



Board of Supervisors

WALWORTH COUNTY BOARD OF SUPERVISORS MEETING

TUESDAY, APRIL 16, 2013 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

A G E N D A

Call to Order

Pledge of Allegiance

Invocation

- David A. Weber, Walworth County Board Supervisor, District #7

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

- March 12, 2013 Committee of the Whole Minutes
- March 12, 2013 County Board Meeting Minutes
- March 18, 2013 Public Information Meeting Minutes

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

Appointments/Elections

1. Aging & Disability Resource Center Governing Board
 - LaVerne Duncan – Reappointment to serve an additional three-year term, from 6/30/2013 to 6/30/2016 (Recommended by the Executive Committee 5-0)

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing
2. Claims: a) Notice of Injury – Jeffrey S. Bierman vs. City of Whitewater and Walworth County; b) Summons and Complaint – Eagle Pointe Condominium Association, Inc., Plaintiff, vs. Jay R. Adams and Lisa G. Adams, Discover Bank, Capital One Bank USA, NA, Portfolio Recovery Association, LLC, Citibank (South Dakota) N.A. n/k/a Citibank, NA, County of Walworth, and State of Wisconsin Department of Workforce Development, Defendants (To be referred to the Executive Committee)

3. Communication from Supervisor Rick Stacey regarding zoning fees (It is anticipated that Supervisor Stacey will make a motion pursuant to Section 2-65(c)(3) of the Code to request that the Board recall his correspondence of July 10, 2012 and immediately take action on the subject outlined in said correspondence, to wit: waiving zoning fees in certain instances)
4. Correspondence received from Sandra Cutler in regard to illegal transient rentals of property located at 3301 and 3305 Bay Road, Delavan (To be referred to the County Zoning Agency)
5. Outagamie County Resolution No. 120--2012-2013 Requesting the state legislature re-examine Wisconsin State Statute 968.255 regarding strip searches of newly incarcerated inmates (To be referred to the Executive Committee)
6. Outagamie County Resolution No. 127--2012-2013 Supporting the exemption of off-duty officers from current state law prohibiting a licensee from carrying a firearm on school grounds and certain posted private properties (To be referred to the Executive Committee)
7. Outagamie County Resolution No. 128--2012-2013 Support extending the time period from 12 months to 24 months for a county to seek reimbursement for certain expenses incurred from a person sentenced to a county jail or placed on probation and confined to jail (To be referred to the Executive Committee)
8. Outagamie County Resolution No. 136--2012-13 Opposes allowing the board of canvassers conducting a recount to determine to conduct the recount of a specific election by hand unless a court orders the recount to be conducted by another method (To be referred to the Executive Committee)
9. Outagamie County Resolution No. 138--2012-13 Supports indication of veteran status on an operator's license or identification card (To be referred to the Executive Committee)
10. Outagamie County Resolution No. 139--2012-13 Opposes freezing the renewable energy requirements (To be referred to the Executive Committee)
11. Correspondence received from Linda Schubring, Board President of Lakeshores Library System, in regard to administrative issues surrounding SHARE (To be referred to the Executive Committee)
12. Wood County Resolution #13-3-5 Requesting the state to enact legislation that prohibits an entity from foreclosing on property unless that entity has a recorded interest in the property (To be referred to the Executive Committee)
13. Correspondence received from Ed Yaeger in regard to Tax Incremental Financing District (TIF) #4 (To be referred to the Finance Committee)
14. Communication received from State Representative David Craig acknowledging receipt of Walworth County resolution regarding same day voter registration (To be placed on file)
15. Written public comments received in regard to the potential acquisition of parkland property in the Town of Lyons (To be placed on file)
16. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
17. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
18. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)

Unfinished Business

New Business

Reports of Standing Committees

Agriculture & Extension Education Committee

1. Res. No. 07-04/13 – Supporting and Authorizing Walworth County to Host 2016 Farm Technology Days – *Vote Required: Majority* (Recommended by the Agriculture & Extension Education Committee 6-0)

