



September 8, 2011 – Walworth County Board Meeting

**Report of the County Clerk Regarding  
Communications Received After the Agenda Mailing**

County Clerk

The following items were placed on Supervisors' desks and are attached to this cover sheet:

Kimberly S. Bushey  
County Clerk

- Res. No. 45-09/11 – Adopting Insurance Premium Equivalents for 2012 - *Vote required: Majority* (Recommended by the Human Resources Committee 4-1)
- Res. No. 50-09/11 – Adopting a Citizen Participation Plan for a CDBG for Economic Development - *Vote required: Majority* (The Executive Committee will consider at a special meeting prior to the September 8, 2011 County Board meeting)
- Communication from Melvin Nieuwenhuis, Mayor of City of Delavan, Regarding WalCoMet Commission Non-Union Wage Increase Recommendation (To be referred to the Executive Committee)
- Communication from Department of Natural Resources regarding an Amendment to Plan Approval for Lake Beulah Dam (To be referred to the Public Works Committee)
- Alternative Walworth County Redistricting Map
- Amended County Board Meeting August 9, 2011 Minutes. The changes made to Page 2 under Appointments/Elections, Item #1, Supervisor Weber abstained; Page 3 under the short presentation from the Fairest of the Fair, Nancy Russell will be honored this year as one of our Outstanding Senior Citizens; Page 5 motion to approve Res. No. 42-08/11
- *Walworth County Aging & Disability Resource Center News*, September 2011 – To be placed on file
- Ord. No. 690-09/11 – Repealing and Recreating Division 2 of Article IX of Chapter 15 of the Walworth County Code of Ordinances Relating to the Creation of a Grievance Procedure - *Vote required: Majority* (The Human Resources Committee will consider at a special meeting prior to the September 8, 2011 County Board meeting)

**Resolution No. 45 – 09/11**  
**Adopting Insurance Premium Equivalents for 2012**

1 Moved/Sponsored by: Human Resources Committee

2  
3 **WHEREAS**, on August 17, 2011, the Human Resources Committee discussed the issue of  
4 health insurance premium equivalents for 2012; and,

5  
6 **WHEREAS**, Finance staff met with M3, the County’s employee benefits consultant; and,

7  
8 **WHEREAS**, based on the consultant’s suggestion, Finance staff recommended a 4.4% rate  
9 increase for 2012; and,

10  
11 **WHEREAS**, the Human Resources Committee recommended approval of the 4.4% rate  
12 increase, with the premium increase being split 50/50 between the County and the employee, as  
13 reflected in the section entitled, “2012 HR Committee Proposed Employee Premium” in the  
14 attached document.

15  
16 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors  
17 hereby adopts the attached insurance premium equivalents, effective January 1, 2012.

18  
19 **BE IT FURTHER RESOLVED** that the aforementioned premium “split” shall not apply to  
20 members of the Deputy Sheriffs Association.

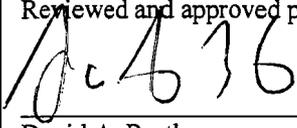
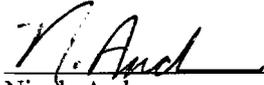
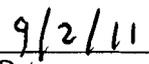
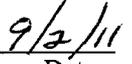
21  
22  
23  
24 \_\_\_\_\_  
25 Nancy Russell  
26 County Board Chair

\_\_\_\_\_

Kimberly S. Bushey  
County Clerk

27  
28  
29 County Board Meeting Date: September 8, 2011

30  
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	Nicole Andersen	Date	Date
County Administrator/Corporation Counsel	Deputy County Administrator – Finance		

**Policy and Fiscal Note**  
**Resolution No. 45 – 09/11**

- I. **Title:** Adopting Insurance Premium Equivalents for 2012
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to adopt the 2012 health insurance premium equivalent rates.
- III. **Budget and Fiscal Impact:** The adopted 2011 health care budget included approximately \$16.38 million. Based upon the recommended 4.4% rate increase for 2012, the initial 2012 budget included \$16.70 million in health care costs. As a result of changes made during the County Administrator's review, health care costs were reduced to \$16.37 million, a reduction of \$330,000. As presented in the proposed Administrator's Budget, health care costs reflect a \$10,000 decrease from the previous year.

If employees were required to pay 50% of the increased cost related to the change in premium, total overall cost to the county would be reduced by an additional amount estimated to be \$295,000. Due to the complexities of the county's funding sources, the impact on the county levy would be less than the overall cost. The exact levy impact will require additional evaluation and be calculated and forwarded to the Finance Committee for inclusion in the 2012 budget as appropriate.

Passage of this resolution would shift health care costs from the county to the employee as part of the 2012 budget. Employee contribution levels would change from 7% / 10% / 12% to 8.83% / 11.70% / 13.62% respectively for all employees except those represented by the Deputy Sheriffs Association.

IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Human Resources

Meeting Date: August 17, 2011

Vote: 4 – 1

County Board Meeting Date: September 8, 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.

  
\_\_\_\_\_  
Date 9/12/11  
David A. Bretl  
County Administrator/Corporation Counsel

  
\_\_\_\_\_  
Date 9/12/11  
Nicole Andersen  
Deputy County Administrator – Finance

## Monthly Insurance Rates Effective January 1, 2012

(Not for publication until rates are approved by the County Board)

### Health Insurance

#### Health EOS+

<u>Plan Coverage</u>	<u>Monthly</u>	<u>Annual</u>	<u>Proposed</u>	<u>Proposed</u>
	<u>2011</u>	<u>2011</u>	<u>Monthly</u>	<u>Annual</u>
			<u>2012</u>	<u>2012</u>
Single	\$900.00	\$10,800.00	\$940.00	\$11,280.00
Family	\$2,225.00	\$26,700.00	\$2,325.00	\$27,900.00
Single w/Medicare	\$630.00	\$7,560.00	\$660.00	\$7,920.00
1 w/no Medicare + 1 w/Medicare	\$1,530.00	\$18,360.00	\$1,600.00	\$19,200.00
2 w/Medicare	\$1,260.00	\$15,120.00	\$1,320.00	\$15,840.00

### Employee Monthly Premiums

	<u>2011</u>	<u>2012</u>
7% Employee Premium		
Single	\$63.00	\$65.80
Family	\$155.74	\$162.74
10% Employee Premium		
Single	\$ 90.00	\$ 94.00
Family	\$ 222.50	\$ 232.50
12% Employee Premium		
Single	\$ 108.00	\$ 112.80
Family	\$ 267.00	\$ 279.00

<u>2012 HR Committee Proposed Employee Premium</u>	<u>New Employee %</u>
\$83.00	8.83%
\$205.74	8.85%
\$110.00	11.70%
\$272.50	11.72%
\$128.00	13.62%
\$317.00	13.63%



**Policy and Fiscal Note**  
**Resolution No. 50 – 09/11**

- I. **Title:** Adopting a Citizen Participation Plan for a CDBG for Economic Development
  
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to adopt a Citizen Participation Plan.
  
- III. **Budget and Fiscal Impact:** Passage of this resolution will have no fiscal impact on the county budget.
  
- IV. **Referred to the following standing committees for consideration and date of referral:**

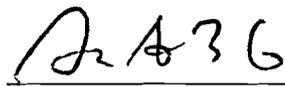
Committee: Executive Committee

Meeting Date: September 8, 2011

Vote:

County Board Meeting Date: September 8, 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.

