



**WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

TUESDAY, DECEMBER 11, 2012 AT 6:00 P.M.

County Board Room
Walworth County Government Center
100 W. WALWORTH STREET
ELKHORN, WI

Nancy Russell – Chair

Jerry A. Grant – Vice-Chair

Board of Supervisors

A G E N D A

Call to Order

Pledge of Allegiance

Invocation

- Jerry A. Grant, Walworth County Board Supervisor, District #4

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

- November 13, 2012 County Board Meeting Minutes

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

Appointments/Elections

1. 911 Governing Board

- Kevin Williams – Term to begin upon confirmation and end on May 8, 2014
- Bruce VanderVeen – Term to begin upon confirmation and end on May 8, 2014
- David Fladten – Term to begin upon confirmation and end on May 8, 2014
- Jerry Grant – Term to begin upon confirmation and end on May 8, 2014
(Recommended by the Executive Committee 5-0)

2. Veterans Service Commission

- John W. Allen – Term to begin upon confirmation and end on December 31, 2015 (Recommended by the Executive Committee 5-0)

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing

2. Claims: a) Prime Contractor Dispute of Claim for Public Improvement Lien received from B.R. Amon & Sons Inc.; b) Notice of Claim received from the Estate of Patrick Kevin Krueger, Jr. (To be referred to the Executive Committee)

3. Sheboygan County Resolution No. 14 (2012/13) Re: Supporting Position Papers on Legislative Issues (To be referred to the Executive Committee)
4. Brown County Resolution Asking the State Legislature to Amend Wisconsin's Open Records Law, Chapter 19, to Permit an Authority to Impose Fees for Actual Expenses Incurred in Accommodating Open Records Requests to Inspect and/or Hand Count Election Ballots (To be referred to the Executive Committee)
5. Wisconsin Register of Deeds Association Resolution #4-2012 to amend Wis. Stats. 706.05 to require recording of mortgage assignments (To be referred to the Executive Committee)
6. Correspondence from the Government Finance Officers Association in regard to Walworth County qualifying for a Certificate of Achievement for Excellence in Financial Reporting (To be referred to the Finance Committee)
7. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
8. Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing
9. Report of the County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. McClellan Farms, Inc., Richmond Township. Rezone approximately 1.78 acres of A-1 to A-4 – Approved: 7-0 (November 15, 2012 County Zoning Agency Public Hearing)
2. Scott & Tracy Walter, Kyle C. & Karen I. Walter, and DLSG, LLC, Lafayette Township. Rezone 12.076 acres of A-1 to C-4; Rezone 9.653 acres of A-1 to C-1; Rezone .234 acres of C-4 to A-1 – Approved: 7-0 (November 15, 2012 County Zoning Agency Public Hearing)

Children with Disabilities Education Board

1. Ord. No. 755-12/12 – Amending Section 9-52 of the Walworth County Code of Ordinances Relating to Enrollment of Non-Resident Students – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 5-0)

Executive Committee

1. Res. No. 51-12/12 – Adopting a Public Participation Plan for the Update of the Walworth County Natural Hazards Mitigation Plan: 2009-2013 – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
2. Res. No. 52-12/12 – Denying the Claim of Eagle Pointe Condominium Association, Inc. – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
3. Res. No. 53-12/12 – Denying the Claim of State Farm Ins. on Behalf of Their Insured, Annette M. Stegall – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

4. Res. No. 54-12/12 – Denying the Town of Richmond’s Reimbursement Claim Relating to a Fire Response Call – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)

Finance Committee

1. Ord. No. 754-12/12 – Amending Sections 62-101, 62-103 and 62-104 of the Walworth County Code of Ordinances Relating to Tax Incremental Financing Districts – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)

Health and Human Services Board

1. Ord. No. 756-12/12 – Amending Section 50-2 and Creating Section 50-10 of the Walworth County Code of Ordinances Relating to Pre-Sentence Investigations – *Vote Required: Majority* (Recommended by the Health and Human Services Board 6-0)

Reports of Special Committees

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

Chairperson’s Report

Adjournment

Kimberly S. Bushey
Walworth County Clerk

*Supervisors and Committees: Please submit titles for the Tuesday, January 8, 2013 agenda on or before Wednesday, December 26, 2012.

**NOVEMBER 13, 2012
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:00 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll call was conducted and the following Supervisors were present: Richard Brandl, Tim Brellenthin, Vice-Chair Jerry A. Grant, Daniel G. Kilkenny, Kenneth H. Monroe, Carl Redenius, Joe Schaefer, Tim Schiefelbein, Rick Stacey, David A. Weber, and Chair Nancy Russell. A quorum was established.

Daniel G. Kilkenny, Walworth County Board Supervisor, District #8, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

Supervisor Weber recommended moving Items 5 and 6 under Finance Committee to prior to Comment Period by Members of the Public Concerning Items on the Agenda. On motion by Supervisor Schaefer, seconded by Supervisor Weber, the agenda was approved as amended.

Approval of the Minutes

On motion by Vice-Chair Grant, seconded by Supervisor Brandl, the October 9, 2012 County Board Meeting Minutes were approved by voice vote.

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the October 30, 2012 Public Budget Hearing Minutes were approved by voice vote.

Finance Committee

5. Res. No. 41-11/12 – Accepting the Donation of Equipment Totaling \$28,065 from the Geneva National Foundation for Use at Lakeland School – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and by the Finance Committee 5-0)
6. Res. No. 42-11/12 – Accepting the Donation of Four (4) Apple iPads from Logan Zurn for Use at Lakeland School – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and by the Finance Committee 5-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, Item 5, **Resolution No. 41-11/12** was approved by voice vote. Chair Russell asked Tracy Moate from CDEB and the representatives from the Geneva National Foundation to come forward and address the board. Supervisor Weber read the resolution.

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 6, **Resolution No. 42-11/12**, was approved by voice vote. Chair Russell asked Logan Zurn to come forward. Chair Russell read the resolution and thanked Logan for the donation.

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

Kenneth Baumeister, 2831 Berndt Road, Lyons Township. Mr. Baumeister addressed the board regarding health care. He stated he spoke to the board one year ago and suggested the county should get bids for health insurance. He said he has never heard what those bids were and he feels these bids should be

published. He stated that “Obama Care” requires that 85% of all premiums be used for health care. He asked if 85% of premiums paid are used for health care at the county.

Eric Flom, N6465 Orchard Heights Road, Delavan. Mr. Flom addressed the board regarding the building maintenance engineer wage reduction. He stated that due to the wage reduction, it may require him to take a second job. He also stated he usually gets called into work after hours; however, if he has to obtain a second job, he will not be able to come in after hours.

Brent Brooks, 2806 Park Ln, Twin Lakes. Mr. Brooks addressed the board regarding the wage cuts for engineers. He stated when he came to work for the county, he took a pay cut. He said he came to work for the county because of the benefits not the pay. He said that compared to other counties and places he has researched, county wages are still below these places. He also said that he understands, but he hopes the county does further research into the wage cuts.

Frank Dedeo, 209 W. Page Street, Elkhorn. Mr. Dedeo addressed the board regarding the pay cuts on maintenance workers. He stated he has worked for Walworth County for 18 years. He said the county has put an investment in their engineers to keep the buildings running. He said the engineers work hard for their money and the proposed wages for engineers are not accurate and asked the board to double check the numbers.

Stephanie Adrihan, 6716 W Hayes Avenue, West Allis. Ms. Adrihan addressed the board regarding the salary study and pay cuts. She stated she is the Early Childhood Birth to Three Teacher with Health and Human Services and she was informed last week that she will be receiving a pay cut due to the recent salary study. She said her position with the program is a Special Education Teacher and Case Manager. She also said she does almost the exact same work as the other two case managers in her department but she is also able to provide educational services. She stated they are currently paid at the same rate, but she will be the only one receiving a pay cut. She said she would like to see the statistics that were used to determine the pay scale. She stated that she loves her job, but these pay cuts will result in her looking for new employment. She asked the board to reconsider the wage cuts and to look at more research on what is being paid in Wisconsin.

Appointments/Elections

1. Walworth County Health & Human Services (HHS) Board
 - William M. Wucherer, R.N., B.S.N. – Three-year term to begin upon confirmation and end on November 13, 2015 (Recommended by the Executive Committee 5-0)
2. Walworth County Metropolitan Sewerage District (WalCoMet) Commission
 - James Hensch – Term to commence upon confirmation and to end on February 28, 2017 (Recommended by the Executive Committee 5-0)
3. CDBG Southern Housing Consortium
 - Kevin Brunner, Director – Central Services
 - Josh Clements, Community & Economic Development Educator (Alternative Representative) (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Vice-Chair Grant, the aforementioned appointments were approved by voice vote.

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.

1. Claims Received After Agenda Mailing
2. Claims: a) Notice of Supply received from Super Mix of Wisconsin Inc. – Walworth County Clerk, Owner; Straight Edge Concrete LLC, Contractor; and B.R. Amon & Sons, Other; b) Summons and Complaint – Walworth County Deputy Sheriff’s Association, Inc. and Robert Schiltz, Plaintiffs v. Walworth County, Defendant; c) Validation Notice and Debt Collection Warning – Statement of Condominium Lien – Eagle Pointe Condominium Association, Inc., Creditor (To be referred to the Executive Committee)
3. Correspondence received from George Kirkpatrick of Delavan in regard to Walworth County setting up a wellness center for its employees and dependents, retirees, and possibly elected officials (To be referred to the Executive Committee)
4. Outagamie County Resolution No. 39--2012-13 – Requesting elected state officials and the Governor to re-examine the policies that have led to historically high incarceration rates in Wisconsin (To be referred to the Executive Committee)
5. Correspondence received from the State of Wisconsin Department of Natural Resources in regard to an invitation to a Discovery meeting being held on November 13, 2012 to discuss a new project in the Upper Fox River watershed (To be referred to the Land Conservation Committee)
6. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
 - Grant County Resolution No. 06-12 – Resolution Supporting Request for Stay of Proceedings in *MTI v. Walker*
 - Brown County Resolution Supporting Request for Stay of Proceedings in *MTI v. Walker*
 - Langlade County Resolution #76-2012 – To seek state support of frac sand mining via policy development
7. Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing
 - Ord. No. 748-11/12 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
 - Ord. No. 749-11/12 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2013 Budget – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Ord. No. 750-11/12 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Ord. No. 751-11/12 – Amending Section 15-323 of the Walworth County Code of Ordinances Relating to Flexible Work Scheduling – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Ord. No. 752-11/12 – Amending Section 15-540 of the Walworth County Code of Ordinances Relating to the Labor-Management Health Insurance Committee – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Ord. No. 753-11/12 – Amending Section 15-322 of the Walworth County Code of Ordinances Relating to Compensatory Time for Highway Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Res. No. 43-11/12 – Authorizing Write Off of Balance of 2008 Taxes and Waive Interest and Penalties on Parcel GA166600001 – *Vote Required: Two-Thirds* (Recommended by the Finance Committee 5-0)
 - Res. No. 44-11/12 – Authorizing a \$30,000 Donation to the Wisconsin Dental Association for their 2013 Mission of Mercy – *Vote Required: Majority* (Recommended by the Health & Human Services Board 7-0 and by the Finance Committee 4-0)

- Res. No. 47-11/12 – Approving Amendments to the Walworth County Multi-Jurisdictional Comprehensive Plan – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
 - Res. No. 50-11/12 – Approving the Rules for Implementing the 2013 Adopted Pay Ranges for Certain Hourly Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 3-2)
 - Summons and Complaint – Household Finance Corporation III; Plaintiff, vs. Harvey D. Copeland and Elizabeth A. Copeland; Walworth County; Defendants – To be referred to the Executive Committee
 - Correspondence received from the State of Wisconsin Department of Natural Resources in regard to the Dam Safety Inspection for Lake Beulah Dam – To be referred to the Public Works Committee
 - Claim for Public Improvement Lien – Rock Road Companies, Inc., Claimant vs. B.R. Amon & Sons, Inc., Prime Contractor, and Walworth County – Walworth County Dept. of Public Works, Public Entity – To be referred to the Executive Committee
 - *Walworth County Aging & Disability Resource Center News*, November 2012 – To be placed on file
8. Report of the County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)
- McClellan Farms, Inc., Richmond Township. Rezone approximately 1.78 acres of A-1 Prime Agricultural to A-4 Agricultural Related, Manufacturing, Warehousing and Marketing District
 - Scott & Tracey Walter, Lyle & Karen Walter, & DLSSG, LLC, Lafayette Township. Rezone approximately 12 acres of A-1 Prime Agricultural to C-4 Lowland Resource Conservation District (shoreland wetland), approximately 9.65 acres of A-1 to C-1 Lowland Resource Conservation District (non-shoreland wetland) and .234 acres of C-4 to A-1 for correction of the wetland boundary

On motion by Supervisor Weber, seconded by Vice-Chair Grant, Item 3 under Communications and Matters to be Referred was referred to the Human Resources Committee instead of the Executive Committee.

