more than one patron unless it has first been laundered and  
38 disinfected. Massage technicians shall be fully clothed from the knee to the neck in  
39 clean, opaque, light-colored clothing.
- 40
- 41 (7) Massages shall not be given to patrons who have open sores or other visual signs of  
42 contagion or communicable disease.

43 (Ord. No. 121-12/89, § 3(a)--(g), 12-12-89)

44  
45 **Sec. 10-113. Employment of technician without permit.**

46

1 It shall be unlawful for any person who operates a massage establishment to allow or permit  
2 persons to act therein as massage technicians without first having a permit as required by section 10-  
3 131.

4 (Ord. No. 121-12/89, § 9, 12-12-89)

5  
6 **Secs. 10-114--10-130. Reserved.**

7  
8 **DIVISION 3.**

9  
10 **TECHNICIANS**

11  
12 **Sec. 10-131. Permit required.**

13  
14 No person shall ~~practice or~~ administer massages unless he has a valid permit issued pursuant  
15 to this division.

16 (Ord. No. 121-12/89, § 5, 12-12-89)

17  
18 **Sec. 10-132. Permit application.**

19  
20 (a) *Fee.* Any person desiring to obtain a permit to act as a massage technician shall make  
21 application to the county sheriff for a massage technician permit. A fee of \$50.00 shall accompany  
22 the submission of an application to defray the costs of investigation and administration.

23  
24 (b) *Contents.* Any person desiring a massage technician permit shall file a written  
25 application with the county sheriff on a form to be provided by the county sheriff. The application  
26 shall be verified by the applicant. Any applicant for a massage technician permit shall furnish all the  
27 information required in section 10-107(b) of this article. In addition, the applicant shall furnish the  
28 following:

- 29  
30 (1) Certificate from a licensed medical doctor, stating that the applicant has, within 30  
31 days immediately preceding the date of application, been examined and, in the  
32 doctor's opinion, the applicant appears to be free of tuberculosis and any contagious  
33 or communicable disease which ordinarily could be transmittable by massage.

34  
35 ~~(2) A diploma or certificate of graduation from a recognized school, if any.~~

36  
37 ~~(3) (2)~~ The massage establishment, if any, at which the applicant expects to be employed.  
38 (Ord. No. 121-12/89, § 5(a), 12-12-89)

39  
40 **Sec. 10-133. Investigation of applicant.**

41  
42 Applications for permits under this division shall be referred to the sheriff, who shall cause  
43 an investigation to be made of the applicant.

44 (Ord. No. 121-12/89, § 5(b), 12-12-89)

45  
46 **Sec. 10-134. Granting of permit.**

1  
2 (1) Within 60 days of receipt of the application for a permit under this division, the  
3 sheriff shall grant a massage technician permit if ~~it~~ the Sheriff finds that:

4  
5 (1) ~~(a)~~ (a) The required fee has been paid.

6  
7 (2) ~~(b)~~ (b) The application conforms in all respects to the provisions of the division.

8  
9 (3) ~~(c)~~ (c) The applicant has not knowingly made a material misstatement in the application for  
10 a permit.

11  
12 (4) ~~(d)~~ (d) The applicant has fully cooperated with the investigation of his application.

13  
14 (5) ~~(e)~~ (e) The applicant has not within five years immediately preceding the date of application  
15 been convicted of a crime of immorality as outlined in Wis. Stats. ch. 944.

16  
17 (6) ~~(f)~~ (f) The applicant has furnished an acceptable medical certificate in compliance with  
18 section 10-132(b)(1).

19  
20 (7) ~~(g)~~ (g) The applicant has furnished an acceptable diploma or certificate of graduation from a  
21 recognized school or in lieu thereof has demonstrated competence and proficiency ~~to~~  
22 ~~the satisfaction of the county board~~ through continuous experience as a massage  
23 technician for a two-year period prior to the effective date of the ordinance from  
24 which this section derived.

25  
26 (8) ~~(h)~~ (h) The applicant has not previously had a massage technician permit or other similar  
27 permit or license denied or revoked for cause by this county or by any other  
28 municipality in this or any other state within five years of the date of application.

29  
30 (9) ~~(i)~~ (i) The applicant is 18 years of age or older.

31  
32 (2) Appeals of a permit denial shall be heard by the executive committee.