 9/1/2011

David A. Bretl  
County Administrator/Corporation Counsel

 9/2/11

Nicole Andersen  
Deputy County Administrator – Finance

## CITIZEN PARTICIPATION PLAN/COMMUNITY DEVELOPMENT PROGRAM

### PURPOSE

In order for the Community Development Program to operate effectively and to address the needs of the citizens of Walworth County, the entire population must be kept informed. The decision-making process must be open and consistent with state and federal regulations. To accomplish this, the following plan will be followed:

### PROGRAM OVERSIGHT

- 1 The Community Development Program and the Citizen Participation Plan is administered by the Walworth County Board of Supervisors or its appointed designee, Walworth County Economic Development Alliance, Inc.
- 2 To insure responsiveness to the needs of its citizens, the Walworth County Board of Supervisors, or its appointed designee or responsible party, shall provide for and encourage citizen participation. Particular emphasis shall be given to participation by persons of low- and moderate-income (LMI) who are residents of blighted areas and/or target neighborhoods in which a community development program will be concentrated.

### NOTICES OF HEARINGS

Official notice of hearings will be by public notice in the official newspaper two weeks preceding the hearing. In addition, the public notice shall be posted at Darien Town Hall and Walworth County Government Center. These notices will include time, place and date of meeting, as well as a brief agenda.

### REQUIRED PUBLIC HEARINGS

Public hearings shall be held to obtain citizen views and to enable residents to respond to proposals at all stages of the community development program, including the development of needs, the review of proposed activities and the review of program performance. Hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries and with accommodations for the handicapped and, if needed, for non-English speaking persons.

- 1 The first hearing will receive citizen views and provide an explanation of Community development needs including discussion of housing, public facilities and economic development needs. Community goals and strategies should be reviewed including timetables, possible displacement, eligible activities and citizen views. A summary of proposed activities shall be included in the minutes of the hearing.
- 2 The second public hearing will receive citizen views and provide a review of program performance.
- 3 The first public hearing shall be held during the development of an application for funds. The second public hearing shall be held during the implementation of the program.

### PROGRAM INFORMATION/FILES/ASSISTANCE

- 1 To the degree that time and staff allow, technical assistance will be provided to any citizen who requests information about program requirements.
- 2 The responsible party will maintain, in the official office of local government, a record of all citizen participation efforts including minutes of meetings, newspaper clippings, and copies of notices and brochures.
- 3 Citizens will be invited to make proposals regarding the application. Every effort will be made to respond to all proposals prior to the final action on that subject.
- 4 Citizens may petition or request in writing assistance for developing application proposals or changes to proposals. The responsible party will respond to all such requests to the degree that time and staff allow.

### COMPLAINTS

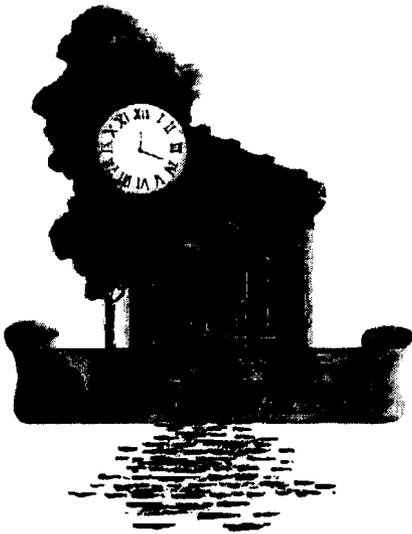
The responsible party will handle citizen complaints about the program in a timely manner. The responsible party will respond in writing to all written letters of complaint within 15 days where practicable. The first contact for complaints should be made to the responsible party at the official office of local government and then to the chief elected official.

In addition to the above procedure, any citizen wishing to object may complain directly to the following address:

Department of Commerce  
Community Development Block Grant  
201 West Washington Avenue  
P. O. Box 7970  
Madison, WI 53707

### NON-ENGLISH SPEAKING RESIDENTS

The responsible party will make special efforts to assure equal opportunity in the citizen participation process for non-English speaking persons.



# RECEIVED

AUG 31 2011

P.O. Box 465  
123 South Second St.  
Delavan, Wisconsin 53115  
262-728-5585  
Fax: 262-728-4566  
[www.ci.delavan.wi.us](http://www.ci.delavan.wi.us)

**WALWORTH COUNTY ADMINISTRATION**

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August 29, 2011

Walworth County Metropolitan Sewage District  
Att: WalCoMet Commission Members  
975 W. Walworth Avenue  
Delavan, WI. 53115

Re: Non-Union Wage Adjustment to Off-Set 2011 Pension Contributions

Dear Commission Members:

At our most recent Water & Sewage Commission meeting held on August 18, 2011, Commission members reviewed the WalCoMet Commission minutes dated July 12, 2011. A concern was raised relative to action taken by the WalCoMet Commission to increase non-union wages by 5.8% to offset the 2011 impact of non-union employee contributions to their Wisconsin Retirement plan. By unanimous action of the Water & Sewage Commission, we were directed to formally put you on notice of this concern.

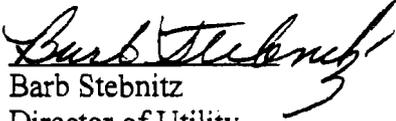
Commission members discussed the intent of Wisconsin Act 10 that was enacted in 2011. Under this act all employees participating in the retirement plan (with limited exceptions which included current full-time sworn public safety employees) are to contribute 5.8% toward their State Pension plan beginning as soon as legally and procedurally possible which in the case of non-union employees is August 2011. They also discussed that this legislation will require employees to make contributions towards their health insurance premiums effective January 2012.

It is Delavan Water & Sewer Commission's position that through this Act local units of government (including WalCoMet) are being provided tools necessary to more effectively control expenditures and in turn reduce costs to the residences and businesses that they serve (taxpayers and ratepayers alike). They expressed that they were very disappointed that the WalCoMet Commission had voted to not follow the "spirit" of the law by allowing these changes to reduce expenses incurred by WalCoMet that could then have been passed on or at least used to abate of portion of the increases in rates contemplated for 2012. Instead the WalCoMet Commission chose to approve a 5.8% wage increase for all non-union employees.

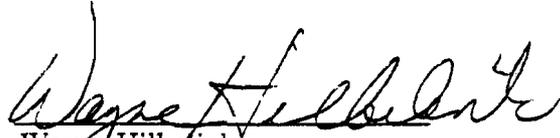
This is additionally concerning when member communities, such as City of Delavan, are making the tough decision to follow the "spirit" of the Act.

Although we do understand that this subject will be up for review in the 2012 Budget process, we do not believe that potential future consideration is sufficient and we do request that WalCoMet reconsider and rescind this action at your September meeting. The Water and Sewage Commission is further requesting that consideration also be given to holding the line on personnel costs in both 2012 and 2013 and that the full "savings" impact of Act 10 based on non-union participation in 2012 and the total workforce participation in 2013 be passed on to the member units and ultimately to our respective customers. Thank you in advance for your consideration of this request.

Sincerely,

  
Barb Stebnitz  
Director of Utility

  
Melvin Nieuwenhuis  
Mayor City of Delavan

  
Wayne Hilbelink  
Water & Sewer Commission President

cc: Water & Sewer Commission Members  
Common Council  
Denise M. Pieroni, City Administrator  
Entity Communities



September 2, 2011

Kimberly Bushey, Clerk  
Walworth County  
100 West Walworth Street  
P.O. Box 1001  
Elkhorn, WI 53121

Dear Ms. Bushey:

Re: Amendment to Plan Approval for the Lake Beulah Dam, Walworth County

We have reviewed your request to amend the plan approval for the Lake Beulah Dam rehabilitation, Town of East Troy, Walworth County.

Your request is approved with certain conditions and limitations. Attached is a copy of the Plan Approval Amendment containing new conditions, along with a copy of your original permit which is still in effect unless otherwise noted.

If you have any questions about this amendment, please call me at (262) 574-2127.