On motion by Supervisor Stacey, seconded by Vice-Chair Grant, Item 5 under Communications and Matters to be Referred was placed on file and not referred to the Land Conservation Committee.

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Res. No. 47-11/12 – Approving Amendments to the Walworth County Multi-Jurisdictional Comprehensive Plan – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
Text Amendments to the Multi-Jurisdictional Comprehensive Plan for Walworth County: 2035
Allowing Adoption of the Farmland Preservation Plan into the Comprehensive Plan – Approved: 7-0
(October 18, 2012 Walworth County Zoning Agency Public Hearing)
2. Prairie Land Ventures LLC, Town of Sugar Creek. Amend approximately 36.2 acres of the (AP) Prime Agricultural Land Use Category to the (AG1) Other Agricultural Rural Residential and Other Open Lands (5 to 34 acres per dwelling) Land Use Category – Approved: 7-0 (October 18, 2012 Walworth County Zoning Agency Public Hearing)

3. Delavan Lake Enterprises LLC, Town of Delavan. Amend approximately 14.6 acres or all area shown as the (I) Industrial Land Use Category to the (C) Commercial Land Use Category on the parcel – Approved: 7-0 (October 18, 2012 Walworth County Zoning Agency Public Hearing)
4. Lyons Lions Club, UA, Town of Lyons. Amend approximately 31 acres from the (P) Recreational / Park Land Use Category to the (AG1) Other Agricultural Rural Residential and Other Open Lands (5 to 34 acres per dwelling) Land Use Category – Approved: 7-0 (October 18, 2012 Walworth County Zoning Agency Public Hearing)
5. Lakewood Farms Inc., East Troy Township. Rezone approximately 1.95 acres of C-2 and C-4 to C-2, C-4 and C-1 – Approved: 7-0 (October 18, 2012 Walworth County Zoning Agency Public Hearing)
6. Lyons Lions Club, UA, Lyons Township. Rezone approximately 31 acres of P-1 to A-3 for grain farming – Approved: 7-0 (October 18, 2012 Walworth County Zoning Agency Public Hearing)

On motion by Supervisor Stacey, seconded by Supervisor Weber, the County Zoning Agency Report of Proposed Zoning Amendments, Items 1 thru 6, were approved as recommended by the County Zoning Agency.

Executive Committee

1. Res. No. 48-11/12 – Establishing a Committee of the Whole Date for a Presentation by the Wisconsin Counties Association – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, **Resolution No. 48-11/12** was approved by voice vote.

Finance Committee

1. Ord. No. 745-11/12 – Amending Sections 30-134, 30-144 and 30-145 of the Walworth County Code of Ordinances Relating to Public Service Organizations – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
2. Ord. No. 746-11/12 – Amending Section 30-262(g) of the Walworth County Code of Ordinances Relating to Surplus Property – *Vote Required: Majority* (Recommended by the Finance Committee 4-1)
3. Ord. No. 747-11/12 – Creating Chapter 19 Section 19-3 of the Walworth County Code of Ordinances Relating to Blanket Employee Dishonesty Bonds – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
4. Ord. No. 748-11/12 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
5. Res. No. 41-11/12 – Accepting the Donation of Equipment Totaling \$28,065 from the Geneva National Foundation for Use at Lakeland School – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and by the Finance Committee 5-0)
6. Res. No. 42-11/12 – Accepting the Donation of Four (4) Apple iPads from Logan Zurn for Use at Lakeland School – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and by the Finance Committee 5-0)
7. Res. No. 43-11/12 – Authorizing Write Off of Balance of 2008 Taxes and Waive Interest and Penalties on Parcel GA166600001 – *Vote Required: Two-Thirds* (Recommended by the Finance Committee 5-0)
8. Res. No. 44-11/12 – Authorizing a \$30,000 Donation to the Wisconsin Dental Association for their 2013 Mission of Mercy – *Vote Required: Majority* (Recommended by the Health & Human Services Board 7-0 and by the Finance Committee 4-0)
9. Res. No. 45-11/12 – Adopting the 2013 Appropriation of the Walworth County Budget and CIP Plan – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)

10. Res. No. 46-11/12 – Establishing the County Tax Levy to Support the 2013 Budget Appropriation –
Vote Required: Majority (Recommended by the Finance Committee 4-0)

On motion by Supervisor Brandl, seconded by Supervisor Weber, Item 1, **Ordinance No. 745-11/12**; Item 2, **Ordinance No. 746-11/12**; Item 3, **Ordinance No. 747-11/12**; and Item 4, **Ordinance No. 748-11/12**; were approved by voice vote.

Item 5, Resolution No. 41-11/12; and Item 6, Resolution No. 42-11/12; were discussed earlier in the meeting.

Supervisor Brandl offered a motion, seconded by Supervisor Weber, to approve Item 7, Resolution No. 43-11/12. On motion by Supervisor Brandl, seconded by Vice-Chair Grant, **Resolution No. 43-11/12** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Grant, Item 8, **Resolution No. 44-11/12** was approved by voice vote.

Supervisor Weber offered a motion, seconded by Supervisor Brandl, to approve Item 9, Resolution No. 45-11/12. The budget amendments were discussed at this time. Chair Russell stated that the proposed budget amendments will not require a change in the mill rate. Supervisors had previously received the proposed Budget Amendments (BA) from the Finance Department.

BA – A: Children with Disabilities Education Board – On motion by Supervisor Weber, seconded by Supervisor Stacey, Budget Amendment A, which is to decrease the 2013 FTE count by 0.5 and move the resulting payroll savings of \$48,627 to account 2310-52105 to cover the projected need in independent evaluations, as well as the costs of potential consultants until this position is filled, was approved by voice vote. Net levy impact: 0.

BA – B: Public Works/Capital Projects – On motion by Chair Russell, seconded by Supervisor Schaefer, Budget Amendment B, which is to accelerate CTH NN project from 2014 engineering and 2017 construction to 2013 engineering and 2015 construction, was approved by voice vote. Chair Russell pointed out the attachments to this budget amendment, which were previously distributed to Supervisors. Net levy impact: 0.

BA – C: Capital Projects – Supervisors Stacey and Brandl offered a motion, seconded by Supervisor Brellenthin, to approve Budget Amendment C, which is to remove the wellness center from the capital plan and that the funding for this project in the amount of \$1,173,000 instead be considered part of the County's unassigned fund balance. Administrator Bretl stated there are two budget amendments dealing with the wellness center. He said Budget Amendment C removes the wellness center from the budget and Budget Amendment D keeps it in the budget. Supervisor Stacey asked if the money funding the wellness center project is from the health insurance fund. Bretl stated the funding for the wellness center is not from the health insurance fund. Chair Russell wanted everyone to be aware that if this budget amendment passes and the board wishes to pursue this project later, it will require a two-thirds vote if desire to use the contingency fund to pay for the project. She stated that if Budget Amendment D passes, it will only require a majority vote. Supervisor Kilkenny stated the wellness center has some positive aspects and it is something we are considering not approving. He asked for a no vote on Budget Amendment C. The Board requested that Clerk Bushey read Budget Amendment D.

Supervisor Stacey asked the board for their support on Budget Amendment C. He stated he is supportive of looking into having a physician assistant at the Government Center. Supervisor Weber stated he has

received a number of responses from the community about the wellness center proposal. He said there is a lot of concern for a high capital expenditure especially if it involves new construction. He suggested breaking apart the fitness center component of it. He stated there needs to be long term flexibility to have the resources in order to have some kind of impact on the budget for health care or services for the purposes of health care. Supervisor Weber stated that Budget Amendment D allows the opportunity to start the process of evaluating the wellness center concept. Supervisor Schiefelbein stated that the idea of health care professional being accessible has more support than a fitness center. Supervisor Kilkenny stated that health care is expensive and the county currently spends \$18 million per year. Supervisor Brandl clarified that Budget Amendment C does not put the wellness center on the back burner as they still want to look into it. He stated that constituents have informed him that they do not want a building. He said he still wants to look into this concept. Bretl stated that Budget Amendment C would remove the wellness center project from the CIP and would put the money in the unassigned fund balance. He also stated that if the board decides they need the money for a lease, physician assistant, or a new building, it would require a two-thirds vote to agree. He said Budget Amendment D keeps the wellness center in the CIP and if decide to go with new construction, it would require a majority vote to move forward.

Chair Russell relinquished the chair to Vice-Chair Grant in order to address the board. Chair Russell stated she has thought long and hard about this as it is a difficult decision. She stated she was on the committee that has looked at the wellness center option from the beginning. She said that everything the committee looked at showed that the wellness center is the right thing to do as it will save the county money as well as the employees. She stated that she is not convinced about the fitness center, but she thinks the wellness center is the right thing to do in order to move forward. She also stated the items in Supervisor Kilkenny's budget amendment provide a lot of leeway for the project. She said it would be disingenuous to take the project out of the budget when the county will probably move forward anyways. Chair Russell resumed the chair. Supervisor Weber stated that at some level we need to start containing the costs. He also stated he does not agree with the fitness center as there are enough private businesses in the area that provide this service. He said he would recommend the approval of Budget Amendment D.

A roll call vote was conducted on Budget Amendment C. Ayes: 5 – Richard Brandl, Tim Brellenthin, Kenneth H. Monroe, Carl Redenius, and Rick Stacey; Noes: 6 – Jerry A. Grant, Daniel G. Kilkenny, Joseph H. Schaefer, Tim Schiefelbein, David A. Weber, and Chair Nancy Russell; Absent: 0. Budget Amendment C failed.

BA – D: Capital Projects – Supervisor Kilkenny offered a motion, seconded by Supervisor Schaefer, to approve Budget Amendment D, which is that the funds for the wellness center may not be spent until the following conditions have been met: 1) Receipt by the County Board of a legal opinion by the Corporation Counsel concluding to a high degree of probability that legal challenges to Act 10 are unlikely to limit the county's ability to unilaterally implement the type of changes to its health benefit plan necessary to make an on-site clinic cost effective; 2) Consideration by the County Board of employee comments and suggestions regarding a wellness center; 3) Approval by a majority of the County Board of the design of any building and its location, if new construction is proposed or of any lease, if rental is proposed; and 4) Receipt by the County Board of an opinion from the county's insurance consultant regarding the impact of the Affordable Health Care Act on any wellness proposal. Chair Russell asked Administrator Bretl if this budget amendment could be amended to require a two-thirds vote by the board instead of a majority vote. Bretl stated the board would need a two-thirds vote to suspend the rules to add this to the amendment.

A roll call vote was conducted on Amendment D. Ayes: 8 – Tim Brellenthin, Jerry A. Grant, Daniel G. Kilkenny, Carl Redenius, Joseph H. Schaefer, Tim Schiefelbein, David A. Weber, Chair Nancy Russell;

Noes: 3 – Richard Brandl, Kenneth H. Monroe, and Rick Stacey; Absent: 0. Budget Amendment D was approved by roll call vote. Net levy impact: 0.

Item 9, **Resolution No. 45-11/12** as amended with the approved budget amendments BA-A, BA-B, and BA-D was approved by voice vote.

On motion by Supervisor Schaefer, seconded by Supervisor Weber, Item 10, **Resolution No. 46-11/12**, was approved by voice vote.