Children with Disabilities Education Board

1. Res. No. 09-04/13 – Urging Governor Walker to Re-Visit his Voucher Proposal as it Relates to Special Needs Education – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 5-0)

County Zoning Agency Report of Proposed Zoning Amendments

1. Robert A. Pearce Farms Inc., Walworth Township. Rezone 4.82 acres from A-1 to A-4 – Approved: 6-0 (March 21, 2013 County Zoning Agency Public Hearing)
2. Scott Smith (Kevin Remer – Applicant), Spring Prairie Township. Rezone 10.24 acres of A-1 to A-4 – Approved: 6-0 (March 21, 2013 County Zoning Agency Public Hearing)
3. Town of Spring Prairie (Chairman Don Henningfeld – Applicant), Spring Prairie Township. Rezone specified units with The Highlands of Paradise Valley and Phase Two of The Highlands of Paradise Valley Subdivisions from B-5 to R-1 (unsewered) – Approved: 6-0 (March 21, 2013 County Zoning Agency Public Hearing)

Executive Committee

1. Res. No. 01-04/13 – Proclaiming April 21-27, 2013 Volunteer Week in Walworth County and Recognizing Walworth County Volunteers – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
2. Res. No. 05-04/13 – Requesting State Officials and Governor Walker to Re-Examine the Policies that have Resulted in Historically High Incarceration Rates in Wisconsin – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
3. Res. No. 06-04/13 – Approving Walworth County Comprehensive Emergency Management Plan – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Finance Committee

1. Ord. No. 769-04/13 – Amending Section 30-156 of the Walworth County Code of Ordinances Relating to Acceptance and Use of Donations – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
2. Ord. No. 770-04/13 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Park Damage and Clean Up Deposits – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
3. Ord. No. 771-04/13 – Amending Section 30-181 of the Walworth County Code of Ordinances Establishing a Net Assets Internal Designation for Future Building Costs in the Lakeland Health Care Center – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
4. Res. No. 03-04/13 – Authorizing the Closing of CTH D Roadwork Project Account and Transferring Remaining Funds to the Road Construction Committed Fund

Balance Account – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0 and the Finance Committee 4-0)

5. Res. No. 12-04/13 – Approving Financing of Project on Behalf of Geneva Ridge Senior Housing Foundation LLC – *Vote Required: Majority* (The Finance Committee will consider this item at a special meeting immediately prior to the April 16, 2013 County Board meeting)

Health and Human Services Board

1. Res. No. 04-04/13 – Recognizing Deb McDaniel for Receiving the State of Wisconsin “Caring for Kids” Award – *Vote Required: Majority* (Recommended by the Health and Human Services Board 8-0)

Human Resources Committee

1. Ord. No. 772-04/13 – Amending Sections 15-6 and 15-1515 of the Walworth County Code of Ordinances Relating to At-Will Employment and Title/Unit Changes in Health and Human Services – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 773-04/13 – Amending Section 15-517(e) of the Walworth County Code of Ordinances Relating to the Scheduling of Accrued Benefits – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 774-04/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Position Changes at Lakeland Health Care Center and Public Works – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)
4. Res. No. 08-04/13 – Providing Direction Regarding the Future of the Walworth County Employee Health Plan – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Park Committee

1. Res. No. 02-04/13 – Approving Submission of a Grant Application for Outdoor Recreation Aids – *Vote Required: Majority* (The Park Committee will consider this item at a special meeting on April 8, 2013)
2. Res. No. 10-04/13 – Authorizing Application for Stewardship Grant for the Acquisition of Approximately 194.5 Acres of Parkland in the Town of Lyons – *Vote Required: Majority* (The Park Committee will consider this item at a special meeting on April 8, 2013)
3. Res. No. 11-04/13 – Authorizing Application for Stewardship Grant to Offset the Cost of Making Certain Improvements to the Parkland to be Acquired by Walworth County – *Vote Required: Majority* (The Park Committee will consider this item at a special meeting on April 8, 2013)

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, May 14, 2013 agenda on or before Wednesday, May 1, 2013.