Sincerely,

Michelle Schneider, P.E.  
Water Management Engineer  
Department of Natural Resources  
Southeast Region-Waukesha

cc: Bill Sturtevant, DNR—WT/3  
Craig Webster, DNR  
Jason Roberts, Warden  
David Skotartzak, Lake Beulah Management District  
Mark Mullikin, Walworth County  
Co-Owners (Private Residents)

RECEIVED  
WALWORTH COUNTY CLERK  
2011 SEP - 6 AM 9:26

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**

**PLAN APPROVAL AMMENDMENT**

**PLAN APPROVAL AMENDMENT**

Walworth County is hereby granted under Section 31.12, Wisconsin Statutes, an amendment to the plan approval for the Lake Beulah Dam rehabilitation, which authorized concrete repair, modification of the far right culvert structure, and embankment work at the dam located in the SW 1/4 of the NW 1/4 of Section 4, Township 4 North, Range 18 East, Town of East Troy, Walworth County, at the north end of Lake Beulah. This is an amendment to perform additional concrete work on the dam. The applicant is bound by the conditions of the original approval and by any conditions of this amendment.

**AMENDED PLAN APPROVAL CONDITIONS**

1. All original permit conditions remain in effect, except where modified by the amended permit conditions below.
2. You must notify Michelle Schneider at 262-574-2127 before starting the additional construction and again not more than 5 days after the project is complete.

**FINDINGS OF FACT**

1. Walworth County filed a request with the Department on 08/15/2011, for an amendment of the plan approval to perform rehabilitation work at the Lake Beulah Dam located in the SW 1/4 of the NW 1/4 of Section 4, Township 4 North, Range 18 East, Town of East Troy, Walworth County under Section 31.12, Wisconsin Statutes.
2. Walworth County was granted a plan approval on March 7, 2011 for dam rehabilitation.
3. The amendment includes additional concrete work at the outlet of the Lake Beulah Dam.
4. The Department has determined that the proposed amendment to the permit will not affect the Findings of Fact and Conclusions of Law of the original plan approval. A copy of the original approval is attached to this amendment.

**CONCLUSIONS OF LAW**

1. The Department has authority under Section 31.12, Wisconsin Statutes, and the foregoing Findings of Fact, to issue an order granting the plan approval amendment requested.
2. The Department has complied with Section 1.11, Wisconsin Statutes and NR 150, Wisconsin Administrative Code.

Dated at the Waukesha Service Center, Wisconsin on Sept 2, 2011.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By   
Michelle Schneider  
Water Management Engineer

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Waukesha Service Center  
141 NW Barstow St. Room 180  
Waukesha WI 53188

Scott Walker, Governor  
Cathy Stepp, Secretary  
John Hammen, Acting Regional Director  
Telephone 262-574-2100  
FAX 262-574-2117  
TTY Access via relay - 711



March 7, 2011

Kimberly Bushey, Clerk  
Walworth County  
100 West Walworth Street  
P.O. Box 1001  
Elkhorn, WI 53121

Subject: Lake Beulah Dam Rehabilitation Plan Approval, Field File #64.05

Dear Ms. Bushey:

We have reviewed the plans for the proposed rehabilitation of the Lake Beulah Dam, located on the Lake Beulah Outlet in the Town of East Troy, Walworth County. You will be pleased to know that the plans are hereby conditionally approved with a few limitations.

I have attached a copy of your plan approval that lists the conditions which must be followed. A copy of the document must be posted for reference at the project site. Please read your plan approval conditions carefully so that you are fully aware of what is expected of you.

**Final dewatering and water management plans must be submitted to this office for review and approval no later than 5 working days prior to beginning any work.**

**You must notify this office no later than 5 working days prior to performing any work on the culvert structure on the right embankment. DNR staff must be on site during the initial stages of the modification of the culvert structure.**

Please note that you are required to submit photographs depicting the construction progress and of its completion within ten days after you have finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Please notify me when you plan to begin the project and again when the project has been completed. If you have questions concerning this document please feel free to call me.

Sincerely,

Michelle Schneider, P.E.  
Water Management Engineer  
Department of Natural Resources  
Southeast Region-Waukesha

cc: Bill Sturtevant, DNR—WT/3  
Craig Webster, DNR  
Jason Roberts, Warden  
David Skotarzak, Lake Beulah Management District  
Mark Mullikin, Walworth County  
Co-Owners (Private Residents)

**BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES**

**IN THE MATTER** of  
Plan Approval  
for the Lake Beulah Dam,  
Located on the Lake Beulah Outlet, in  
Walworth County.

FF #64.05

**FINDINGS OF FACT, CONCLUSIONS OF LAW, PLAN APPROVAL, AND ORDER**

Walworth County Department of Public Works submitted revised plans dated February 14, 2011, completed by Patrick Engineering for rehabilitation of the Lake Beulah Dam. The Lake Beulah Dam is on the Lake Beulah Outlet, Town of East Troy, Walworth County. Plan approval conditionally granted and order issued.

**FINDINGS OF FACT**

The Department of Natural Resources finds that:

1. Walworth County Department of Public Works submitted plans, specifications, and the design report completed by Patrick Engineering for rehabilitation of the Lake Beulah Dam dated February 14, 2011 in accordance with Section 31.12, Wisconsin Statutes. The Lake Beulah Dam is on the Lake Beulah Outlet, Town of East Troy, Walworth County.
2. The Lake Beulah Dam is located on the Lake Beulah Outlet in the SW 1/4 of the NW 1/4 of Section 4, Township 4 North, Range 18 East, Town of East Troy, Walworth County, at the north end of Lake Beulah.
3. The proposed dam rehabilitation will consist of concrete repair, modification of the far right culvert structure, and embankment work.
4. The proposed dam repair will require dewatering or bypass measures to facilitate construction.
5. The Lake Beulah Outlet is navigable in fact at the location of the dam. The proposed dam repair will not result in significant adverse effects on this resource upon compliance with the conditions in the order.
6. The operation and maintenance of the Lake Beulah Dam and flowage are in the public interest considering ecological, aesthetic, economic, and recreational values, provided the conditions in the Order are complied with.

**CONCLUSIONS OF LAW**

1. The Department has the authority under Section 31.12, Wisconsin Statutes, and the foregoing Findings of Fact, to issue the plan approval requested, subject to the conditions in the Order which follows.
2. The Department has complied with the requirements of Chapter NR 150, Wisconsin Administrative Code and Section 1.11, Wisconsin Statutes.

## CONDITIONAL PLAN APPROVAL

AND HEREBY THERE DOES ISSUE AND IS GRANTED to the applicant, a plan approval under Section 31.12, Wisconsin Statutes, for rehabilitation of the Lake Beulah Dam, located in the SW 1/4 of the NW 1/4 of Section 4, Township 4 North, Range 18 East, Town of East Troy, Walworth County, subject to the conditions of the order which hereinafter follows. A copy of this plan approval shall constitute the certificate evidencing a grant of the permit as provided in Section 31.11, Wisconsin Statutes.

### ORDER

THE DEPARTMENT OF NATURAL RESOURCES, THEREFORE, ORDERS:

1. You must notify Michelle Schneider at 262-574-2127 before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described on or before October 15, 2011. If you will not complete the project by this date, you must submit a written request for an extension prior to the expiration date of the plan approval. Your request must identify the requested extension date and the reason for the extension. An extension may be granted, for good cause, by the Department. You may not begin or continue construction after the original expiration date unless the Department grants a new plan approval or extension in writing.
3. In order to adequately complete the construction as approved, it is necessary that you dewater portions of the site. **The contractor must submit final dewatering and water management plans to the Department for review and approval no later than 5 working days prior to construction.**
4. This plan approval does not authorize any work other than what is specifically described in the plans or other work incidental to completing the project, and as modified by the conditions of this permit. If you wish to alter the project or conditions, you must first obtain written approval of the Department.
5. You are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances or by the U.S. Army Corps of Engineers before starting your project.
6. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or plan approval compliance.
7. The Department may modify or revoke this approval if the project is not completed according to the terms of the plan approval, or if the Department determines the activity is detrimental to the public interest.
8. You must post a copy of this plan approval at a conspicuous location on the project site, visible from the waterway, remaining at least five days after construction. You must also have a copy of the plan approval and approved plan available at the project site at all times until the project is complete.
9. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this plan approval and order.
10. You must submit a series of photographs to the Department, within one week of completion of work on the site. The photographs must be taken from different vantage points and depict all work authorized by this plan approval. Section 31.12(4), Wis. Statutes, requires a verified statement to be filed with the Department within 10 days after completion of the repairs to the dam, stating that it was constructed in accordance with the plans and specifications approved by the Department.

11. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wisconsin Statutes or this plan approval.
12. The Department shall retain jurisdiction for the purpose of monitoring water quality and shall cause the applicant to install such devices or make such modifications to the dam and flowage as may be reasonably necessary to protect water quality in the Lake Beulah Outlet and prevent violation of the water quality standards enumerated in Chapter NR 102, Wisconsin Administrative Code. If water quality standards are violated and no feasible method is available to prevent such violation from continuing, the Department shall initiate proceedings for the revocation of the plan approval herein issued.
13. You must maintain a log of construction inspections, repairs made, and rain events. This must be made available to Department personal upon request and must remain on the project site at all times work is being performed.
14. On site inspection by a professional engineer registered in the State of Wisconsin shall be performed periodically and during the critical stages of construction. Critical stages include removal of the large tree on the downstream embankment, locating sound concrete for repair, and modification to the culvert structure located on the right embankment. **DNR staff must be on site during the initial stages of the culvert modification.** Weekly inspection reports including photographs or video tape shall be submitted by the inspecting registered engineer.
15. No transfer of ownership of the dam shall take place without proper authority under Section 31.185, Wisconsin Statutes.

#### NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and Wisconsin Administrative Rules establish time periods within which requests to review Department of Natural Resources decisions must be filed.

For judicial review of a decision pursuant to Sections 227.52 and 227.53, Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate court and serve the petition on the Secretary of the Department of Natural Resources. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to Section 227.42, Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review. This notice is provided pursuant to Section 227.48(2), Wisconsin Statutes.

Dated at the Waukesha Service Center, Wisconsin on March 7, 2011.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By 

Michelle Schneider, P.E.  
Water Management Engineer

**AUGUST 9, 2011  
WALWORTH COUNTY BOARD OF SUPERVIORS  
PUBLIC HEARING**

**2011 REDISTRICTING PLAN  
FOR WALWORTH COUNTY**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:02 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

**Presentation of Final 2011 Redistricting Plan for Walworth County**

Ken Yunker, Executive Director of the Southeastern Wisconsin Regional Planning Commission, gave a presentation of the Final Redistricting Plan. Mr. Yunker stated the development of the redistricting plan was guided by 14 specific criteria specified by the County Board. A tentative Walworth County Redistricting Plan was presented at the May 10, 2011 Public Hearing and County Board meeting. The tentative plan, with the inclusion of a small recent annexation by the City of Delavan, effective in April 2011, was approved by the board on May 10, 2011. The next phase of the redistricting process was the creation of ward plans for each municipality. The municipalities used an internet mapping application, Wisconsin Shapefile Editor for Local Redistricting, supplied by the State of Wisconsin that helps municipalities create their wards by identifying the population in each census block with the assistance of commission staff. The deadline for completion of the ward plans was July 21, 2011 and all municipal ward plans were provided to the County Clerk as of that date. The final phase of the process is adoption of a final County Supervisory Redistricting Plan. Mr. Yunker noted that the City of Elkhorn proposed and included a planned annexation of a portion of the Town of Lafayette. The boundary of the tentative redistricting plan, approved in May 2011, has been modified to accommodate the request by the City of Elkhorn. The annexed area does not include any residents so the population variation of the supervisory districts is not affected. The County Board must adopt a plan by September 21, 2011 and the County Board Chairperson must file a copy of the final plan with the Secretary of State by October 1, 2011. The state created the Senate, Assembly and Congressional districts. There are some Districts that do not follow the municipal ward boundaries so there will be a need for some of the municipalities to adjust their ward plans. The State Legislative Reference staff is still trying to develop guidance on this and will be advising those municipalities with regard to any changes in wards that will need to be made. There may be changes in the Town of East Troy, Town of Whitewater, City of Elkhorn and City of Delavan; these will not affect the County Supervisory District Plan.

**Public Comment Regarding the Proposed Redistricting Plan**

There was no public comment at this time.

Discussion ensued. Supervisor Weber stated that he would be in favor of the alternative plans that were presented at the May meeting with minor land changes in District 7 and 8. Chair Russell stated that counsel advised that the board take this up at the adoption of the plan. Clerk Bushey asked if the districts will change by setting the map and annexations back to April 1, 2011. Mr. Yunker responded that State law requires that the municipalities will have to reflect

their boundaries as of April 1<sup>st</sup>, adopt it; and then change their ward plan again to reflect the annexations that have occurred.

On motion by Supervisor Grant, seconded by Supervisor Schaefer, the Public Hearing was closed at 6:21 p.m.

**THE AUGUST 9, 2011 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS**

The following Supervisors were present: Richard Brandl, Jerry A. Grant, Kathy Ingersoll, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Joe Schaefer, Russ Wardle, David A. Weber, and Chair Nancy Russell. Randy Hawkins and Rick Stacey were absent and excused. A quorum was established.

Richard Brandl, Walworth County Board Supervisor, District #9, delivered the invocation.

**Amendments, Withdrawals, and Approval of Agenda**

On motion by Supervisor Grant, seconded by Supervisor Ingersoll, the August 9, 2011 agenda was approved by voice vote.

Supervisor Weber stated that the vote under Appointments/Elections, Item #1, should be 4-0 with one abstention. Supervisor Weber said he abstained.

On motion by Supervisor Grant, seconded by Supervisor Ingersoll, the agenda was amended as follows: Communications and Matters to be Referred, item 8, Presentation by the Fairest of the Fair, Hannah Eucker, to immediately follow approval of the minutes; New Business, item 1, Resolution No. 42-08/11 – Supporting a Supervisory District Plan for Walworth County, to be moved prior to Unfinished Business.

**Approval of the Minutes**

On motion by Supervisor Schaefer seconded by Supervisor Brandl, the minutes of the July 12, 2011 Walworth County Board of Supervisors meeting was approved by voice vote.

On motion by Supervisor Grant, seconded by Supervisor Schaefer, the minutes of the July 20, 2011 Special County Board meeting was approved by voice vote.

On motion by Supervisor Grant, seconded by Supervisor Weber, the request to suspend the rules and consider the request to permit the Fairest of the Fair to make a short presentation was approved by unanimous consent.

Hannah Eucker, Walworth County Fairest of the Fair, thanked the County Board for suspending the rules and allowing her to speak. She invited everyone to the 162<sup>nd</sup> Walworth County Fair and

said she felt privileged to be a part of that tradition. The theme for the fair this year is "It's a Boat Load of Fun, Don't Miss the Boat". This year there will be a children's pedal tractor pull, and the Walworth County Fair Historical Documentary will be released on Thursday, September 1<sup>st</sup>. This document will show history from the beginning of the fair to the present. Also, Nancy Russell will be honored this year as one of our Outstanding Senior Citizens; the ceremony is on Thursday, September 1<sup>st</sup> at 2:00 p.m. in the park. There are several exciting acts for this year: the Doobie Bros., Rodney Atkins and Montgomery Gentry. She thanked the County Board for all of their continued years of support.

### **Comment Period by Members of the Public Concerning Items on the Agenda**

There were none

### **Special Order of Business**

- Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2011

Chair Russell requested that Jessica Lanser and Stacey Johnson come forward. Dave Ellinger, Wisconsin Government Finance Officers Association (WGFOA), summarized the GFOA's purpose and presented the GFOA Distinguished Budget Presentation Award to Walworth County for the seventh consecutive year. He thanked Nicki Andersen, Jessica Lanser, Stacey Johnson and the Finance Department staff for their continued efforts in participating in the program and leadership in their profession. Mr. Bretl expressed his appreciation to the Finance staff and stated that Walworth County departments, employees and County Board members also deserve recognition for their efforts.