Human Resources Committee

1. Ord. No. 749-11/12 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2013 Budget – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 750-11/12 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 751-11/12 – Amending Section 15-323 of the Walworth County Code of Ordinances Relating to Flexible Work Scheduling – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Ord. No. 752-11/12 – Amending Section 15-540 of the Walworth County Code of Ordinances Relating to the Labor-Management Health Insurance Committee – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
5. Ord. No. 753-11/12 – Amending Section 15-322 of the Walworth County Code of Ordinances Relating to Compensatory Time for Highway Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
6. Res. No. 50-11/12 – Approving the Rules for Implementing the 2013 Adopted Pay Ranges for Certain Hourly Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 3-2)

On motion by Vice-Chair Grant, seconded by Supervisor Weber, Item 1, **Ordinance No. 749-11/12**, was approved by voice vote.

On motion by Vice-Chair Grant, seconded by Supervisor Brandl, Item 2, **Ordinance No. 750-11/12**, was approved by voice vote.

On motion by Vice-Chair Grant, seconded by Supervisor Weber, Item 3, **Ordinance No. 751-11/12**, was approved by voice vote.

On motion by Vice-Chair Grant, seconded by Supervisor Brandl, Item 4, **Ordinance No. 752-11/12**, was approved by voice vote.

On motion by Vice-Chair Grant, seconded by Supervisor Brellenthin, Item 5, **Ordinance No. 753-11/12**, was approved by voice vote.

Vice-Chair Grant offered a motion, seconded by Supervisor Weber, to approved Item 6, Resolution No. 50-11/12. Bretl stated there are two competing amendments to be presented. Supervisor Brandl moved to amend the resolution by striking lines 31 through 37 on the resolution and inserting with the following language: “Effective January 1, 2014, any employee in a range and at a step that is higher than the adopted 2014 pay range will have their hourly rate reduced to the top rate in the 2014 adopted range.” Seconded by Supervisor Kilkenny. Supervisor Brandl said he does not make this amendment lightly, but

in talking with taxpayers, he feels we need to be fair to the taxpayers. He also said that according to the study, there are some positions that are overpaid by quite a bit. Vice-Chair Grant asked for the board's support to turn down this amendment. He stated the benefits package was impossible to compare and the study went strictly with salary. He said it is too much to expect an employee to take a pay cut in only one year. Vice-Chair Grant proposed an amendment to the resolution to insert the words "per hour" after \$1.00 on line 36. Supervisor Kilkenny stated he supports Supervisor Brandl's amendment and the county has one-third of its employees that are under paid and he feels that giving one year notice is a fair thing to do. Supervisor Weber stated the county needs to focus on talent and he posed the question of being able to find talent at these new rates. He also stated that the county reduced the FTE's through attrition and he asked if the committee looked at attrition as a method to adjust the salaries. He said he is concerned about the morale of the employees because money is not always the driving force and added he would be supportive of Vice-Chair Grant's amendment. Vice-Chair Grant stated one of the first suggestions for those employees that are overpaid was to freeze their wages until the new range caught up with them, however, that could take as long as 15 years and it was not an option. He said his amendment is more reasonable as we need to treat the employees with dignity and respect.

A roll call vote was conducted on the amendment proposed by Supervisor Brandl, which was deleting lines 31 thru 37 and inserting the following language: "Effective January 1, 2014, any employee in a range and at a step that is higher than the adopted 2014 pay range will have their hourly rate reduced to the top rate in the 2014 adopted range." Ayes: 5 – Richard Brandl, Daniel G. Kilkenny, Carl Redenius, Rick Stacey, and Chair Nancy Russell; Noes: 6 – Tim Brellenthin, Jerry A. Grant, Kenneth H. Monroe, Joseph H. Schaefer, Tim Schiefelbein, and David A. Weber; Absent: 0. The amendment failed.

A roll call vote was conducted on the amendment proposed by Vice-Chair Grant, which was to insert the words "per hour" after \$1.00 on line 36. Ayes: 11 – Richard Brandl, Tim Brellenthin, Jerry A. Grant, Daniel G. Kilkenny, Kenneth H. Monroe, Carl Redenius, Joseph H. Schaefer, Tim Schiefelbein, Rick Stacey, David A. Weber, and Chair Nancy Russell; Noes: 0; Absent: 0. The amendment was approved by roll call vote.

Supervisor Kilkenny asked Administrator Bretl what the impact would be if there was a no vote on the resolution as amended. Bretl stated the board has already approved the new pay ranges. Suzi Hagstrom, Labor/Employee Relations Director, stated if there is no movement on the resolution, they would have no rules on where to move employees as of January 2013. Nicki Andersen, Deputy County Administrator-Finance, stated they need guidance from the board on how to move employees to the new ranges. Bretl stated if the resolution fails, it will come back before the board again. Vice-Chair Grant stated this issue was discussed long and hard at the Human Resources Committee and no other solution could be agreed upon and he urged the board to pass this resolution tonight. Supervisor Brandl suggested moving forward with the resolution by approving it and it does not change anything for 2013.

A roll call vote was conducted on Resolution No. 50-11/12 as amended. Ayes: 10 – Richard Brandl, Tim Brellenthin, Jerry A. Grant, Kenneth H. Monroe, Carl Redenius, Joseph H. Schaefer, Tim Schiefelbein, Rick Stacey, David A. Weber, and Chair Nancy Russell; Noes: 1 – Daniel G. Kilkenny; Absent: 0.

Resolution No. 50-11/12 as amended was approved by roll call vote.

Public Works Committee

1. Res. No. 49-11/12 – Authorizing Naming the Public Works Driveway on County Road NN Jerry Himebauch Drive – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

On motion by Supervisor Stacey, seconded by Supervisor Schaefer, **Resolution No. 49-11/12** was approved by voice vote.

Report of Special Committees

There were none.

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

There was none.

Chairperson’s Report

Chair Russell thanked the Board for the flowers and their condolences for the recent passing of her daughter-in-law.

Adjournment

On motion by Supervisor Brandl, seconded by Supervisor Stacey, the meeting was adjourned at 8:00 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 November 13, 2012 meeting.

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

Nomination for Committee/Board/Commission Appointment

Committee: 911 Governing Board

Nominees: Kevin Williams, Bruce VanderVeen, David Fladten and Jerry Grant

Address: _____

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Each of the nominees is currently serving on the 911 Board.

When did/does the incumbent's current term expire? Their terms expired on May 8, 2012.

Was this vacancy advertised? _____

Comment Reappointment of each of the four incumbents would begin upon County

Board confirmation and end on May 8, 2014.

Names of individuals who have expressed interest in serving in this position:

For incumbents, committee attendance, if known:

Nomination for Committee/Board/Commission Appointment

Committee: Veterans Service Commission

Nominee: John Allen

Address: 313 N. 6th Street

Delavan, WI 53115

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? The nominee is the incumbent.

When did/does the incumbent's current term expire? December 31, 2012

Was this vacancy advertised? no

Comment Reappointment of Mr. Allen would begin upon County Board confirmation.

The appointment term would be for three years, ending on December 31, 2015.

Names of individuals who have expressed interest in serving in this position:

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For incumbents, committee attendance, if known:

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**WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE**

Name: John W. Allen

Date: 10/15/2012

Mailing Address: 313 N. 6th St.

Phone: 262-949-9341

Delavan, WI 53115

I reside in: the Town of _____

the Village of _____

the City of Delavan, WI

Please consider me for appointment to: Veterans Service Commission

I am interested in serving as a citizen representative because: I have a commitment to help veterans. Having experienced terrible situations during and after my service, I am determined to not have others share those experiences.

Special skills, experience or qualifications I possess related to this appointment are:

I belong to Vietnam, the American Legion and DAV. I have held positions of leadership in two of the organizations and I am currently actively involved in the POST 95 PTSD program.

I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.

I am not a resident of Walworth County.

I certify that the information I have provided is truthful to the best of my knowledge.

John W. Allen
Signature of Applicant

10/15/2012
Date

Feel free to attach any additional documentation to this form.

**PRIME CONTRACTOR DISPUTE OF CLAIM FOR
PUBLIC IMPROVEMENT LIEN**
779.15(3), Wis Statutes

RECEIVED
WALWORTH COUNTY CLERK

2012 NOV 16 PM 12: 57

Date: 11/14/2012 VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

FROM: B R AMON & SONS INC
W2950 STATE ROAD 11
ELKHORN WI 53121

TO: ROCK ROAD COMPANIES INC.
P O BOX 1818
JANESVILLE WI 53547

TO: WALWORTH COUNTY CLERK
100 WEST WALWORTH STREET
ELKHORN WI 53121

- 1) PROJECT I.D. 12027 CTH D, CTH ES,
- 2) DATE OF SERVICE OF CLAIM FOR PUBLIC IMPROVEMENT LIEN
BY CLAIMANT ON PRIME CONTRACTOR: NOVEMBER 13TH 2012
- 3) AMOUNT CLAIMED BY CLAIMANT: \$37,677.65

PLEASE TAKE NOTICE that the above named Prime Contractor hereby disputes \$37,677.65 of the amount claimed by the above Claimant and provides this written notice requiring the amount claimed by the Claimant to be held by the Public Entity until determination of entitlement shall be resolved as provided by 779.15(3) Wis. Statutes.

B R AMON & SONS INC

BY: Thomas Amon

Authorized Agent's name: Thomas Amon

Title: **President**

Address: W2950 STATE ROAD 11 ELKHORN WI 53121
262-723-2547

NOTICE OF CLAIM

RECEIVED
WALWORTH COUNTY CLERK

2012 NOV 27 AM 11: 37

TO: Walworth County – County Clerk Kimberly S. Bushey
Walworth County Government Center
100 West Walworth Street
Elkhorn, Wisconsin 53121

Walworth County
Office of Corporation Counsel
Walworth County Judicial Center
1800 County Road NN
Elkhorn, Wisconsin 53121

Walworth County Sheriff's Department – Sheriff David Graves
Walworth County Jail
1770 County Road NN
Elkhorn, Wisconsin 53121

The following is a notice of claim made pursuant to section 893.80(1d)(b), *Stats.*

This document is a claim for damages.

1. At all times relevant hereto, Patrick Kevin Krueger, Jr. was an adult resident of Lake County, Illinois who was incarcerated at the Walworth County Jail. Krueger died intestate on March 4, 2010 in Laurel County, Kentucky. Krueger is survived by a minor child, S.R.K., and by his parents, Patrick Krueger and Nancy Ezell. Ezell has retained the undersigned counsel to pursue this notice of claim as well as her appointment as personal representative of Krueger's estate.

2. Walworth County is government subdivision organized and existing under the laws of the State of Wisconsin, with principal offices located at the 100 West Walworth Street, Elkhorn, Wisconsin 53121. Kimberly S. Bushey serves as the Walworth County Clerk.

9. Despite being aware of Krueger's serious medical condition and the fact that he required chemotherapy treatment and prescription medications, Krueger was refused adequate medical treatment by Walworth County, the Walworth County Sheriff's Department and the Walworth County Jail.

10. Krueger's condition worsened as a result of being refused chemotherapy treatment and he endured substantial and sustained pain and suffering as a result of being refused his prescribed pain medication.

11. On or around January 6, 2010, the Walworth County District Attorney's Office agreed to allow Krueger to be transferred to the custody of Kenosha County.

12. Krueger was released from the Walworth County Jail on or around January 13, 2010.

13. By that time, Krueger's lack of adequate medical treatment had caused his condition to deteriorate to the point where nursing home care was necessary and he was allowed to enter Sheridan Rehabilitation Center in Kenosha, Wisconsin. Krueger's cancer was deemed terminal.

14. Krueger was transferred to Hospice House in Pleasant Prairie, Wisconsin and eventually chose to spend his final days at his father's home in Kentucky. He passed away there on March 4, 2010. The cause of his death was testicular cancer.