**MARCH 12, 2013 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS
COMMITTEE OF THE WHOLE**

The Walworth County Board Committee of the Whole meeting was called to order by Chair Russell at 4:34 p.m. at the Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll Call

Roll Call was conducted and the following Supervisors were present: Richard Brandl, 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. Tim Brellenthin was absent.

• **The purpose of the meeting is:**

- Presentation on the County's Current Health Plan and a Comparison to the State Health Plan and Fully-Insured Health Plans

Administrator Bretl stated this presentation stems from the discussion about the wellness initiative or onsite clinic. He said it is part of the Board's due diligence to ask questions about what fully insured and state health plans would look like. He also said it is anticipated there will be an insurance item on the Human Resources Committee agenda next week to determine the best way to move forward.

Matt Boray, Senior Account Executive and Partner of M3 Insurance, delivered a presentation. He stated Walworth County has a self-funded health plan. This means the group has more control over the costs and has successes when the plan runs well. He said it is always good to check and verify the marketplace. He discussed the differences between Health Maintenance Organizations (HMO) and Preferred Provider Organizations (PPO). Under an HMO, you must utilize in-network providers to receive coverage. Under a PPO, there are both in-network and out-of-network benefits; however, to receive the highest level of benefits, members must utilize in-network providers.

Boray distributed Walworth County Health Plan Analysis and Evaluation handouts to those present. He outlined the comparisons between the county's current health plan and the state plans. With the state health plans, there are multiple options available with seven options specific to Walworth County. Of the seven options, six of the plans are HMOs. The PPO options include WEA Trust PPO East and the Standard Plan. The Standard Plan is comparable to the county's current health plan. He gave a comparison of the state plan rates to the county's current health plan rates. State plan rates are subject to underwriting and rates can increase up to 30%.

Boray said in 2012, 45% of the county's claims went through Aurora facilities and 24-25% went through Mercy facilities. With this information, they looked at plans that have access to Aurora and Mercy. Boray gave an overview of each of the plans that were reviewed for this study. He said that under the self-funded health plan, claims that are incurred throughout the course of the year are still the liability of the county even if it moves to a fully-insured plan. A fully-insured plan will start covering claims incurred January 1, 2014 or after. The county has liability for run-out claims, which are claims incurred but not yet reported. This liability needs to be worked into the analysis. They have determined this liability to be approximately \$1.7 million to \$1.8 million, or \$186 per month per

employee to cover these costs. Boray stated that all self-funded employers have to deal with this when they leave their self-funded plans.

Dale Wilson, Payroll/Benefits Manager, stated the health fund balance has increased because we have been hitting our targets and have saved money. He also stated this fund balance can be used to offset premium increases. Supervisor Schiefelbein asked how much the county paid M3 to administer this plan and if it is included in the administrative fees. Wilson stated that M3 is utilized as the county's consultant, and Auxiant is the administrator of the plan. He said the administrative fees are paid to Auxiant and these fees are included in the health plan rates. He also said that M3 is paid \$55,000 per year and this is also included in the health plan rates. Wilson said that benefits staff wages and benefits do not come out of the health fund; their salaries are part of the tax levy. Supervisor Schiefelbein asked if benefits staff can be utilized elsewhere if move to a fully-insured plan. Nicki Andersen, Deputy County Administrator-Finance, said that if the county moves to a fully-insured plan, they will still need benefits specialists to work with employees and there will still be administrative work to be done with a fully-insured plan. Vice-Chair Grant questioned if the county would need benefits specialists on staff if move to a fully-insured plan. Andersen stated that health insurance is not the only thing that benefits specialists work on as they also work with deferred compensation, life insurance and all benefits packages. Sarah Anderson, Benefits Specialists, stated they spend approximately 15-20% of their time on health insurance. She said they also work with the dental insurance, life insurance, long term disability, and entering employee salary and position changes. Supervisor Schiefelbein stated he hoped that the county would continue to have a benefit specialist on staff if the county moves to a fully-insured plan. He said the benefits staff do a wonderful job.