### **Appointments/Elections**

1. Children with Disabilities Education Board (CDEB) – Dave Weber - Re-election to serve a three year term to begin retroactive to April 19, 2011 and end on April 19, 2014. (Recommended by the Executive Committee 5-0). The vote is reflected incorrectly and should be reflected as 4-0 with one abstention.

2. East Troy Lions Community Library - Philip Taugher – Three year term to begin upon Board reappointment and end on June 30, 2014 (Recommended by the Executive Committee 5-0)

3. Honey Lake Management District - Robert McIndoe – Term to begin upon Board appointment and continue until a successor is named. (Recommended by the Land Conservation Committee 4-0)

4. Southeastern Wisconsin Regional Planning Commission (SEWRPC)

- Allen Morrison

- Charles Colman

(The Executive Committee voted unanimously to forward the list of both candidates to Governor Walker)

Supervisor Grant offered a motion, seconded by Supervisor Ingersoll to nominate Dave Weber to the Children with Disabilities Education Board (CDEB). Hearing no other nominations, a motion was made to close nominations by Supervisor Grant, seconded by Supervisor Ingersoll and to cast a unanimous vote for Dave Weber. Dave Weber was re-elected to serve a 3-year term, retroactive to April 19, 2011 and ending on April 19, 2014.

On motion by Supervisor Schaefer, seconded by Supervisor Weber, Philip Taugher was reappointed to the East Troy Lions Community Library board; Robert McIndoe was appointed to the Honey Lake Management District; and Allen Morrison and Charles Colman were recommended to the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

### **Communications and Matters to Be Referred**

Chair Russell announced that unless there was a request for an individual communication to be discussed, the Clerk would dispense with the reading of each title and the Chair would direct that all communications be referred or placed on file as indicated on the agenda, with the exception of item eight which was previously heard.

1. Claims Received After Agenda Mailing – there were none.
2. Communication from the University of Wisconsin Colleges/University of Wisconsin-Extension thanking the board for supporting Res. No. 29-06/11, in support of the Wisconsin Idea Partnership was placed on file
3. Correspondence from the Wisconsin Historical Society regarding the Elkhorn Band Shell in Sunset Park being nominated to the Wisconsin State Register of Historic Places and National Register of Historic Places was placed on file
4. Correspondence from the Wisconsin Historical Society regarding the Elkhorn Municipal Building located at 9 South Broad Street in Elkhorn, WI being nominated to the Wisconsin State Register of Historic Places and National Register of Historic Places was placed on file
5. Correspondence from the Wisconsin Department of Natural Resources Approving the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Walworth County Metropolitan Sewerage District – City of Elkhorn was placed on file
6. Correspondence from Gene Pulera, Town of Richmond, Proposal re: Public Health and the Use of Spray Irrigation for Liquid Manure Disposal, including Center Pivots was referred to the County Zoning Agency
7. Town of Richmond Resolution No. 7/19/2011 – Resolution Concerning Center Pivot Manure and Manure By-Product Application was referred to the County Zoning Agency
8. Communication from David A. Bretl, County Administrator, regarding a 5-minute presentation by the Fairest of the Fair, Hannah Eucker.(It is anticipated that the County Board will suspend its rules and consider the request and permit the Fairest of the Fair to make a short presentation at tonight’s meeting)
9. Outagamie County Resolution 27--2011-12 – Opposing State of Wisconsin 2011 Assembly Bill 173 was referred to the Executive Committee
10. Correspondence from Bruce T. Block, Reinhart Attorneys at Law, regarding the proposed HUD Section 108 Financing for Senior Housing Project in the Town of Geneva, Wisconsin was referred to the Finance Committee
11. Correspondence from Brian A. Schuk, Wassel, Harvey & Schuk, LLP, regarding the Town of Bloomfield, Farmland Preservation was referred to the Land Conservation Committee
12. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
13. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing
  - Corrected re-election notice for Supervisor Dave Weber to serve on the Children with Disabilities Education Board
  - *Walworth County Aging & Disability Resource Center News*, August 2011 was placed on file

14. Report of County Clerk Concerning Zoning Petitions were referred to the County Zoning Agency

- KHD Investments, LLC; Kevin & Heidi Dawson, Town of Lafayette, approximately 17 acres A-2 to A-4
- Susan K. & Warren E. Miller, Town of Richmond, approximately .18 acres, A-3 to A-4
- John & Kristine Kendall, Town of Troy, approximately 3.09 acres, C-3 to A-5
- Mario Deluca, Town of Lafayette, approximately 2.51 acres, A-1 to A-4
- Gary & Donan M. Johnson, Town of Troy, approximately 3.02 acres, C-3 to A-5
- Matthew Polyock, Town of Linn, approximately .18 acres, A-1 to A-4

**New Business**

1. Res. No. 42-08/11 – Supporting a Supervisory District Plan for Walworth County-*Vote required: Majority*

A motion was made by Supervisor Schaefer, seconded by Supervisor Grant to approve **Resolution No. 42-08/11.**

Supervisor Weber made a motion to amend Resolution No. 42-08/11, seconded by Supervisor Ingersoll, as follows: insert on line 28, WHEREAS, the County Board has determined that further changes to the Redistricting Plan are desirable.; on lines 32-34, strike out “Walworth County Redistricting Plan: August 2011 September 2011”; and, add Alternative Walworth County Redistricting Plan August 2011; and, on line 37, add Towns of Darien and Delavan with a request to them to modify their ward plans to accommodate the new map, after supervisory district plan to the; and strike out, State of Wisconsin and all municipalities and townships in Walworth County. On page 2 add, BE IT FURTHER RESOLVED that the County Clerk be authorized and directed to take the necessary actions to notice this matter for a public hearing and, if necessary, circulate a petition for a special County Board meeting no later than September 21, 2011.

Discussion ensued. Supervisor Weber stated that he is requesting minor changes in District 7 & 8. Supervisor Kilkenny commented that these items were discussed in a previous meeting and were voted down.

Mr. Yunker stated that it isn't provided for in the legislation to go back and have the municipality change the ward plan as the county moves from a tentative to a final supervisory district plan. But it doesn't say it's not permitted either.

Mr. Bretl stated that if you want to approve this alternative version, the County Board would have to ask the Towns' of Delavan and Darien to make those minor adjustments to their recently adopted ward plans. According to the legislative analyst once the ward lines are established they shall remain unchanged. If the town chooses to make those adjustment there would need to be a County public hearing in September.

Mr. Bretl asked the County Clerk to send correspondence to the Town of Delavan and the Town of Darien requesting these changes and send a notice for county public hearing.

Supervisor Weber asked the board to give fair consideration to the amendment to the resolution and called the question. Mr. Bretl requested a change be made on Line 33, the caption on the

map should read, Alternative Walworth County Redistricting Plan: August 2011 and remove Walworth County Redistricting Plan: August 2011 September 2011.

Supervisor Weber amended the resolution to include Alternative Walworth County Redistricting Plan August 2011, seconded by Supervisor Ingersoll.

Supervisor Russell recommended a roll call vote on the amendment to Resolution No. 42-08/11, including the Alternative Walworth County Redistricting Plan August 2011. A roll call vote was conducted. Total vote: 11; Ayes: 7 – Kathy Ingersoll, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Joe Schaefer, Russ Wardle, David A. Weber and Chair Nancy Russell; Noes: 2 – Richard Brandl and Jerry A. Grant; Absent: 2 – Randy Hawkins and Rick Stacey. The amendment to **Resolution No. 42-08/11** was approved. Motion carried.