15. Upon information and belief and as detailed above, Krueger was knowingly and repeatedly denied adequate and appropriate medical treatment during the time of his incarceration at the Walworth County Jail. That denial of medical care constituted, among other things, a violation of his constitutional and statutory rights to

3. The Walworth County Office of Corporation Counsel is located at 1800 County Road NN, Elkhorn, Wisconsin 53121.

4. The Walworth County Sheriff's Department and the Walworth County Jail are divisions of Walworth County, located at 1770 County Road NN, Elkhorn, Wisconsin 53121. David Graves serves as Walworth County Sheriff.

5. In or around 2008, Krueger was diagnosed with testicular cancer. During that time period, he was incarcerated at both the Kenosha County Jail and the Walworth County Jail.

6. Krueger's serious medical condition was known to Walworth County, the Walworth County Sheriff's Department and the Walworth County Jail and at certain times, including in April 2009, he was granted furloughs from custody in order to undergo treatment.

7. On or before December 4, 2009, Krueger was taken into the custody of the Lake County Illinois Sheriff's Department. Thereafter, he was transported to the Walworth County Jail and was transferred to the custody of the Walworth County Sheriff's Department for a return on an arrest warrant issued in Walworth County Case No. 09-CF-403.

8. At the time he was taken into custody by Walworth County and incarcerated at the Walworth County Jail, Krueger was in the midst of chemotherapy treatment and also required continual access to certain medications, including those prescribed to reduce the severe pain caused by his condition.

medical treatment in violation of the Eighth and Fourteenth Amendments and of Chapter 302 of the Wisconsin Statutes.

16. As a direct and proximate result of the actions and omissions of Walworth County, the Walworth County Sheriff's Department and the Walworth County Jail, Krueger suffered personal injuries and death.

17. As a direct and proximate result of the actions and omissions of Walworth County, the Walworth County Sheriff's Department and the Walworth County Jail, Krueger's minor child, S.R.K. suffered the loss of society and companionship of Krueger and has incurred out-of-pocket costs, entitling her to damages.

18. Krueger's Estate and his minor child, S.R.K., hereby demand damages in the amount of \$50,000.00 pursuant to section 893.80, *Stats.*, and will further seek damages of \$5,000,000.00 plus actual attorney's fees pursuant to 42 U.S.C. §§1983 and 1988.

Dated this 15th day of November, 2012.

GIMBEL, REILLY, GUERIN & BROWN LLP

By: 

D. MICHAEL GUERIN
State Bar No. 1010343
CHRISTOPHER L. STROHBEHN
State Bar No. 1041495
ERIN M. STROHBEHN
State Bar No. 1059533

POST OFFICE ADDRESS:
Two Plaza East, Suite 1170
330 East Kilbourn Avenue
Milwaukee, Wisconsin 53202
Telephone: 414/271-1440
pinj/krueger/p/notice of claim 2012-11-15

~~11-27-12~~

11-27-12

G.L.

11:38AM

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SHEBOYGAN COUNTY RESOLUTION NO. 14 (2012/13)

Re: Supporting Position Papers on Legislative Issues

WHEREAS, at the direction of the Executive Committee, County Administrator Payne has undertaken an effort to identify and evaluate various state requirements which tend to diminish local control and which adversely impact the local property tax burden, and

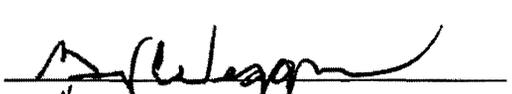
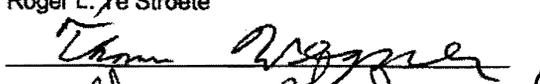
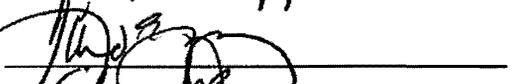
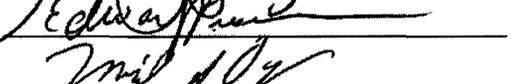
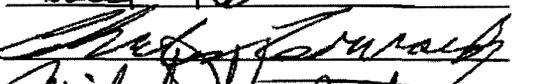
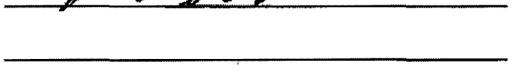
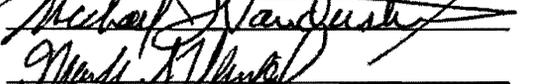
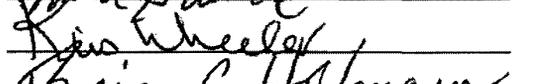
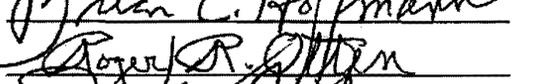
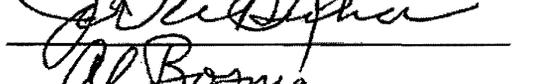
WHEREAS, the County Administrator and his management team have identified ten (10) such provisions in current state law, and

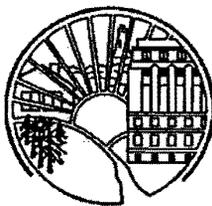
WHEREAS, with the assistance of a number of Department Heads and Wisconsin Counties Association staff, the County Administrator has prepared ten (10) position papers outlining each of these provisions, the implications and fiscal impact on Sheboygan County, and the actions that he believes our local legislative delegation should take with respect to these provisions, and

WHEREAS, the Executive Committee has reviewed the position papers, copies of which are on file with the County Clerk and the County Administrator, and has directed the County Administrator to share these position papers with Sheboygan County's legislative delegation;

NOW, THEREFORE, BE IT RESOLVED that the Sheboygan County Board approves and endorses the positions outlined in the aforementioned position papers and encourages Sheboygan County's legislative delegation to work to incorporate the positions outlined therein in the upcoming legislative session.

Respectfully submitted this 6th day of November, 2012.

	
Roger L. de Stroete	
	
	
	
	
	
	
	
	



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

SUPPORT LOCAL CONTROL AND PROVIDE PROPERTY TAX RELIEF

Address Clerk of Circuit Courts Funding Disparity

Enhance Cell Phone Emergency Response Funding

Improve Economic Development Revolving Loan Funds and County Collaboration

Maintain State Shared Revenue

Rebuild General Transportation Aids (GTA)

Require Law Enforcement Employee Pension Contributions

Restore State Victim/Witness Funding

Restore Youth Aids Funding

Support Local Control and Adjust Statutory Property Tax Levy Limit

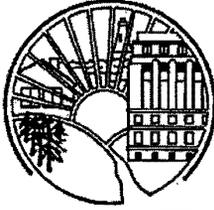
Support Local Control and Eliminate Antiquated County Tax Rate Limits

October 31, 2012

Telephone (920) 459-3103
Facsimile (920) 459-3144

Administration Building
508 New York Avenue - Room 311
Sheboygan, WI 53081-4126

testrrlt@co.sheboygan.wi.us
payneanp@co.sheboygan.wi.us
www.co.sheboygan.wi.us



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Address Clerk of Circuit Courts Funding Disparity

The governor's budget passed by the legislature in 2011 reduced Circuit Court Support payments and Guardian ad Litem payments to counties by more than 10%. Additionally, the budget included a 10% reduction in reimbursement to counties for expenses incurred in providing state-mandated interpreters for persons with limited English proficiency. This has been accomplished through the state's redesign of the required reimbursement reporting form.

Requested Action:

Restore funding for the Circuit Court Support, Guardians ad Litem and interpreter reimbursement to previous levels.

Rationale:

The statutory Court Support Services Surcharge collected by the Clerk of Circuit Court office was specifically legislated to provide funding for the courts as program revenue. GPR funding has never been appropriated. No additional State funds have been provided to support these court services *since the surcharge was established in 1993-94*, even as collections of the surcharge by the courts have increased. This surcharge has become a misnomer as funds have been reallocated by the State for other purposes.

Past funding for the Clerk of Circuit Courts Office through Circuit Court Support payments remained essentially flat between 2000 and 2008 at slightly more than \$400,000 per year. Funding dipped to \$395,000 in 2009 and decreased slightly each year until 2011. Funding for 2011 was decreased to \$368,000 and for 2012 was decreased again to \$345,000 – the lowest level since before the first full payment of \$361,000 was made to Sheboygan County in 1996.

The Guardians ad Litem payments to the counties, originally designed to reimburse the counties for this mandated expense, no longer come close to covering the amount expended by most counties for this purpose. The state appropriation for Guardians ad Litem has not been increased *since its inception in 1993-94*, while costs have risen dramatically. In Sheboygan County, guardian ad litem expenses have reached nearly \$168,000, while state reimbursement has been reduced from \$94,000 in 2009 to \$78,000 in 2012.

Reimbursement of county expenses for state-mandated interpreters has decreased from a rate of 92% in 2010 to 72% in 2012. By redesigning the required reimbursement reporting form, the state is avoiding the statutory requirement to reimburse counties for this expense.

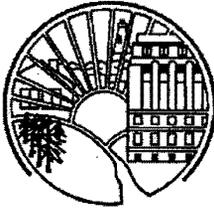
Essential services provided by the Clerk of Courts office include case management, jury management, fine collection, interpreter services, pro se litigant assistance, all of which are state-mandated or constitutionally required.

Fiscal Impact:

If funding for Circuit Court Support and the Guardians ad Litem were restored to pre-2011-13 budget levels, the county would receive an additional \$71,000 per year. If funding for the interpreter expense was restored and the form restored to reflect actual expenses, interpreter reimbursement would be in line with expense which has been, on average, \$27,630 annually over the past five years.

This action would help stem the tide of the increasing burden shifted on Sheboygan County property taxpayers, who are presently providing \$750,000 annually to support these state mandated functions.

October 31, 2012
DRAFT



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Enhance Cell Phone Emergency Response Funding

In its action on the 2009-2011 state biennial budget bill, the Joint Committee on Finance voted to create a grant program administered by the Public Service Commission. The grants were to be funded by a surcharge of up to 75 cents per month on landline phones, cellular telephones, and other devices capable of dialing 911.

Under the program, grants would be available to one designated primary public safety answering point (PSAP) in each county. The grants were to be used to reimburse the actual costs of complying with enhanced 911 service; eligible costs include designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide enhanced 911 service.

However, shortly after the Joint Committee on Finance approved the amendment, the Committee received information indicating the state's financial shortfall was greater than expected. As a result, the Joint Committee on Finance voted to rename the 75-cent monthly per-device fee the Police and Fire Protection Fee. The Committee directed that the proceeds of the Police and Fire Protection Fee be deposited into a segregated fund, which, in turn, was transferred to the general fund for the purpose of making payments under the county and municipal aid (shared revenue) program. The 2009-2011 state biennial budget and succeeding state budgets have maintained this transfer of funds generated by the Police and Fire Protection Fee to the general fund for use in the shared revenue line item. The Police and Fire Protection Fee is projected to generate \$51.8 million in FY 12 and \$54.1 million in FY 13. Without this revenue, counties must pay for enhanced 911 telecommunications with property tax dollars.

Additionally, under current law, counties enter into contracts with their local exchange carrier (the phone company) to provide 911 service. That service is funded through a surcharge collected by the phone company of up to 40 cents per month on each landline. As the use of landline phones has declined in recent years, however, the revenues generated by the charge have declined, and a growing number of counties now must pay the difference with county property tax revenues between the costs of the service and the revenues generated by the surcharge.

Requested Action:

Restore 911 surcharge funds (currently called the Police and Fire Protection Fee) to their original purpose of providing funds to counties to update and maintain equipment and services to pinpoint the location of 911 callers, and remove the current cap of 40 cents per landline per month used to fund 911 services to PSAPs provided by phone companies.

Rationale:

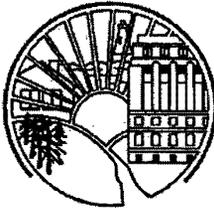
As Sheboygan County is mandated to provide 911 emergency cellular service, it behooves the State of Wisconsin to provide the proper funding to allow for maintenance and upgrades to the

911 emergency phone system. Demand for E911 services continues to grow as telecommunications technologies evolve, and counties operating under levy limits and other restrictions cannot afford to invest in E911 services.