33  
34 (Ord. No. 121-12/89, § 5(c), 12-12-89)

35  
36 **Sec. 10-135. Acting without permit.**

37  
38 It shall be unlawful for any person to act as a massage technician without having a permit as  
39 required by this division.

40 (Ord. No. 121-12/89, § 8, 12-12-89)

41  
42 **Sec. 10-136. Massages on unlicensed premises.**

43  
44 It shall be unlawful for any person to act as a massage technician within a massage  
45 establishment which does not have a license as required by sections 10-106 through 10-109.

46 (Ord. No. 121-12/89, § 10, 12-12-89)

1  
2 **Secs. 10-137--10-155. Reserved.**

3  
4 **DIVISION 4.**

5  
6 **LICENSE OR PERMIT SUSPENSION OR REVOCATION, SALE OR TRANSFER,**  
7 **EXPIRATION**

8  
9 **Sec. 10-156. Suspension or revocation.**

10  
11 (a) No license or permit under this article may be suspended or revoked until after due  
12 notice and hearing before the ~~executive public protection~~ committee of the county board to  
13 determine if grounds for such revocation exist. Notice of the hearing shall be in writing and served at  
14 least ten days prior to the date of the hearing by personally serving the person in charge of the  
15 massage establishment and by posting upon the entrance to the massage establishment in the  
16 instance of a license suspension or revocation and by personally serving the massage technician in  
17 the instance of a permit suspension or revocation. The notice shall state the grounds of the complaint  
18 against the licensee and shall designate the time and place where the hearing will be held.

19  
20 (b) ~~Any massage establishment license or massage technician permit may be suspended~~  
21 ~~for no more than 90 days or revoked by the county board for any violation of section 10-83, 10-113~~  
22 ~~or 10-136 or for any grounds that would warrant the denial of issuance of the license or permit in the~~  
23 ~~first place.~~

24  
25 (e) (b) Written notice of such revocation or suspension, together with the reasons therefor,  
26 shall be given to the sheriff and to the license holder or permit holder at his last known business  
27 address.

28 (Ord. No. 121-12/89, § 6, 12-12-89)

29  
30 **Sec. 10-157. Sale or transfer.**

31  
32 Upon the sale or transfer of any interest in a massage establishment, the license for the  
33 establishment shall be null and void. Any person desiring to continue to operate such massage  
34 establishment following sale or transfer shall make application pursuant to sections 10-106 through  
35 10-109.

36 (Ord. No. 121-12/89, § 13, 12-12-89)

37  
38 **Sec. 10-158. Expiration of licenses, permits.**

39  
40 All licenses or permits issued pursuant to the provisions of this article shall be valid for two years  
41 and shall expire two years after date of issue. ~~All practicing massage technicians or operators of~~  
42 ~~massage establishments shall be subject to sections 10-81, 10-83, 10-84 and 10-112.~~

43  
44 **PART II:** That this ordinance shall become effective upon passage and publication.  
45

1 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 11<sup>th</sup> day of January  
2 of 2011.

3  
4  
5  
6  
7  
8  
9

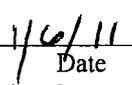
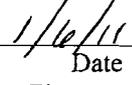
\_\_\_\_\_  
Nancy Russell  
County Board Chair

\_\_\_\_\_  
Kimberly S. Bushey  
Attest: County Clerk

10 County Board Meeting Date: January 11, 2011

11 Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 _____ David A. Bretl County Administrator/Corporation Counsel	 _____ Nicole Andersen Deputy County Administrator - Finance
 Date	 Date

If unsigned, exceptions shall be so noted by the County Administrator.

**Ordinance No. 662 - 01/11**  
**Fiscal Note and Policy Impact Statement**

- I. **Title:** An Ordinance Amending Article III of the Walworth County Code of Ordinances Relative to Massage
  
- II. **Purpose and Policy Impact Statement:** The purpose of this ordinance is to update the language in the County Code of Ordinances in keeping with current State law regulating the practice of massage, and to give the county the ability to regulate business establishments in which massage is conducted.
  
- III. **Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will not have any fiscal impact on the County budget.
  
- IV. **Referred to the following standing committee(s) for consideration and date of referral:**

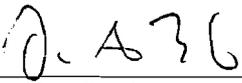
Committee: Executive

Date: December 20, 2010

Vote: 5 – 0

County Board Meeting Date: January 11, 2011

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.