Supervisor Russell recommended a roll call vote on Resolution No. 42-08/11 as amended. A roll call vote was conducted. Total vote: 11; Ayes: 8 – Jerry A. Grant, Kathy Ingersoll, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Joe Schaefer, Russ Wardle, David A. Weber and Chair Nancy Russell; Noes: 1 – Richard Brandl; Absent: 2 – Randy Hawkins and Rick Stacey. **Resolution No. 42-08/11** was approved as amended. Motion carried.

Chair Russell thanked SEWRPC for their help with the redistricting plan.

Supervisor Schaefer left at 7:20 pm

### **Unfinished Business**

1. Res. No. 35-07/11 - Directing the Treasurer To Reject Settlement of a Special Assessment in the City of Whitewater Relative to Tax Incremental Financing (TIF) District No. 4 – *Vote Required: Majority* (Recommended by the Finance Committee 4 - 0) – Tabled from July 12, 2011 County Board meeting.

On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 35-07/11** was approved. Motion carried.

Supervisor Grant stated that the City of Whitewater officials, the County Administrator and Finance Department met to work out an agreement with the county to accept this special assessment.

Supervisor Grant made a motion to amend **Resolution No. 35-07/11**, seconded by Supervisor Russell as follows: delete lines 20 thru 25; add on line 27 thru 38 on page 1, WHEREAS, subsequent to the Finance Committee's recommendation, County staff met with Whitewater City staff; and, WHEREAS, a draft agreement was prepared that will hold the County harmless from financial loss as a result of settling with the City for the special assessment. NOW, THEREFORE, BE IT RESOLVED that the proper County officials be authorized to executed the attached agreement provided the City of Whitewater executed the agreement on or before August 18, 2011. BE IT FURTHER RESOLVED that if the Agreement is executed by both parties, the County Treasurer be directed to settle the above-stated special assessment with the City of Whitewater. Add page 2; BE IF FURTHER RESOLVED that if the Agreement is not executed by both parties in the manner set forth above, the County Treasurer be directed to reject settlement of said special assessment.

Discussion ensued. Mr. Bretl summarized the process under the State Statutes pertaining to special assessments and gave an overview of the history and implications of the agreement. Kevin Brunner, City of Whitewater Administrator, thanked Chair Russell, County Administrator Dave Bretl, Nicki Andersen and Jessica Lanser for working with them on this. The City will indemnify the County for any special charge payments and fully intend on collecting these special charges. Supervisor Kilkenny felt the agreement adequately protects the County and does not set a precedent. Mr. Bretl recommended approval of the amended resolution.

The amendment to **Resolution No. 35-07/11** was approved by voice vote. Motion carried.

**Resolution No. 35-07/11** was approved as amended by voice vote. Motion carried.

### **Reports of Standing Committees**

#### **County Zoning Agency Report of Proposed Zoning Amendments**

1. Ord. No. 684-08/11 - Amending Sections 74-28, 74-131, 74-153 and 74-263 of the Walworth County Code of Ordinances Relating to Environmental Corridors - *Vote required: Majority* (Recommended County Zoning Agency 6-0 ) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 74-28 and 74-131 of the Zoning Ordinance and Chapter 74-153 and 74-263 of the Shoreland Zoning Ordinance – approved 6-0 (June 16, 2011 public hearing)
2. Ord. No. 685-08/11 - Amending Sections 74-53, 74-55, 74-56, 74-64, 74-65, 74-66, 74-74, 74-180, 74-182, 74-183, 74-191, 74-192, 74-193, 74-203 of the Walworth County Code of Ordinances Relating to Shared Parking - *Vote required: Majority* (Recommended County Zoning Agency 6-0 ) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 74-53, 74-55, 74-56, 74-64, 74-65, 74-66, 74-74 of the Zoning Ordinance and Chapter 74-180, 74-182, 74-183, 74-191, 74-192, 74-193, 74-203 of the Shoreland Zoning Ordinance – approved 6-0 (June 16, 2011 public hearing)
3. Ord. No. 686-08/11 - Amending Sections 74-38 and 74-163 of the Walworth County Code of Ordinances Relating to Accessory Structures - *Vote required: Majority* (Recommended County Zoning Agency 6-0 ) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 74-38 of the Zoning Ordinance and Chapter 74-163 of the Shoreland Zoning Ordinance – approved 6-0 (June 16, 2011 public hearing)
4. Clayton & Mary French, Town of Lafayette, Rezone approximately 5.99 acres of the parcel from A-1 Prime Agricultural to C-2 Upland Conservation District for creation of a separate lot for an existing residence - approved 6-0 (July 21, 2011 County Zoning Agency public hearing)
5. Fairwyn Trading Company, LLC, Bloomfield Township, Rezone approximately 54 acres of shoreland area from A-1 Prime Agricultural to R-1 Single Family Residential and C-4 Land Resource Conservation District (Shoreland Wetland) for the creation of a residential subdivision. The request includes designation of shoreland area for a navigable stream - approved 6-0 (July 21, 2011 County Zoning Agency public hearing)
6. Joe and Wendy Staller, Richmond Township, Rezone A-1 Prime Agricultural District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District area, approximately 1.93 acres for an existing winery - approved 6-0 (July 21, 2011 County Zoning Agency public hearing)

On motion by Supervisor Weber, seconded by Supervisor Grant, item 1, **Ordinance No. 684-08/11**; item 2, **Ordinance No. 685-08/11**, item 3, **Ordinance No. 686-08/11**; item 4, Clayton & Mary French, Town of Lafayette; item 5, Fairwyn Trading Company, LLC, Town of Bloomfield; and item 6, Joe & Wendy Staller, Richmond Township, were approved by voice vote as recommended by the County Zoning Agency.

Chair Russell call for a recess at 7:38 p.m.

The Board reconvened at 7:50 p.m.

#### **Executive Committee**

1. Res. No. 40-08/11 - Denying the Claim of Aaron M. Blum – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 40-08/11** was approved by voice vote.

#### **Land Conservation Committee**

1. Res. No. 39-08/11 – Adopting a Report of the Land Conservation Committee Recommending Approval of the Petition for Attachment to the Lake Beulah Management District Boundaries – *Vote Required: Majority* (Recommended by the Land Conservation Committee 4-0)

On motion by Supervisor Grant, seconded by Supervisor Brandl, **Resolution No. 39-08/11** was approved by voice vote.

#### **Public Works Committee**

1. Res. No. 41-08/11 - Rescinding Resolution No. 73-01/11 Relative to a Lease Agreement between Walworth County and the Children's Service Society of Wisconsin - *Vote required: Majority* (Recommended by the Public Works Committee 5-0)

On motion by Supervisor Ingersoll, seconded by Supervisor Wardle, **Resolution No. 41-08/11** was approved by voice vote.

#### **Reports of Special Committees**

There were none.

#### **Comment Period by Members of the Public Concerning Items Not on the Agenda**

There were none.

#### **Closed Session**

The Board will convene in closed session pursuant to the exemption contained in Section 19.85 (1)(e) of the Wisconsin Statutes, "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session."

In closed session, the Board will discuss the following item:

- Establishing guidance/parameters for negotiations with Unions

On motion by Supervisor Weber, seconded by Supervisor Grant, the Board convened into closed session at 7:54 p.m. A roll call vote was taken. Total vote: 11; Ayes: 8 – Richard Brandl, Jerry A. Grant, Kathy Ingersoll, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Russ Wardle, David A. Weber and Chair Nancy Russell; Noes: 0; Absent: 3 – Randy Hawkins, Joe Schaefer and Rick Stacey.

The Board will reconvene in open session and may take action on the closed session item.

On motion by Supervisor Grant, seconded by Supervisor Kilkenny, the Board convened in open session at 9:12 p.m. Motion carried.

On motion by Supervisor Wardle, seconded by Supervisor Brandl, it was recommended to proceed as discussed in closed session. Motion carried.

### **Chairperson's Report**

There was none.