Fiscal Impact:

Currently, there are approximately 100,000 landlines in Sheboygan County. If Wis. Stat. § 256.35 is not updated and the fee cap remains at forty cents, Sheboygan County will be billed between \$40,000 and \$50,000 per year to maintain our landline 911 service. This cost will be in addition to the \$18,000 we currently expend for our six cellular 911 lines. The total cost to Sheboygan County to provide 911 emergency telephone services could easily be in excess of \$68,000 per year.

October 31, 2012
DRAFT



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Improve Economic Development Revolving Loan Funds and County Collaboration

The State is proposing a plan to consolidate local revolving loan funds into regional revolving loans that would distribute the money to businesses in pre-set regions in order to consolidate administrative costs and resources and to improve the utilization of the programs.

Requested Action:

Support local control and provide local entities with the same tools that would be used by the proposed regional hubs to improve the utilization of existing revolving loan funds, or consider consolidating funds into a county region rather than consolidating into multi-county regions.

Rationale:

The current plan would re-direct money from local revolving loan funds into regional hubs that would distribute the money to businesses in pre-set regions in order to consolidate administrative costs and resources. The plan would attempt to "de-federalize" loan funds so there would be more flexibility for businesses in an attempt to improve utilization.

This same opportunity should be afforded to existing local units of government administering revolving loan funds, or regionalize into the respective counties, before consolidating into multi-county regions and substantially diminishing local control.

Sheboygan County has been partnering with the Sheboygan County Economic Development Corporation to administer and improve the utilization of its revolving loan funds. However, due to the federalization of these funds, the County is restricted in its uses.

Fiscal Impact:

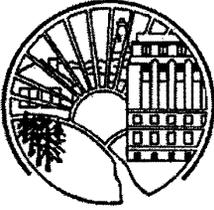
By redirecting money from local revolving loan fund committees to regional hubs, Sheboygan County would have no certainty as to the availability of funds for future economic development projects. The availability would be subject to many factors outside of the County's control and influence. This lack of local control could create winners and losers based on other regional and legislative influence on the regional administration.

October 31, 2012
DRAFT

Telephone (920) 459-3103
Facsimile (920) 459-3144

Administration Building
508 New York Avenue - Room 311
Sheboygan, WI 53081-4126

testrrlt@co.sheboygan.wi.us
payneanp@co.sheboygan.wi.us
www.co.sheboygan.wi.us



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Maintain State Shared Revenue

The State provides counties with state shared revenue to assist in funding mandated programs. This funding has been reduced in previous years and may be the subject of future reductions.

Requested Action:

Maintain funding of State Shared Revenue.

Rationale:

Counties are facing rising costs, increased service demands and limited revenue options (levy limits). A decrease in State Shared Revenue would negatively impact the quality and quantity of services provided by the county. Sheboygan County's State Shared Revenue has decreased 48% (\$1.7 million) from 2000 to 2012. These prior reductions have shifted the burden from the State to the local property taxpayers.

Fiscal Impact:

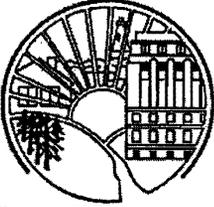
Any further reduction in aid would result in a reduction in programs and services and shift an increasing burden to local property taxpayers.

October 31, 2012
DRAFT

Telephone (920) 459-3103
Facsimile (920) 459-3144

Administration Building
508 New York Avenue - Room 311
Sheboygan, WI 53081-4126

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payneanp@co.sheboygan.wi.us
www.co.sheboygan.wi.us



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Rebuild General Transportation Aids (GTA)

General Transportation Aids to counties declined by 9.4% in CY 12, resulting in just 18.8% of eligible road maintenance costs being funded.

Requested Action:

Reaffirm the state's commitment to the county trunk highway system by funding GTAs at 30% of eligible costs.

Rationale:

Not every business, school, or resident is located on the state highway system, which is why it is essential that Sheboygan County's 450 miles of county trunk roads are well maintained.

General Transportation Aids (GTAs) are provided to all Wisconsin counties, cities, villages and towns to help offset the cost of local road construction, maintenance, and other local transportation-related costs. Payments are divided among municipalities based on either a percentage of eligible highway-related expenditures or a per-mile payment, whichever results in a higher payment. Counties receive GTA payments based on a share of eligible highway-related expenditures and are not eligible for a per-mile payment.

The state generates transportation revenue from fuel surcharges, motor vehicle registration fees and other related fees. Portions of those funds are used to maintain and improve county highways. This is accomplished by distributing the funds into the Local Road Improvement Program (LRIP), Local Bridge Improvement Program, Surface Transportation Program urban and rural, and GTAs. GTAs constitute the largest share of local aids—the GTA program is the second largest expenditure in the Wisconsin Department of Transportation budget.

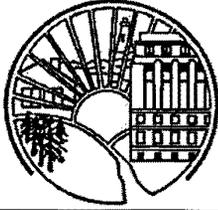
Fiscal Impact:

Wisconsin's counties have seen a significant decline in GTA payments, and state dollars fund an ever-smaller percentage of eligible maintenance costs on county trunk highways. Beginning in 1988, when the current distribution of funds began, counties received a payment equal to 30% of eligible costs. By 2003, the counties' percentage of costs funded by GTAs had declined to 24%; in 2012, it was just 18.2%. There was also a significant decrease in actual GTA dollars going to counties—from \$104.4 million in 2011 (20.4% share) to \$94.6 million (18.2% share) in 2012, a 9.4% decrease. This occurred at the same time that county levy limits became more restrictive, further reducing the ability of counties to raise revenue locally to support county-maintained roads. Sheboygan County has had to increase funding to the Highway Department through bonding (property tax levy) in an effort to make up the reduction in GTA.

Based on the formula for calculating GTAs (using 30% of eligible costs), Sheboygan County would receive a \$1.4M increase in GTAs, which would equate to approximately 14 miles of paving.

Wisconsin's rural and urban economy is dependent on a vibrant and well-funded county trunk highway (CTH) system. It is far more fiscally responsible to maintain and repair these roads today, than to kick the can down the road and place more debt and fiscal burden on the next generation.

October 31, 2012
DRAFT



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Require Law Enforcement Employee Pension Contributions

Under 2011 Wisconsin Act 10 (Act 10), state law was changed to prohibit public employers from paying the employee contribution to the Wisconsin Retirement System (WRS), subject to certain exceptions. The law specifically exempted represented public safety employees, such as sheriff's deputies, from this change and allowed them to bargain collectively over the payment of the employee share of the WRS contribution. Non-represented public safety employees, such as supervisory personnel, were required to pay the employee contribution.

A subsequent piece of legislation, 2011 Wisconsin Act 32 (Act 32), changed this last provision. Act 32 put both represented and non-represented public safety employees on the same footing with regard to the employee's payment of the WRS contribution: if, under a collective bargaining agreement, represented public safety employees do not have to pay the employee share of the WRS contribution, then the non-represented employees in the same county also do not have to pay, except in certain cases. This provision applies only to public safety employees hired before June 29, 2011, when Act 10 took effect. All public safety employees hired after Act 10 took effect – regardless of whether they are represented or non-represented – must pay the employee contribution to WRS.

The following table summarizes which employees must pay the employee share of the WRS contribution:

Employee Status	Required to Pay Employee Share of WRS?
General Represented	Yes (upon expiration of current contract)
General Non-represented	Yes
Elected	Yes (in some cases, after current term ends)
Represented Public Safety Employee hired before June 29, 2011	No, subject to collective bargaining
Non-Represented Public Safety Employee hired before June 29, 2011	No, unless Represented PSEs in same county also pay
Represented Public Safety Employee hired after June 29, 2011	Yes
Non-Represented Public Safety Employee hired after June 29, 2011	Yes

Requested Action:

Require all employees, including public safety employees hired before June 29, 2011, to pay the employee share of the WRS contribution effective as of the expiration of any existing collective bargaining agreement. Provide that WRS contributions and their impact are prohibited subjects of bargaining.

Rationale:

Current law allows for a patchwork of practices both among and within counties as to which employees must pay the employee share of the WRS contribution and which may not. This creates division among employee groups. We are seeking parity and equal treatment of all employees.

Fiscal Impact:

The requested action would provide fiscal relief to Sheboygan County in the amount of 6.8% of total public safety payrolls in 2013, or \$284,691, and possibly a higher rate in future years. This is a substantial budget issue for counties.

October 31, 2012
DRAFT



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Restore State Victim/Witness Funding

The rights of crime victims are protected under both the Wisconsin Constitution and Chapter 950 of the Wisconsin Statutes. These provisions also require counties to provide certain services to crime victims. Wisconsin Statutes § 950.06 allows counties to receive reimbursement of up to 90 percent of the cost of providing these services, including the costs of salaries and benefits, overtime, travel expenses, space rental, staff training and development, telephones, office supplies, equipment, and contractual services.

In order to qualify for this reimbursement, counties must provide all of the following services to victims: court appearance notification services; victim compensation and social services referrals, including witness fee collection, case-by-case referrals and public information; escort and other transportation services related to the investigation or prosecution of the case; case progress notification services; assistance in providing the court with information pertaining to the economic, physical, and psychological effect of the crime upon the victim of a felony; employer intercession services; expedited return of property services; protection services; family support services, and waiting facilities.

Counties are also encouraged to provide the following services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses: Explanation, in language understood by the child, of all legal proceedings in which the child will be involved; advice to the judge, when appropriate and as a friend of the court, regarding the child's ability to understand the proceedings and questions; advice to the prosecutor concerning the ability of a child witness to cooperate with the prosecution and potential effects of the proceeding on the child; and information about and referrals to appropriate social services programs to assist the child and child's family in coping with the emotional impact of the crime and subsequent proceedings.

Over the years, the percentage reimbursement to counties has gradually decreased, but slowly enough to allow District Attorneys to make adjustments in their office budgets without sacrificing mandated services. However, the 2011-13 state biennial budget reduced GPR funding for the program by roughly \$450,000 over the next two years. Additionally, the Department of Justice indicated it would lapse an additional \$66,000 in fiscal year 2012 from the program. For January through June of 2011, the reimbursement rate was set at 61.25 percent; however, given the impact of the budget reductions and the lapse, the percentage declined to 40 percent for July through December of 2011, effectively reducing the 2011 Victim/Witness budget for Sheboygan County by \$21,000.

Requested Action:

Restore funding to the Victim/Witness Program in the range of 55 to 60 percent of eligible costs.

Rationale:

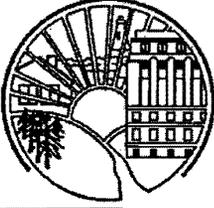
Under current law, Victim/Witness offices are part of District Attorney staffing and are included in District Attorney county budgets. While there are a plethora of required victim/witness services mandated by Chapter 950, the most common are requirements to provide courthouse escorts to and from court, a safe and secure waiting place before and after testifying, conferring with the prosecution, notification of all court hearings including post-conviction hearings, ensuring a victim's right to make statements to the court, and assisting them in receiving restitution from financial losses they suffered as crime victims.

Rights of crime victims and witnesses have been deemed so important that an Amendment to the Wisconsin Constitution was passed in 1993 to guarantee those rights [Article I, Section 9m].

Fiscal Impact:

If the significant reduction in Victim/Witness reimbursement rate is not remedied, our options are either to eliminate a position in our Victim/Witness Office, seriously jeopardizing our ability to fulfill our state mandated duties, or provide property taxpayer funds to make up the difference.

October 31, 2012
DRAFT



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Restore Youth Aids Funding

Youth Aids Funding, established in Wisconsin in the early 1980's, was designed to assist counties in covering the costs of both in-home and out-of-home placements for juveniles found delinquent. It was intended to control state spending on juvenile corrections and to incentivize counties to develop alternatives to correctional placement. It is used by counties to support prevention, youth mentoring, wraparound, and other programs.

The 2011-13 biennial budget reduced Youth Aids appropriations to counties by 10% (\$9.8 million per year) while rates established by the State for juvenile correctional placement rose by greater than 5% to \$289/day. Lapse adjustments later required under Act 32 removed an additional 4.4% of the Youth Aids funding base and have since been made permanent. Wisconsin counties are now bearing approximately one-half the cost of statutorily required juvenile justice services.