 1/6/11  
\_\_\_\_\_  
Date  
David A. Bretl  
County Administrator/Corporation Counsel

 1/6/11  
\_\_\_\_\_  
Date  
Nicole Andersen  
Deputy County Administrator - Finance

**Resolution No. 71 - 01/11**

**Establishing Criteria To Be Used in Developing a Redistricting Plan, Selecting the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to Prepare the Plan and Providing Guidelines To Be Followed in the Redistricting Process**

1 Moved/Sponsored by: Executive Committee

2  
3 **WHEREAS**, counties must prepare a redistricting plan following each decennial United States  
4 census; and

5  
6 **WHEREAS**, the executive committee has met concerning this issue and made certain  
7 recommendations to the County Board.

8  
9 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that  
10 Southeastern Wisconsin Regional Planning Commission (“SEWRPC”) be chosen to prepare a  
11 tentative redistricting plan and return the same to the executive committee.

12  
13 **BE IT FURTHER RESOLVED** that in creating the tentative redistricting plan, SEWRPC apply  
14 the following criteria in the following order of precedence:

- 15
- 16 1. The county shall be divided into eleven (11) supervisory districts.
- 17 2. One supervisor shall represent each supervisory district.
- 18 3. The supervisory districts shall be substantially equal in population.
- 19 4. The 2010 census data must be used.
- 20 5. Supervisory districts shall be composed of whole census blocks.
- 21 6. The districts must be in as compact a form as possible.
- 22 7. Where changes in wards would adversely affect the voting population, new supervisory  
23 districts should not cut across existing ward boundaries.
- 24 8. Wards must be contiguous.
- 25 9. To the extent possible, districts shall consist of whole contiguous municipalities or  
26 contiguous parts of the same municipality within the same district. Areas of potential  
27 annexation shall be taken into consideration when applying this criterion.
- 28 10. Original numbers of the districts in their geographic outlines, to the extent possible, shall  
29 be retained.
- 30 11. Minority populations shall not be compacted or dispersed in the creation of supervisory  
31 districts.
- 32 12. A supervisory district should encompass the smallest number of school districts possible.
- 33 13. When possible, the core of existing districts will be maintained. For example, it is  
34 preferable to combine the majority of two existing districts into one new district instead  
35 of breaking existing districts up among several new ones.
- 36

37 **BE IT FURTHER RESOLVED** that supervisors be prohibited from contacting SEWRPC  
38 individually concerning preparation of the tentative redistricting plan, and that all questions or  
39 inquiries by supervisors relative to the redistricting will be directed to the executive committee.

40  
41 **BE IT FURTHER RESOLVED** that in applying the criteria stated above, SEWRPC shall not  
42 take into account the residence of any existing supervisor.



**Policy and Fiscal Note**  
**Resolution No. 71 - 01/11**

- I. Title:** Establishing Criteria To Be Used in Developing a Redistricting Plan, Selecting the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to Prepare the Plan and Providing Guidelines To Be Followed in the Redistricting Process
- II. Purpose and Policy Impact Statement:** The County is required to re-district following each decennial United States Census. Redistricting following the 2010 United States Census will be effective for the April 2012 election. This resolution authorizes SEWRPC to prepare the plan and establishes the criteria that SEWRPC shall apply in its work.
- III. Budget and Fiscal Impact:** The County is currently a member of SEWRPC and has utilized SEWRPC's services in the past. SEWRPC's charge for preparing the redistricting plan would be \$15,000.00. Funding for this expense has been included in the 2011 budget.
- IV. Referred to the following standing committees for consideration and date of referral:**

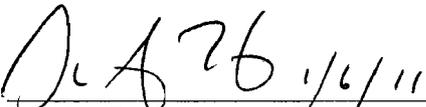
Committee: Executive

Meeting Date: December 20, 2010

Vote: 5 - 0

County Board Meeting Date: January 11, 2011

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

  
\_\_\_\_\_  
David A. Brett                      Date  
County Administrator/Corporation Counsel

  
\_\_\_\_\_  
Nicole Andersen                      Date  
Deputy County Administrator - Finance

**Resolution No. 73-01/11**  
**Approving a Lease Agreement between Walworth County and  
The Children’s Service Society of Wisconsin**

1 Moved/Sponsored by: Public Works Committee

2  
3 **WHEREAS**, the Children’s Service Society of Wisconsin (CSSW) wishes to operate a Child  
4 Advocacy Center (CAC) in Walworth County; and,

5  
6 **WHEREAS**, a CAC provides supportive services and education and promotes a coordinated  
7 jurisdictional response for persons in Walworth County affected by domestic or sexual abuse;  
8 and,

9  
10 **WHEREAS**, a CAC performs an important public purpose for the Walworth County  
11 community; and,

12  
13 **WHEREAS**, the Child Advocacy Center wishes to occupy 3,000 square feet on the south side of  
14 the second floor in the Walworth County Government Center (“Premises”); and,

15  
16 **WHEREAS**, the Public Works committee has considered the matter and recommends executing  
17 a lease subject to the terms set forth in Exhibit A attached hereto (“Lease”).