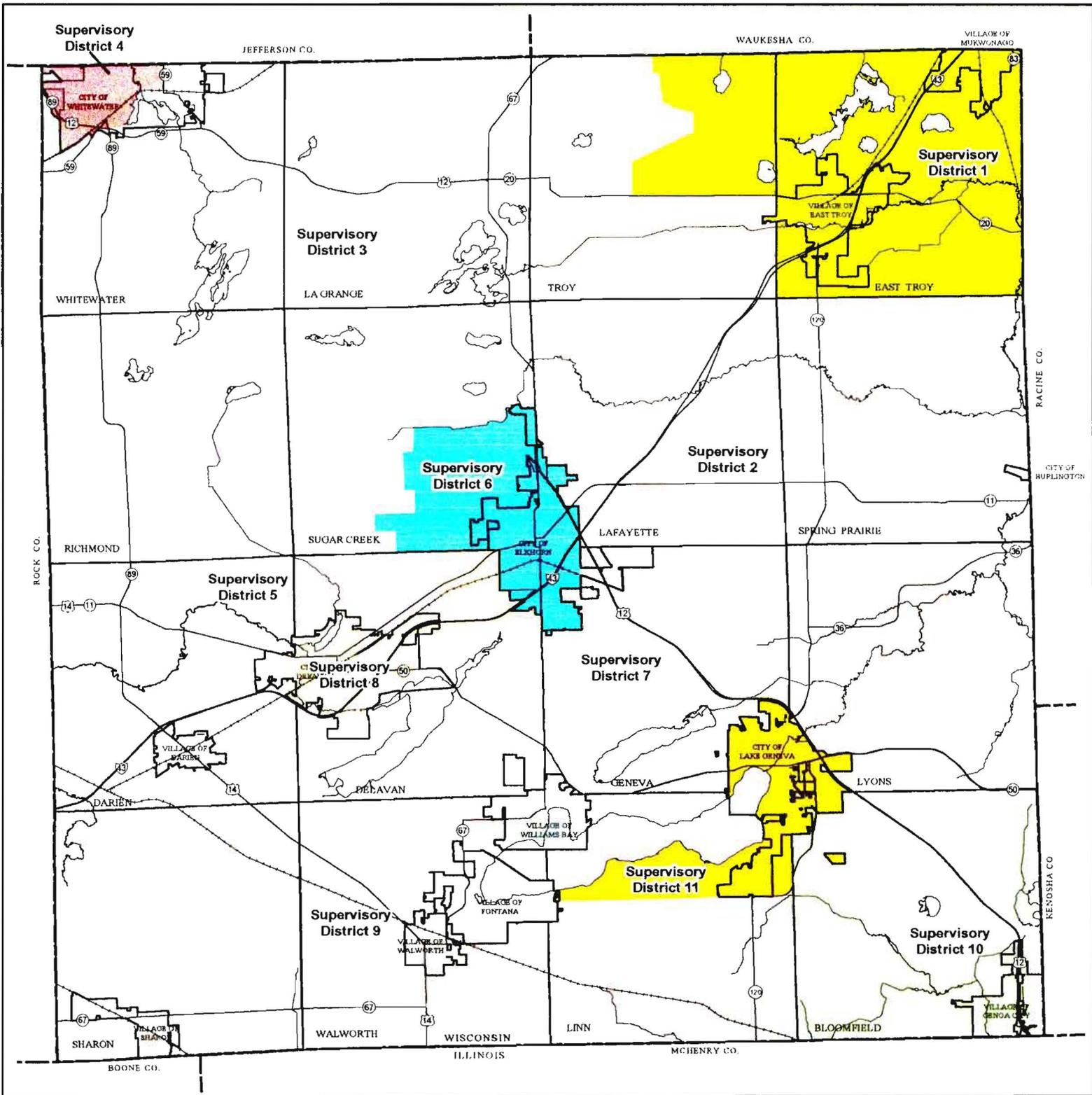
### **Adjournment**

On motion by Supervisor Brandl, seconded by Supervisor Grant, the meeting was adjourned at 9:15 p.m.

STATE OF WISCONSIN     )  
  )SS  
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the August 9, 2011 meeting.

(These minutes are not final until approved by the County Board at the next regularly scheduled County Board meeting.)



**ALTERNATIVE WALWORTH COUNTY REDISTRICTING PLAN**

**AUGUST 2011**

District	Persons	Deviation from Target (9,293)	Percent Deviation
1	9215	-78	-0.84
2	9146	-147	-1.58
3	9239	-54	-0.58
4	9350	57	0.61
5	9449	156	1.67
6	9202	-91	-0.98
7	9319	26	0.28
8	9420	127	1.37
9	9480	187	2.01
10	9314	21	0.23
11	9094	-199	-2.14



ORDINANCE NO. 690- 09/11

REPEALING AND RECREATING DIVISION 2 OF ARTICLE IX OF CHAPTER 15 OF  
THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO THE  
CREATION OF A GRIEVANCE PROCEDURE

1 THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS  
2 FOLLOWS:

3  
4 PART I: That Division 2 of Article IX of Chapter 15 of the Walworth County Code of  
5 Ordinances is hereby repealed in its entirety and recreated to read as follows:

6  
7 "DIVISION 2.

8  
9 EMPLOYEE GRIEVANCE PROCEDURE

10  
11 Sec. 15-910. Purpose.

12  
13 The purpose of this ordinance is to comply with the requirements of Sec. 66.0509 (1m) of  
14 the Wisconsin Statutes and to provide a procedure for employees to bring their work-related  
15 grievances to the attention of county officials and to resolve those grievances in an orderly  
16 manner.

17  
18 Sec. 15-911. Definitions

19  
20 The following words, terms and phrases, when used in this division, shall have the  
21 meanings ascribed to them in this section, except where the context clearly gives a different  
22 meaning.

23  
24 *Arbitrary and capricious* means unsupported by logic or necessary facts; irrational.

25  
26 *Discipline* means an employment action that results in a written reprimand, suspension  
27 (with or without pay) and/or termination of employment. As used in this ordinance, it shall not  
28 include the following:

- 29  
30 (1) Oral or written warnings;  
31  
32 (2) Actions taken to address work performance, including use of a plan of correction  
33 or performance improvement plan;  
34  
35 (3) Performance evaluations or reviews;  
36  
37 (4) Documentation of employee acts and/or omissions in an employment file;  
38  
39 (5) Paid administrative leave pending an investigation;

1 (6) Wage, benefit or salary adjustments not related to discipline;

2  
3 (7) Counseling sessions, investigations or other pre-disciplinary action.

4  
5 *Employee* means all employees of the county unless such employee works under a  
6 collective bargaining agreement that contains a grievance procedure.

7  
8 *Grievance* means a work-related complaint, including subjects such as discipline,  
9 termination, workplace safety and alleged violations of county ordinances or administrative  
10 procedures.

11  
12 *Law enforcement officer* means a person employed by the county for the purpose of  
13 detecting and preventing crime and enforcing laws or ordinances, who is authorized to make  
14 arrests for violations of the laws or ordinances which he or she is employed to enforce.

15  
16 *Termination* means the involuntary separation of employment.

17  
18 *Workplace safety* means a condition of employment related to the physical health and  
19 safety of an employee. It includes, but is not limited to, the safety of the physical work  
20 environment, provision of protective equipment, safety training, the safe operation of workplace  
21 equipment and tools, and accident risk and workplace violence prevention. It does not include  
22 general working conditions that are unrelated to physical health or safety, including, but not  
23 limited to, compensation, performance reviews, work schedules, hours of work, breaks,  
24 overtime, sick leave, family or medical leave or vacation scheduling.

25  
26 **Sec. 15-912. Limitations.**

27  
28 (a) A grievance that may be brought by or on behalf of a law enforcement officer  
29 using the procedure specified in Sec. 59.26(8) may not be brought under this section.