Requested Action:

Restore Youth Aids funding to the CY 2010 level, and consider making future adjustments in rates for juvenile correctional placements to be indexed to similar adjustments made to Youth Aids allocations.

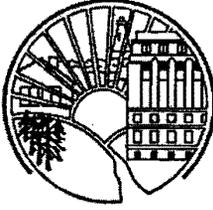
Rationale:

With state restrictions on local tax levy, continual erosion of Youth Aids appropriations, and increases to state-imposed rates for juvenile correctional placements now totaling more than 67% over the last 10 years, Sheboygan County is increasingly forced to shift the use of local resources to meet the needs of the juvenile population at the expense of other populations and services. A correction to Youth Aids distribution and a restriction on further DOC pass-through of operational shortfalls will restore balance to services for juveniles and other populations.

Fiscal Impact:

The estimated state-wide annual impact to restore 2011-13 Youth Aids reductions would total \$13.7 million. A restoration of Sheboygan County's share would total \$242,426.

October 31, 2012
DRAFT



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Support Local Control and Adjust Statutory Property Tax Levy Limit

Wisconsin Statutes § 66.0602 restricts a county's ability to increase its tax levy. The limitation is set at the increase in net new construction. There are exceptions to this limit, primarily for changes in services provided relating to another governmental unit, debt service, a referendum, and various special exceptions for specific governmental units.

Requested Action:

Support local control, provide a levy increase ceiling of 3%, and build in a reward rather than penalize those local units of government that hold the line or reduce the property tax levy.

Eliminate the provision calling for reductions in the levy resulting from reductions in debt service payments attributed to debt issued prior to July 1, 2005.

Rationale:

The limited ability to generate tax revenue under current tax law, coupled with limited ability to generate other revenue from fees, licenses, and permits, hinders a county's ability to address local needs, economic development opportunities, and increasing costs. These costs include personnel costs, expenses for contracted goods and services, and maintaining transportation infrastructure.

The property tax revenues limit that does not even allow inflationary increases will ultimately force counties to reduce essential services to residents; postpone necessary infrastructure maintenance, leading to more costly repairs down the road; and impede the community's quality of life.

Fiscal Impact:

Sheboygan County has reduced property taxes four of the last six years. The 2013 budget as proposed represents a 0.78% or \$355,000 increase in the overall property tax levy, which captures the additional revenue allowed by state law associated with net new construction. Net new construction has no relationship to the health and human services needs in our community, law enforcement, or rising costs of oil and supplies to maintain roads. In addition, the current law does not reward a local government for holding the line or reducing property taxes, but rather encourages local units of government to raise property taxes. If a county does not capture the available revenue when they have the chance, their next budget cycle will be even more daunting. It is presently a county-productive policy with no relationship to local needs and conditions.

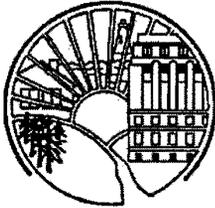
Telephone (920) 459-3103
Facsimile (920) 459-3144

Administration Building
508 New York Avenue - Room 311
Sheboygan, WI 53081-4126

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www.co.sheboygan.wi.us

In future years, Sheboygan County is facing annual inflationary costs of nearly \$2.6 million (2.5% wage, 2.75% operating) in 2014 and beyond. If the County can only increase its levy equivalent to net new construction, and it maintains its current trend, over \$2 million of operating expenses will need to be cut each year.

October 31, 2012
DRAFT



SHEBOYGAN COUNTY

Roger L. Te Stroete
Chairman of the Board

Adam N. Payne
County Administrator

Issue: Support Local Control and Eliminate Antiquated County Tax Rate Limits

The tax rate limit was imposed on counties in 1994. Under the tax rate limit, provided by Wis. Stat. § 59.605, each county's operating levy cannot increase by more than an amount based on its prior year's allowable levy plus an adjustment equal to the percentage change in the county's equalized value. In practice, this means that each county is limited to the tax rate in effect in 1992.

The tax rate limits were suspended for property tax years 2011(12) and 2012(13), but are scheduled to return in 2013(14) and thereafter.

Requested Action:

Modify or repeal the county tax rate limits.

Rationale:

The tax rate limits are no longer needed because counties are now operating under state imposed levy limits.

While these rate limits did not have a significant effect on counties during the 1990's and early 2000's when equalized values were increasing, the current economic downturn and subsequent drop in equalized values now threatens some counties who are at or near their 1992 tax rates. As a result, a number of counties who are complying with and are under the state levy limits may still have to cut their operating levies further in order to comply with the tax rate limits. Furthermore, counties that exceed the tax rate limits will lose shared revenue payments.

If the tax rate limit goes back into effect in 2013(14), while a majority of counties will not be directly affected, a few counties will be sharply constrained. Since the primary control of county tax levies is now provided by the levy limit under Wis. Stat. § 66.0602, the tax rate limit is unnecessary and will cause a disparate impact.

Fiscal Impact:

If the legislature does not act soon, those counties above the 1992 tax rate will have to make reductions beyond those required under levy limits due to the outdated and unfair tax rate limits. As a result, residents will lose essential services.

October 31, 2012
DRAFT

November 5, 2012

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentleman:

**RESOLUTION ASKING THE STATE LEGISLATURE TO AMEND WISCONSIN'S
OPEN RECORDS LAW, CHAPTER 19, TO PERMIT AN AUTHORITY TO IMPOSE
FEES FOR ACTUAL EXPENSES INCURRED IN ACCOMODATING OPEN RECORDS
REQUESTS TO INSPECT AND/OR HAND COUNT ELECTION BALLOTS**

WHEREAS, § 19.35 of Wisconsin's Open Records Law states in pertinent part that unless "otherwise provided by law or as authorized to be prescribed by law, an authority may impose a fee upon a requester for *locating* a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more." (emphasis added); and

WHEREAS, in a recent Wisconsin Supreme Court Decision entitled Milwaukee Journal Sentinel v. City of Milwaukee, Case No.: 2011AP1112, the Court held that an authority can only charge for the four enumerated tasks set forth within § 19.35(3), the aforementioned "location cost" being one of them; and

WHEREAS, the Milwaukee Journal Sentinel Court further held that, contrary to the League of Wisconsin Municipalities' assertion, as raised within its non-party brief, a "location cost" does not include the actual cost of staff time and materials expended to redact information from a voluminous open records request, specifically stating that had the legislature "intended to allow an authority to recoup all of its actual costs, it could have simply said so rather than delineate four specific tasks for which fees may be imposed in Wis. Stat. § 19.35(3)"; and

WHEREAS, based on the above-referenced ruling, the Government Accountability Board ("GAB"), as well as the Assistant Attorney General, has advised authorities against charging a fee for the labor and materials expended in accommodating an Open Records Request to inspect and/or hand count election ballots ("Hand Count") as a "location cost" notwithstanding that County Clerks, as the custodian of said ballots, have a statutory duty to keep all election materials secure and unaltered, which according to GAB guidelines may be accomplished through a "no-touch" requirement that in most cases must be satisfied by paying staff to supervise the Hand Count without allowing already taxed Counties to recoup the same under Wis. Stat. § 19.35(3); and

WHEREAS, following the June 5th Recall Election, Brown County ("County") was one of the many Counties in Wisconsin that received an Open Records Request from an organization known as the Election Fairness Group, demanding that it preserve the following election materials so as to allow them to commence a county-wide Hand Count of the Recall Election Ballots: Voted ballots; Unvoted ballots; Print out tapes and the electronically stored memory from the voting machines; Tally sheets; Inspectors' Statements; Used absentee ballot envelopes; Poll lists; Board of Canvass reports; and Spreadsheets or other summaries of the vote totals from the June 5, 2012

96

Recall Elections for all voting districts in Brown County; and

WHEREAS, Brown County not only incurred the costs of having to purchase additional memory packs so as to preserve the records in the manner requested by the Election Fairness Group, but incurred significant expenses in accommodating the Hand Count related thereto, while still adhering to the "no touch" rule, which resulted in having to pay overtime wages to several members of the County Clerk's staff for approximately three hours a night for four consecutive nights to assist with and oversee the process; and

WHEREAS, despite the significant costs incurred in accommodating the Election Fairness Group's Hand Count under the Open Records Law, the County was unable to recoup any of it under the current fee shifting provision of Wis. Stat. § 19.35(3); and

WHEREAS, as evident by an email correspondence from a group known as the Wisconsin Grassroots Network sent to all Wisconsin County Clerks on or about November 1, 2012, Open Records Requests similar to the aforementioned will be issued following the November 6th elections, causing the County to again incur significant expenses, absent any recourse for purposes of recouping the same; and

WHEREAS, dicta from four of the Justices to the Milwaukee Journal Sentinel Decision recognized that Wisconsin's Open Records Law needs legislative re-examination particularly due to the advances in technology and the burdensome costs faced by municipalities in responding to requests such as the ones registered by this growing population of grassroots groups that are seemingly using Wisconsin's Open Records Law to conduct their own recount elections, but on the taxpayer's dime; and

WHEREAS, in order to maintain the underlying spirit of Wisconsin's Open Records Law, while avoiding the undue economic burden that municipalities will continue to suffer if unable to recoup any of the costs associated with Hand Count requests issued thereunder, it is imperative that the State Legislature amend Wis. Stat. § 19.35(3) to include a provision that permits an authority to impose fees for the actual labor and material costs it incurs in accommodating Open Records Requests to inspect and/or hand count election ballots.

NOW, THEREFORE, BE IT RESOLVED, that the Brown County Board of Supervisors hereby urges the Governor and the State Legislature to amend Wis. Stat. § 19.35(3) to include a provision that permits an authority to impose fees for the actual labor and material costs it incurs in accommodating Open Records Requests to inspect and/or hand count election ballots.

Respectfully Submitted,

ADMINISTRATION COMMITTEE

Approved By:

COUNTY EXECUTIVE

Date Signed:

[Handwritten Signature]
11-12-12

Fiscal Impact: This resolution does not require an appropriation from the General Fund.

Final Draft by Corporation Counsel.

BOARD OF SUPERVISORS ROLL CALL # _____

Motion made by Supervisor VANDYCK

Seconded by Supervisor CLANCY

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
SIEBER	1			
DE WANE	2			
NICHOLSON	3	EXCUSED		
HOYER	4			
HOPP	5			
HAEFS	6			
ERICKSON	7			
ZIMA	8			
EVANS	9			
VANDER LEEST	10			
BUCKLEY	11			
LANDWEHR	12			
DANTINNE, JR	13			

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
LA VIOLETTE	14			
WILLIAMS	15			
KASTER	16			
VANDYCK	17			
SCHAEFER JAMIR	18			
ROBINSON	19			
CLANCY	20			
WETZEL	21			
MOYNIHAN, JR	22			
STEFFEN	23			
CARPENTER	24			
LUND	25			
FEWELL	26	EXCUSED		

Total Votes Cast 24

Motion: Adopted Defeated Tabled

WISCONSIN REGISTER OF DEEDS ASSOCIATION
FALL 2012 SEMINAR

RESOLUTION #4-2012

AMEND s.706.05 TO REQUIRE RECORDING OF MORTGAGE ASSIGNMENTS

WHEREAS, the members of the Wisconsin Register of Deeds Association seek to achieve greater transparency in the recording of home mortgages and to provide homeowners with critical information about who owns their loan, who they must negotiate with to achieve a loan modification, and who has the right to foreclosure on their homes should they default.

WHEREAS, homeowners need these protections more than ever in light of the on-going foreclosure crisis and a mortgage market characterized by the frequent transfers of beneficial interests under a mortgage or deed of trust.

WHEREAS, these practices have gaps in the recording system that make it impossible for borrowers to acquire needed information.

NOW THEREFORE BE IT RESOLVED, that the Wisconsin Register of Deeds Association seek legislation amending Chapter 706.05 of the Wisconsin Statutes to add : (1) that no mortgagee, trustee, or beneficiary shall record a notice of default (the first step in initiating a foreclosure) unless it has recorded its interests with the appropriate county recorder at least 45 days prior to filing the notice of default; (2) that all subsequent assignments of a mortgage or a beneficial interest in a deed of trust shall be recorded with the appropriate county recorder's office within 45 days of execution of the assignment.