18  
19 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors  
20 authorizes the lease of office space located at the Walworth County Government Center, 100  
21 West Walworth Street, Elkhorn, Wisconsin, to the Children’s Service Society of Wisconsin on  
22 the terms and conditions specified in Exhibit A attached hereto.

23  
24 **BE IT FURTHER RESOLVED** that execution of the Lease will be contingent upon  
25 appropriation by the County of sufficient funds to permit the Premises to be remodeled, the cost  
26 of which is estimated to be \$275,000.

27  
28 **BE IT FURTHER RESOLVED** that upon due passage of a resolution appropriating sufficient  
29 funds to carry out the terms of the Lease, the County Clerk and proper County officials be and  
30 the same are hereby authorized to execute the Lease on behalf of the County.

31

32

33

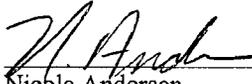
34

35 \_\_\_\_\_  
Nancy Russell  
36 County Board Chair

\_\_\_\_\_   
Kimberly S. Bushey  
County Clerk

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

<u>A-276</u>	<u>1-5-11</u>		<u>1/6/11</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator – Finance	

If unsigned, exceptions shall be so noted by the County Administrator.

County Board Meeting Date: January 11, 2011

Action Required:    Majority Vote   X              Two-thirds Vote                   Other

**Policy and Fiscal Note**  
**Resolution No. 73 -01/11**

- I. **Title:** Approving a Lease Agreement between Walworth County and the Children's Service Society of Wisconsin
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to authorize the proper County officials to execute a lease of office space located at the County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin to the Children's Service Society of Wisconsin on the terms and conditions specified in the attached Exhibit A.
- III. **Budget and Fiscal Impact:** Passage of this resolution would require the county to pay for certain improvements to the Government Center west wing, which could total as much as \$275,000. The County, in turn, would be paid back for this investment over a ten-year period, together with interest, at a minimum rate of 4%. The improvements would remain the property of Walworth County at the end of the ten-year lease period. CSSW would have the option to extend the lease for an additional three years upon termination of the original ten-year term. Execution of the lease would be contingent upon funding by the County, which will require passage of a separate resolution.
- IV. **Referred to the following standing committees for consideration and date of referral:**

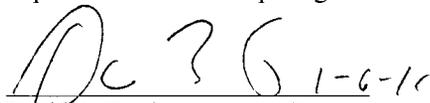
Committee: Public Works

Meeting Date: December 20, 2010

Vote: 5 – 0

County Board Meeting Date: January 11, 2011

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

  
\_\_\_\_\_  
David A. Bretl                      Date  
County Administrator/Corporation Counsel

  
\_\_\_\_\_  
Nicole Andersen                      Date  
Deputy County Administrator – Finance

If unsigned, exceptions shall be so noted by the County Administrator.

**Exhibit A**  
**Attachment to Resolution No. 73-01/11**  
**Key Lease Terms by and between Walworth County (“County”) and**  
**Children’s Service Society of Wisconsin (“CSSW”)**

Premises: Approximately 3,000 square feet on the second floor of the Government Center as depicted on attached Exhibit A.

Initial Lease Term: 10 years

Commencement Upon substantial completion of the tenant improvements and issuance of a certificate of occupancy allowing CSSW to occupy the Premises for its intended use, with an initial target date of June 1, 2011. This date is flexible, as it is dependent on the timing of approvals, development and approval of construction drawings, RFP response and selection, and build-out time.

Tenant Improvements: Walworth County, at its expense, will complete the interior tenant improvements for CSSW's occupancy. All plans will be subject to approval by both the County and CSSW. Walworth County will then use the approved plans to select a contractor for the project through a public bidding process. The choice of general contractor is in the County’s sole discretion. The tenant improvements will be completed in accordance with all applicable laws and plans and specifications. Walworth County and CSSW will work together with the architect and contractor to assure the project design will meet CSSW’s business needs. If CSSW and the County cannot agree upon a plan which accomplishes the business needs of CSSW, within its budget, the lease will be null and void and no construction contract will be executed. Walworth County will secure all required permits for the construction of the Premises.