30  
31 (b) A complaint alleging harassment shall be made utilizing procedures set forth in  
32 county administrative procedures.

33  
34 (c) The termination of a Department Head appointed by the County Administrator  
35 pursuant to Sec. 59.18 of the Wisconsin Statutes may not be grieved pursuant to this Division.

36  
37 **Sec. 15-913. Administration.**

38  
39 The County Administrator shall implement this ordinance and shall be authorized to  
40 adopt administrative procedures consistent with this ordinance.

41  
42 **Sec. 15-914. Procedure.**

43  
44 An employee with a grievance related to his or her employment shall first attempt to  
45 resolve the issue, informally, with his or her supervisor. In the event the matter is not resolved,

1 the employee may proceed following the procedures set forth herein.

2  
3 **Sec. 15-915. Step 1 – Written grievance filed with department head.**

4  
5 (a) Grievances must be in writing and filed with the department head not later than  
6 fifteen (15) days after the employee knew, or should have known, of the events giving rise to the  
7 grievance.

8  
9 (b) The department head will investigate the grievance and inform the employee of  
10 his or her decision within fifteen (15) days of receipt of the grievance.

11  
12 **Sec. 15-916. Step 2 – Review by labor/employee relations director.**

13  
14 (a) The employee may file a written appeal of the department head's decision with  
15 the director within fifteen (15) days following receipt of the department head's decision pursuant  
16 to Sec. 15-915(b).

17  
18 (b) The director will investigate the grievance and provide a written response to the  
19 grievant within thirty (30) days.

20  
21 (c) If the grievance pertains to a subject other than discipline, termination or  
22 workplace safety, and the grievance is not resolved pursuant to (b), the matter shall be referred to  
23 the County Administrator. The County Administrator will investigate the grievance and provide  
24 a written response to the grievant. The decision of the County Administrator shall be final. If  
25 the grievance pertains to discipline, termination or workplace safety, and the matter is not  
26 resolved pursuant to (b), the grievant may proceed to step 3.

27  
28 **Sec. 15-917. Step 3 – Impartial hearing officer.**

29  
30 (a) The grievant may file an appeal of the director's response to an Impartial Hearing  
31 Officer by giving written notice to the director within fifteen (15) days of the issuance of the  
32 director's response.

33  
34 (b) The director shall select the Impartial Hearing Officer. The Impartial Hearing  
35 Officer must not be an employee of the county. The Impartial Hearing Officer may be an  
36 employee of another county or municipality, a retired human resources professional, a lawyer, a  
37 professional mediator/arbitrator or other qualified individual. The cost of the Impartial Hearing  
38 Officer will be the responsibility of the county.

39  
40 (c) The Impartial Hearing Officer may decide the case upon the existing record or  
41 may conduct a hearing. In the event a hearing is conducted, an audio or audio and video  
42 recording shall be made and filed with the director for safe-keeping.

43  
44 (d) The Impartial Hearing Officer will determine whether the county's action was  
45 arbitrary and capricious. If the action was not arbitrary and capricious, then the Impartial

1 Hearing Officer shall find on behalf of the county. If the action was arbitrary and capricious,  
2 then the decision shall be for the grievant. The grievant shall have the burden of proof.

3  
4 (e) The Impartial Hearing Officer shall provide a written decision within thirty (30)  
5 days following the close of the record. The written decision should include the following:

- 6  
7 (1) The parties and appearances;  
8  
9 (2) Findings of facts;  
10  
11 (3) The final decision and remedy (if any);  
12  
13 (4) Rationale in support of the decision; and,  
14  
15 (5) Any other information the Impartial Hearing Officer deems appropriate.

16  
17 **Sec. 15-918. Step 4 – Review by county board.**

18  
19 (a) The non-prevailing party may file a written request for review of the Impartial  
20 Hearing Officer’s decision by the county board within fifteen (15) days of issuance of the  
21 decision by filing a written notice of appeal with the County Clerk. The written notice of appeal  
22 must contain a statement explaining the reason for the appeal.

23  
24 (b) The appeal will be placed on the agenda for the first county board meeting that is  
25 held at least fifteen (15) days after the county clerk receives a written notice of appeal. If the  
26 appeal involves discipline or dismissal, the appeal will be noticed for consideration in closed  
27 session pursuant to Sec. 19.85(1)(b) of the Wisconsin Statutes, unless the grievant, at the time of  
28 filing the request for review, indicates to the County Clerk that he or she wishes to have the  
29 matter conducted in open session.

30  
31 (c) The county board shall review the record and will not take additional testimony or  
32 evidence. The county board shall decide whether or not the record supports the decision of the  
33 Impartial Hearing Officer. In the event the county board does not sustain the Impartial Hearing  
34 Officer’s decision, then the Board must render a new decision and remedy (if finding for the  
35 grievant) limited to:

- 36  
37 (1) Modification of the written reprimand;  
38  
39 (2) Reversal/reduction of suspension days;  
40  
41 (3) Reversal or modification of termination stating if the reinstatement will include  
42 back pay; and  
43  
44 (4) The appropriate remedy for a safety violation.  
45

1 (d) The county board shall decide the matter by majority vote of the members present  
2 and the decision is final and may not be appealed.

3  
4 (e) The county board chair shall cause to be prepared, a written determination  
5 reflecting the county board's decision whether the grievance is sustained, denied or modified. A  
6 copy of the determination will be provided to the employee within fifteen (15) days following  
7 the county board's decision.

8  
9 **Sec. 15-919. General requirements.**

10  
11 (a) Grievance meetings and hearings that are held during the employee's off-duty  
12 hours will not be compensated. The county is under no obligation to schedule meetings or  
13 hearings during an employee's work time.

14  
15 (b) All grievances shall be personal to the employee filing the grievance. "Class  
16 action" filings are not permitted.

17  
18 (c) For purposes of the Division, time shall be computed pursuant to Sec. 990.001(4)  
19 of the Wisconsin Statutes.

20  
21 **Sec. 15-920. Representation.**

22  
23 The grievant shall have the right to a representative during the grievance procedure at the  
24 grievant's expense. The representative shall not be a material witness to the dispute. If the  
25 representative is a county employee, he or she will not be compensated for time spent in  
26 grievance matters as a representative. A county employee acting as a representative may only  
27 attend meetings on their personal time such as a regularly scheduled day off, vacation or  
28 compensatory time off or after scheduled work hours.

29  
30 **Secs. 15-921--15-999. Reserved."**

31  
32 **PART II: This Ordinance shall become effective upon passage.**

33  
34 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 8<sup>th</sup> day of  
35 September, 2011.

36  
37  
38  
39  
40  
41 \_\_\_\_\_  
42 Nancy Russell  
County Board Chair

\_\_\_\_\_

Kimberly S. Bushey  
Attest: County Clerk

**County Board Meeting Date:** September 8, 2011

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:

    D.A. Bretl            9/8/11      
Date  
County Administrator/Corporation Counsel

    N. Andersen            9/8/11      
Date  
Deputy County Administrator-Finance

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

**Ordinance No. 690-09/11**  
**Fiscal Note and Policy Impact Statement**

- I. Title:** Repealing and Recreating Division 2 of Article IX of Chapter 15 of the Walworth County Code of Ordinances Relating to the Creation of a Grievance Procedure
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to comply with Wis. Stats. 66.0509 (1m) which requires all municipalities to have a grievance procedure in place no later than October 1, 2011.
- III. Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will have no fiscal impact on the county budget.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

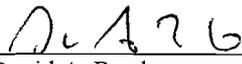
Committee: Human Resources Committee

Date: September 8, 2011

Vote: 5 - 0

County Board Meeting Date: September 8, 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.

 9/8/11  
\_\_\_\_\_  
Date  
David A. Bretl  
County Administrator/Corporation Counsel

 9/8/11  
\_\_\_\_\_  
Date  
Nicole Andersen  
Deputy County Administrator-Finance