BE IT FURTHER RESOLVED, the Wisconsin Register of Deeds Association Secretary mail a copy of this resolution to each Wisconsin County Board Chair.

BE IT FURTHER RESOLVED, this 4th day of October 2012 the WRDA supports Resolution # 4-2012

Respectfully Submitted by
WRDA DocX Subcommittee

Cathy Williquette Lindsay, Chair
Louise Principe
Michael Sydow
Ron Voigt



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

November 19, 2012

The Honorable Nancy Russell
County Board Chair
Walworth County
PO Box 1001
Elkhorn WI 53121-1001

RECEIVED

NOV 26 2012

WALWORTH COUNTY BOARD

Dear Chairperson Russell:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **December 31, 2011** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to:

Nicole Andersen
Deputy County Administrator - Finance

under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

11/19/2012

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Walworth County** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Finance Department, Walworth County

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.



December 11, 2012 – Walworth County Board Meeting

County Clerk

Kimberly S. Bushey
County Clerk

**Report of the County Clerk Regarding Communications Received by the
Board and Recommended to be Placed on File**

- There were none.

FORM #2, #2A, 2B

REFERRAL AND NOTICE OF PETITION TO
WALWORTH COUNTY ZONING AGENCY, COUNTY SUPERVISORS OF
AFFECTED DISTRICTS AND COUNTY BOARD

WHEREAS the following petitions have been filed with the County Clerk
requesting that the County Zoning Ordinance and Shoreland Zoning Ordinance be
amended as specified:

REPORT OF PETITIONS REFERRED TO
WALWORTH COUNTY ZONING AGENCY

The undersigned County Clerk hereby reports that the following petitions for
rezone of lands in Walworth County as specified were referred to the County Zoning
Agency for public hearing:

NAME	TOWN	CHANGE REQUESTED	DATE REFERRED
Richard Amon Trust- Kenneth Amon /Priscilla Schmall	LaFayette Township Tax Parcel: K LF2600010B	Rezone approx. .29 acres of M-3 Mineral Extractive to A-5 Agricultural-Rural Residential District	December 11 th , 2012
Mt. Zion Christian Temple Inc.	Lyons Township Tax Parcel: NA162500001	Rezone approx. 15 acres of A-1 Prime Agricultural to P-2 Institutional Park District.	December 11 th , 2012

Said petition/s is hereby referred to the County Zoning Agency as the Zoning Agency of
this County, which is hereby directed to hold one or more public hearings on the changes
proposed in said petition/s, pursuant to Section 59.69(5) (e) Wisconsin Statutes. Copies
of said petitions are available for review on the Walworth County Website at
(www.co.walworth.wi.us).

Dated this _____ day of _____, 2012.

County Clerk

Cc: County Supervisor Joe Schaefer

November 15 2012
November 15, 2012 - expanded

Please include the following County Zoning Agency items on the December 11, 2012, County Board agenda:

Rezones:

1. McClellan Farms, Inc. / Richmond Township. Rezone approximately 1.78 acres of A-1 Prime Agricultural Land District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District along with a conditional use request for a contractor storage yard, light assembly of metal piers, seasonal boat trailer storage and seasonal boat lift storage. Western 1.78 acres of Tax Parcel CA353000001.

Approved 7 – 0 at the November 15, 2012, Zoning Agency meeting.

Conformance with County Land Use Plan: The Comprehensive Land Use Plan identifies this area as the Prime Agricultural Land Use Category. The A-4 Zoning District is allowed in the Prime Agricultural Land Use Category without a plan map amendment as stated on page X-5 of the Comprehensive Land Use Plan. The property has not been historically cropped as it consists of existing buildings and yard area. The requested rezone and conditional use is consistent with the Goals, Policies and Objectives of the Comprehensive Land Use Plan and Farmland Preservation Plan.

2. Scott & Tracy Walter, Kyle C. & Karen I. Walter and DLSG, LKLC / Lafayette Township. Rezone 12.076 acres of A-1 Prime Agricultural Land District to C-4 Lowland Resource Conservation District. Rezone 9.653 acres of A-1 Prime Agricultural Land District to C-1 Lowland Resource Conservation District. Rezone .234 acres of C-4 Lowland Resource Conservation District to A-1 Prime Agricultural Land District. Tax Parcels K LF1300004 and K LF130004A.

Approved 7 – 0 at the November 15, 2012, Zoning Agency meeting.

Conformance with County Land Use Plan: The County 2035 Land Use Plan identifies this area as the Prime Agricultural Land Use Category and Secondary Environmental Corridor Land Use Category. The property has not been historically cropped as it consists of wetlands and a pond. The proposed rezone is consistent with the Goals, Policies and Objectives of the Comprehensive Land Use Plan and Farmland Preservation Plan.

ORDINANCE NO. 755 – 12/12

AMENDING SECTION 9-52 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATING TO ENROLLMENT OF NON-RESIDENT STUDENTS

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

3

4 PART I: That Section 9-52 of the Walworth County Code of Ordinances is hereby
5 amended to read as follows (additions shown by underline; deletions shown by strike-
6 through):

7

8 “Sec. 9-52. Enrollment of non-resident students.

9

10 (a) *Enrollment of non-resident students.*

11

12 (1) Attendance at Lakeland School shall be limited to students residing in the CDEB
13 taxation district unless the CDEB authorizes attendance of a non-resident student
14 in accordance with the terms of this section and a tuition agreement has been
15 approved in accordance with section 9-51.

16

17 (2) Maintaining an excellent physical environment is important to the mission of
18 Lakeland School. The CDEB shall establish, annually, a maximum number of
19 non-resident students that may attend Lakeland School. A non-resident student,
20 not already attending Lakeland School, shall not be admitted to Lakeland School
21 when said maximum capacity has been reached.

22

23 (3) The sending district will continue to be responsible for the IEP and re-evaluation
24 of any enrolled student and, as appropriate, develop, review and revise such IEP.

25

26 ~~(3)~~ (4) The county shall not be responsible for any costs associated with the
27 transportation of non-resident students.

28

29 (5) A non-resident student shall not be permitted to attend Lakeland School in the
30 event of one or more of the following circumstances:

31

32 a. The educational model at Lakeland will not benefit the student;

33

34 b. There is insufficient space or there are insufficient resources at Lakeland
35 to adequately support the student;

36

37 c. Admission of the student would pose a safety risk to the student, other
38 students or to staff.

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(6) The CDEB reserves the right to terminate the enrollment of such student during the school year for cause. Such cause shall include, but is not limited to a finding by the CDEB of one or more of the following reasons:

- a. Maximum capacity pursuant to (a) (2) has been reached;
- b. One or more grounds set forth in (a) (5);
- c. Non-payment of a tuition agreement.

(7) The Director may develop rules consistent with this section.

(b) Criteria for non-admission. Admission to Lakeland School shall not be available under any circumstance to any non-resident student who meets one or more of the following criteria:

(1) The student has been expelled from school or has been assigned to an alternative placement option by any school district for any of the following reasons or a disciplinary proceeding involving the student, based on one of the following reasons, is pending:

- a. Conveying, or causing to be conveyed, any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property.
- b. Engaging in conduct while at school or while under supervision of a school authority that endangered the health, safety or property of others.
- c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety or property of others.
- d. Possessing a dangerous weapon, as defined by Wisconsin Statutes.

~~(3)~~ (2) The student has not been screened by his/her resident school district to determine if there is reasonable cause to believe that the student is a student with exceptional educational needs or the child has been reported or identified by his/her resident school district but not yet evaluated by a multi-disciplinary team appointed by the resident district.

~~(2)~~ (3) Lakeland School is not able to provide the special education program or related services described in the student's individualized education program utilizing existing staff, services and facilities, or there is no space available in the appropriate special education program. The tuition agreement of the non-resident

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special education student who exhibits discipline and/or behavior processing difficulties for an extended period of time and to a marked degree (emotional, social, behavioral, and/or judgment lapses that compromise the safety and well-being of others at Lakeland School) may be rejected and/or terminated by the CDEB at any time.

- (4) The student has not met the academic pre-requisites for participation in a particular program in which the student wishes to enroll.
- (5) A current tuition agreement covering the student's attendance at Lakeland School has not been executed.”

PART II: The ordinance shall be effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 11th day of December, 2012.

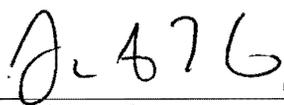
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: December 11, 2012

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	<u>12/3/12</u> Date	 _____ Nicole Andersen Deputy County Administrator-Finance	<u>12/3/12</u> Date
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If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 755-12/12
Fiscal Note and Policy Impact Statement

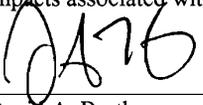
- I. Title:** Amending Section 9-52 of the Walworth County Code of Ordinances Relating to Enrollment of Non-Resident Students
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to create additional criteria for the enrollment of non-resident students.
- III. Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will have no fiscal impact on the county.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

Committee: Children with Disabilities Education Board Date: November 13, 2012

Vote: 5 – 0

County Board Meeting Date: December 11, 2012

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.

 12/3/12

Date
David A. Bretl
County Administrator/Corporation Counsel

 12/3/12

Date
Nicole Andersen
Deputy County Administrator-Finance

Resolution No. 51 – 12/12
Adopting a Public Participation Plan for the Update of the Walworth County Natural Hazards Mitigation Plan: 2009-2013

1 Moved/Sponsored by: Executive
2

3 **WHEREAS**, Walworth County adopted a natural hazards mitigation plan in 2009 consistent
4 with the Disaster Mitigation Act of 2000; and,
5

6 **WHEREAS**, the *Walworth County Natural Hazards Mitigation Plan: 2009-2013* is required to
7 be reviewed and amended, as may be necessary, and submitted to Wisconsin Emergency
8 Management and the Federal Emergency Management Agency for re-certification within five
9 years from its date of adoption; and,
10

11 **WHEREAS**, the Walworth County Sheriff's Department has initiated a process to prepare a
12 five-year update of that plan; and,
13

14 **WHEREAS**, the Sheriff's Department has received a grant to help fund the preparation of the
15 update; and,
16

17 **WHEREAS**, it is desirable to involve citizens and local units of government in the preparation,
18 review and adoption of the plan update.
19

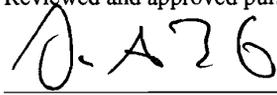
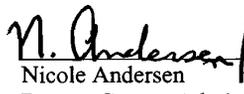
20 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board hereby adopts the
21 attached 5-Year Update Plan to the Walworth County Natural Hazards Mitigation Plan: 2009-
22 2013 adopted on April 21, 2009.
23
24
25

26 _____
27 Nancy Russell
28 County Board Chair
29

Kimberly S. Bushey
County Clerk

30 County Board Meeting Date: December 11, 2012
31

32 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
12/3/12 Date	12/3/12 Date
If unsigned, exceptions shall be so noted by the County Administrator.	

ATTACHMENT

Public Participation Plan Walworth County Hazard Mitigation Plan 5-Year Update

Working in concert with local municipalities, Walworth County has initiated a project to update the Walworth County hazard mitigation plan that was first adopted in 2009. The items listed below are the ways in which the County will facilitate public participation in the plan update.