The parties will cooperate with respect to change orders that may occur throughout the project. Any scope changes to the project that are proposed to improve future use or functionality of the space or to address structural defects or concerns will be funded by the County. All other scope changes will be funded by CSSW. It is anticipated that the final cost of tenant improvements will not exceed \$275,000; however, the County cannot guarantee any “not-to-exceed” cost.

Rental Rate: Estimated at \$33,410.90 per year for the lease term, payable in monthly installments of \$2,784.24. This rental rate equates to repayment of the projected cost of the tenant improvements over 10 years at a 4% interest rate and will be adjusted to reflect actual costs upon project completion. Gas and electric for the Premises will be

separately metered and paid by CSSW. CSSW shall be permitted to repay the principal balance of the loan at any time, without prepayment penalty. Should this early payment occur, no rent will be owed for the balance of the initial term for the 3,000 square feet. The four percent interest rate shall be fixed for a period of five years. After the first five years of the Lease, the interest rate applied to the unpaid principal may be increased based upon the following formula: prime rate plus 0.5%, not to exceed 8%. The date of this potential adjustment will be fixed when the final Lease is executed.

Right of First Refusal: Walworth County retains the right to utilize the additional 1,800 square feet for County business or to lease the same to another tenant, provided that such tenant is not incompatible with the provision of services to children and families. Specifically excluded are organizations or departments serving perpetrators of abuse.

In the event a non-County tenant is proposed, CSSW shall have the right of first refusal for the lease of the additional 1,800 square feet adjacent to the Premises. If this option is elected, the County would contract for the tenant improvements needed for this space and that cost would be added to the remaining tenant improvement cost from the initial build-out. This new balance would be amortized over the remainder of the initial 10-year term at the interest rate which is applied to the original principal.

Renewal: CSSW shall be offered a three (3) year extension at the end of the Initial Lease Term. CSSW shall provide notification to the County at least 180 days prior to the end of the Initial Lease Term if it intends to exercise this renewal. The rental rate shall be the market rate for comparable office space in the City of Elkhorn at that time.

Security Deposit: None

Subletting/Assignment: CSSW may sublet to community partners or permit them to use space, without the County's approval, provided such community partners are needed to facilitate services provided by the CAC. Community partners include, without limitation, law enforcement, Human Services Child Protective Service workers, and Victim Advocates from APFV.

An assignment or sublease to any other party will be subject to the County's prior written approval, which approval may be withheld at the sole discretion of the County.

- Utilities: Gas and Electric to be separately metered directly to CSSW; water and Sewer to be paid for by Walworth County. CSSW will pay for installation and monthly expenses of telephone and internet services.
- Signage: CSSW will be permitted external signage and directional signage within the Government Center at CSSW's cost and with Walworth County's prior approval. Signage will be consistent with other signage within the Government Center.
- Access: CSSW will have access to the Premises 24 hours per day, 7 days per week, 52 weeks per year. CSSW will have to arrange with the Elkhorn Police Department for elevator access during hours that the Government Center is closed.
- Use: CSSW will be permitted to use the Premises for child welfare and child advocacy operations, medical and general offices, and other related uses. It is the responsibility of CSSW to ensure that its use of the Premises is compliant with Elkhorn zoning and occupancy requirements.
- Maintenance: Walworth County, at its expense, will perform all required maintenance, repairs and replacements of common areas, including parking lot maintenance and snow plowing, and janitorial services to the common areas. CSSW will be responsible for janitorial services within the Premises. The County will be responsible for maintenance and repair of the exterior of the Government Center. The County will be responsible for the repair of water and sewer pipes within the Premises, and electrical wiring, but shall not be responsible for maintenance of plumbing or electrical fixtures nor for damage to pipes or electrical systems caused by the negligence of CSSW.
- Parking: Parking is available for CSSW's employees, clients, and invitees in public lots and on the streets surrounding the Government Center on a non-exclusive basis.
- Sale of the Building: In the event of the sale of the building, Walworth County will include language in the sales documents that requires either 1) the assignment of the current lease or 2) 120-day notice to CSSW that the lease agreement will be terminated with full forgiveness of the unamortized tenant improvement.