Supervisor Kilkenny asked if the county moves to the state plan, if the county is under one plan or if the employee can choose which state plan they wish to be covered under. Boray stated the county enters the state plan as an employer where all of the plans will be available. He said all plans would be available to members, therefore, each individual employee has the freedom of choice as to which plan fits their needs best. Supervisor Schiefelbein asked what the difference was between the county's Tier 1 and Tier 2 health plans and how many employees are enrolled in Tier 2. Wilson stated that the majority of county employees are on the Tier 1 health plan. He said there are approximately 100-140 employees enrolled on the Tier 2 health plan. He also said the rates for the Tier 2 health plan are \$743 for single and \$1793 for family. He stated the Tier 2 health plan has higher deductibles and copays. He said there are some nuances between the plans that are a little different, but once all of the Health Care Reform Act is enacted, Tier 1 and Tier 2 will be the same except for copays and deductibles.

Wilson asked Boray to discuss what the county's options would be if they elect to go to the state plan, specifically what the payments would be for the employer and employee. Boray stated the employer determines the amount they will contribute towards the premium by one of two methods. He said the first method is the employer pays 50-88% of the premium rate of the average Tier 1 qualified plan in the employer's service area. He said the second method is based on a three tier approach. He stated that under the state plan, they take all of the plans that are available and they place them in one of three tiers based on efficiency and quality. Wilson said that if the county uses the state plan, the county would no longer be able to offer the incentive to buy down employee premium contribution by participating in the wellness screenings.

Boray stated that with this study they also wanted to examine the fully-insured private sector marketplace. He said they approached companies independently and two of the companies declined to quote. He said that United Health Care would only be willing to quote through the Wisconsin Counties Association (WCA) and not on an individual basis. He stated they did receive a proposal

from WEA Trust. He gave a brief overview of the proposal from WEA Trust in comparison to the county's current Tier 1 health plan. This comparison showed that WEA has a higher deductible similar to the county's Tier 2 health plan. It was shown that WEA's plan design is not as competitive as the county's current plan or the state plans. Boray also stated that WEA's rates were considerably higher.

Boray gave an overview of the advantages and disadvantages of self-funding. Some advantages include plan design and financial flexibility, wellness initiatives, cash flow opportunities, budget and timing of revenue calculation, and levy flexibility. Some disadvantages include budgeting for claims, a required reserve fund, employer involvement, and hard stop-loss market. Boray also gave an overview of the advantages and disadvantages of fully insured-state plan. Some advantages include that the risk is fixed for 12 months which creates stability in budgeting, the insurer bears the risk, and potential for initial short term savings. Some disadvantages include limited plan designs, limited provider access, insurance company retains profit from positive claims experience, and limited employee engagement and consumerism. Another disadvantage is if a group drops out of the state plan, they cannot re-join for three years.

Boray stated that based on the findings of the study and analysis, their recommendation would be to continue as self-funded. Overall costs appear to be more competitive with the current self-funded plan over the state plan rates. Also, provider network options allow for more access and flexibility under the county's current PPO plan. The county retains any savings from positive claims experience with a self-funded health plan and the county retains control of all aspects of the medical plan. Boray also stated it would be their recommendation to do a similar review every three to four years to ensure that the plan is still performing favorably compared to fully-insured plan options.

Supervisor Brandl thanked Mr. Boray for the information and asked him if he has consulted with any groups that have looked at Health Savings Accounts (HSA) plans. Boray stated that many of his clients have an HSA plan, but it is usually as an option. He said HSA plans have changed employee participation and consumerism since the employee is paying 100% of the costs until their deductible is satisfied. He stated that he is personally covered under an HSA plan. He also stated when they work with customers on HSA plans, they recommend 12 months of education and communication to the members. He said under HSA plans, there are no copays and no prescription coverage. Bretl stated that some of the plan descriptions include dental coverage. Boray stated that many of the plans do offer dental as an option, but it is not included in the rates shown.