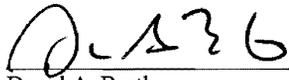
- **Formation of a Steering Committee.** A steering committee will be established to guide the project and provide oversight and input. Members will include county officials and staff and local officials and representatives who wish to participate.
- **Public Notices for Steering Committee Meetings.** All Steering Committee meetings will be formally noticed and open to the public consistent with the state's open meeting law.
- **Local Government Involvement.** Each of the local governments in Walworth County will be contacted early in the process and informed about the project and asked to enter into a memorandum of understanding (MOU) with the County. Although the MOU would be non-binding, it would establish a framework for intergovernmental cooperation and coordination in terms of information sharing and give the jurisdiction the opportunity to also adopt the updated plan making it eligible for federal mitigation funding.
- **Local Jurisdiction Survey.** A set of maps, a listing of critical facilities in the jurisdiction, and a draft version of the assessment matrix used in the plan will be sent to each of the municipalities in the County. Local officials will have an opportunity to review and comment on the materials prepared up to that date.
- **Website.** Information about the project will be posted on the County's website, along with draft documents, maps, meeting notices and agendas, and project-related news.
- **Material Availability.** As various drafts are completed, copies will be sent to each of the local jurisdictions in Walworth County and other interested parties for review and comment.
- **Acknowledgement by municipalities.** Each of the cities and villages in the county will be sent a proposed copy of the plan along with a form they can use to acknowledge that they have reviewed the plan, and either recommend one or more revisions or accept the plan as drafted.
- **Public Hearing.** The Board of Supervisors will hold at least one public hearing to formally accept public comment on the proposed plan. Each of the cities and villages in the county will need to conduct separate public hearings to collect public input from within their particular jurisdiction.
- **Press Releases.** Press releases will be issued to the local media as necessary.
- **Other Means.** The County may provide other avenues for public participation and local government involvement during the course of the project.

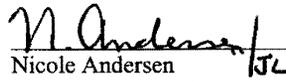
Policy and Fiscal Note
Resolution No. 52 – 12/12

- I. **Title:** Denying the Claim of Eagle Pointe Condominium Association, Inc.
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to deny the claim of Eagle Pointe Condominium Association, Inc.
- III. **Budget and Fiscal Impact:** Passage of this resolution will not have any fiscal impact on the Walworth County budget.
- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Executive Meeting Date: November 19, 2012
Vote: 5 - 0
County Board Meeting Date: December 11, 2012

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.

 12/3/12
David A. Bretl Date
County Administrator/Corporation Counsel

 12/3/12
Nicole Andersen Date
Deputy County Administrator - Finance

Resolution No. 53 - 12/12

Denying the Claim of State Farm Ins. on behalf of Their Insured, Annette M. Stegall

1 Moved/Sponsored by: Executive Committee
2

3 **WHEREAS**, a claim dated September 27, 2012 was filed with the county by State Farm
4 Insurance on behalf of their insured, Annette M. Stegall, 4845 Crested Butte Trail, Rockford,
5 Illinois 61114; and,
6

7 **WHEREAS**, based upon a review of the facts of this claim, the Executive Committee
8 recommends the claim be denied and that the County Clerk serve a notice of disallowance upon
9 the claimant.
10

11 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
12 the claim of State Farm Insurance on behalf of their insured, Annette M. Stegall, be and the same
13 is hereby denied, and that the County Clerk be directed to serve a Notice of Disallowance upon
14 the claimant.
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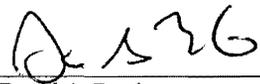
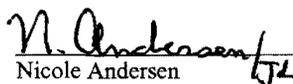
19 _____
20 Nancy Russell
21 County Board Chair

Kimberly S. Bushey
County Clerk

22
23 County Board Meeting Date: December 11, 2012
24

25 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:

	
12/3/12	12/3/12
_____ Date	_____ Date
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator - Finance

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

Resolution No. 54 - 12/12

Denying the Town of Richmond's Reimbursement Claim Relating to a Fire Response Call

1 Moved/Sponsored by: Executive Committee
2

3 **WHEREAS**, on October 10, 2012, the Town of Richmond, Wisconsin submitted a claim for
4 reimbursement of expenses relating to a fire response call; and,
5

6 **WHEREAS**, based upon a review of the facts of this claim, the Executive Committee
7 recommends the Town's claim be denied and that the County Clerk serve a notice of
8 disallowance upon the claimant.
9

10 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
11 the claim of the Town of Richmond, Wisconsin be and the same is hereby denied, and that the
12 County Clerk be directed to serve a Notice of Disallowance upon the claimant.
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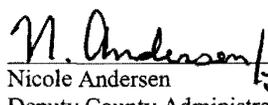
16 _____
17 Nancy Russell
18 County Board Chair
19

Kimberly S. Bushey
County Clerk

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21 County Board Meeting Date: December 11, 2012
22

23 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:

	
12/3/12	12/3/12
_____ Date	_____ Date
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 54 - 12/12

- I. **Title:** Denying the Town of Richmond's Reimbursement Claim Relating to a Fire Response Call

- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to deny the claim of the Town of Richmond, Wisconsin relating to a fire response call.

- III. **Budget and Fiscal Impact:** Passage of this resolution will not have any fiscal impact on the Walworth County budget.

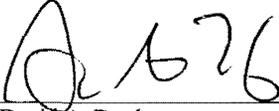
- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Executive Meeting Date: November 19, 2012

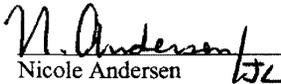
Vote: 5 - 0

County Board Meeting Date: December 11, 2012

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 12/3/12
County Administrator/Corporation Counsel



Nicole Andersen Date 12/3/12
Deputy County Administrator - Finance

ORDINANCE NO. 754 – 12/12

AMENDING SECTIONS 62-101, 62-103 AND 62-104 OF THE WALWORTH COUNTY
CODE OF ORDINANCES RELATING TO TAX INCREMENTAL FINANCING
DISTRICTS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 **PART I: That Section 62-101 of the Walworth County Code of Ordinances is hereby**
2 **amended to read as follows (additions shown by underline; deletions shown by strike-**
3 **through):**

4
5 **“Sec. 62-101. Definitions.**

6
7 For purposes of this article, the following words shall have the meanings set forth herein:

8
9 JRB shall mean the joint review board.

10
11 TID shall mean tax incremental district, which shall have the meaning set forth in Wis.
12 Stats. § 66.1105(2)(k) and all amendments thereto.”

13
14 **PART II: That Section 62-103 of the Walworth County Code of Ordinances is hereby**
15 **amended to read as follows (additions shown by underline; deletions shown by strike-**
16 **through):**

17
18 **“Sec. 62-103. – Joint review board.**

19
20 (c) The joint review board serves an important purpose in overseeing TIDs. To carry out that
21 role, it is important that members of the joint review board maintain objectivity and
22 scrupulously follow the law. It is the county's policy that:

23
24 (1) Selection of the board's public member be an open and transparent process.

25
26 (2) Consideration for selection of the public member be given to individuals residing
27 outside of the incorporated area of the entity creating or amending the TID.

28
29 (3) To avoid the appearance of impropriety, a public member, who is employed by
30 the entity creating or amending the TID or employed by an organization funded
31 by the entity or who is a spouse or immediate relative of an employee or officer of
32 said entity or organization, should normally not serve in this capacity.

33
34 (4) The JRB be provided sufficient time to offer feedback regarding the project plan
35 prior to approval of said plan by the municipality. For purposes of this ordinance,
36 sufficient time means that the date of the organizational meeting has been fixed
37 far enough in advance to permit:

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- a. A review of by the Department of Revenue if called for by a majority of JRB members pursuant to Wisconsin Statutes 66.1105(4m)(b)4.
 - b. Additional meetings that might be requested by members of the JRB, pursuant to Wisconsin Statutes 66.1105 (4m)(a), to consider public input, obtain additional relevant information and review and implement findings, if any, from the Department of Revenue.
- (5) The joint review board exists as a standing board throughout the existence of the TID. While the municipality manages the district under law, the joint review board should be periodically updated regarding TID financial results, current project developments and future options, as they relate to the project plan. Meetings should be convened based on the activity but no less frequently than biennially.”

PART III: That Section 62-104 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions shown by underline; deletions shown by strike-through):

“Sec. 62-104. Considerations in approving TIDs or amendment thereto.

The county representative shall consider the following criteria before voting to create or amend any TID or to approve project costs for any area that is outside of a TID's boundaries.

- (1) Does the TID effectuate the purposes set forth in state law, to wit:
 - a. Whether the development expected in the TID would occur without the use of tax incremental financing.
 - b. Whether the expected economic benefits of the TID, as measured by increased employment, business and personal income and property value, are insufficient to compensate for the cost of the improvements.
 - c. Whether the expected benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of the property in the overlying taxing districts.
- (2) Has the entity creating or amending the TID kept the county apprised of activities of the proposed TID or TIDs by timely filing relevant reports and statements as well as an annual report in the format set forth in the state TIF Manual?
- (3) Does the TID project plan contain enough information to permit an informed decision to be made, and does the plan describe projects, costs, and timetables with sufficient specificity to allow the county to reasonably evaluate future implementation of the plan for consistency and conformity to the plan. The

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county's representative shall ensure he or she has been provided with the following information:

- a. The specific items that constitute the project costs: the total dollar amount, and the total amount of tax increments.
 - b. The total value increment and the date to be terminated.
 - c. The reasons why the project costs may not or should not be paid solely by the TID taxpayers.
 - d. The share of projected tax increments from each overlying taxing district.
 - e. The benefits that the overlying jurisdictions will receive.
 - f. A copy of the plan commission and board/council TID resolutions.
 - g. Copies of planning documents and public record.
- (4) Does the project plan adhere to all of Section 66.1105 of the Wisconsin Statutes related to appropriate use of TIDs?
- (5) Does the project plan include a provision of assessing significant special assessments and:
- a. Whether special assessments will be assessed prior to completion of said project or construction and do not contain a provision to collect contingent upon a later event or goal.
 - b. Whether the entities involved in receiving special assessments are financially capable and agreeable to project terms and special assessments prior to the start of the project.
- (6) Does the TID project plan clearly state all projects and cost estimates that intend to be included as part of the TID expenditures at the time of creation or amendment?
- (7) Has the county been provided with meeting notices in a manner timely enough to allow ~~adequate~~ sufficient time, as that term is defined in 62-103(c)(4), to permit the county's representative to make an informed decision?
- (8) Is the project plan, amended project plan or proposal to expand funds outside of the district boundaries limited in scope to specific projects and specific project costs, and does it provide for further amendment and reconvening of the joint review board in the event there is a significant change in projects or costs?"

1 **PART IV: The ordinance shall be effective upon passage and publication.**

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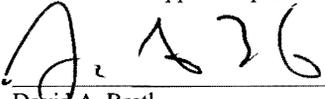
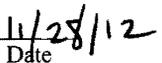
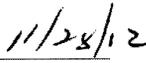
PASSED and ADOPTED by the Walworth County Board of Supervisors this 11th day of December, 2012.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: December 11, 2012

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

ORDINANCE NO. 756 – 12/12

AMENDING SECTION 50-2 AND CREATING SECTION 50-10 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO PRE-SENTENCE INVESTIGATIONS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That section 50-2 of the Walworth County Code of Ordinances is hereby amended to**
2 **read as follows (additions are underlined; deletions are shown in strike-through text):**

3
4 **“Sec. 50-2. Definitions.**

5
6 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed
7 to them in this section, except when the context clearly indicates a different meaning:

8
9 DOC means the Wisconsin Department of Corrections.

10
11 ECHO means the HHS electronic medical record.

12
13 PSI means a pre-sentence investigation report prepared by the Department of Corrections or
14 another agency or individual to be used by the court when making a sentencing decision.

15
16 WiSACWIS means the Wisconsin Statewide Automated Child Welfare Information System.”
17

18
19 **PART II: That section 50-10 of the Walworth County Code of Ordinances is hereby created to**
20 **read as follows:**

21
22 **“Sec. 50-10. Role of the Department in Pre-sentence investigations.**

23
24 (a) From time to time, employees of the Department may be asked to participate in the
25 preparation of a PSI. It is the policy of Walworth County that such participation take place in a
26 manner consistent with this section and with any rules developed by the Director, which rules shall
27 be consistent with this section.

28
29 (b) With appropriate Authorizations for Disclosure, employees of the Department may
30 answer the PSI writer’s questions that relate to information and understanding of the defendant’s
31 participation in services, interaction with his or her child(ren) or the needs of his or her child(ren).
32 At no time will Department staff provide a sentencing recommendation.

33
34 (c) The Director will enact procedures to ensure that the participation of employees of
35 the Department in PSIs take place in the following manner:

36
37 (1) When an employee of the Department is contacted to participate in a PSI, the
38 employee will direct the inquiry to the Director and copy the Deputy Directors and
39 Manager.