Chair Russell said they have heard evidence that surrounding counties have insurance costs that are much lower than Walworth County, but we've been shown quotes that are higher. Boray said that many things need to be evaluated, such as plan design and demographics. He also said they do work with a number of counties, therefore, they would have access to information such as rate structure. Chair Russell said that if anyone has any questions after the meeting they can forward them to the Finance Department. Vice-Chair Grant stated he would be interested to know why Kenosha County rates are lower than Walworth County. Wilson stated they can gather some of the surrounding counties plan specifics, such as plan design, copays, and deductibles, for the Board to use as a benchmark. Chair Russell said that information would be helpful.

Adjournment

On motion by Supervisor Kilkenny, seconded by Vice-Chair Grant, the meeting was adjourned at 6:00 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 March 12, 2013 Committee of the Whole Meeting.

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

**MARCH 12, 2013
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:10 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, 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. Tim Brellenthin was absent. A quorum was established.

Jerry A. Grant, Walworth County Board Supervisor, District #4, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Vice-Chair Grant, seconded by Supervisor Brandl, Item #3 under Finance Committee was removed from the agenda.

On motion by Supervisor Brandl, seconded by Vice-Chair Grant, the agenda was approved as amended.

Approval of the Minutes

On motion by Supervisor Stacey, seconded by Supervisor Schaefer, the February 12, 2013 Committee of the Whole and February 12, 2013 County Board Meeting minutes were approved by voice vote.

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

Ralph Williams, W6714 Quinney Road, Elkhorn. Mr. Williams spoke to the board regarding the fitness center. He stated the private sector in this county has done a great job in providing fitness centers and it should not be the responsibility of the county. He suggested the county give employees a voucher for an area fitness center. He said the county needs more input from citizens before moving forward with the fitness/wellness center. Mr. Williams provided copies of his letter to the editor regarding the fitness center.

Special Order of Business

- Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2012

Chair Russell asked department staff being recognized to come forward. Those department staff present included Nicki Andersen, Jessica Lanser, Andy Lamping, and Aimee Hemmer. Chair Russell read the award. Nicki Andersen, Deputy County Administrator-Finance, addressed the board and thanked department staff for their efforts.

Appointments/Elections

1. Local Emergency Planning Committee (LEPC)
 - Michael Katzenberg
 - Elizabeth Walsh
 - Mark A. Ruosch

(Recommended by the Executive Committee 4-0)

2. Wisconsin River Rail Transit Commission (WRRTC)
 - Jerry A. Grant – Three-year term to begin upon county board confirmation and end on April 30, 2016 (Recommended by the Executive Committee 4-0)
3. Interim Public Health Officer
 - Janis Ellefsen (County Administrator's Nomination)

On motion by Supervisor Weber, seconded by Supervisor Schaefer, the above referenced appointments for Local Emergency Planning Committee, Wisconsin River Rail Transit Commission, and the Interim Public Health Officer 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) Summons and Complaint – United States of America acting through Rural Housing Service (RHS), Successor In Interest to Farmers Home Administration, Plaintiff, v. Kathrine L. Moser f/k/a Kathrine L. Swanson, Walworth County Clerk of Circuit Court, Wisconsin Bureau of Child Support, Defendants; b) Waiver of Construction Lien and Release of Claim received from George Schroeder Trucking, Inc. for Walworth County Project CTH D – Lafayette to Spring Prairie, CTH ES to East County Line; c) Waiver of Construction Lien and Release of Claim received from Rock Road Companies, Inc. for Walworth County Project CTH D – Lafayette to Spring Prairie, CTH ES to East County Line; d) Final Waiver of Lien received from Straight Edge Concrete for the Hwy D Project (To be referred to the Executive Committee)
3. Communication received from Gateway Technical College requesting to be included on the March 12, 2013 County Board Meeting agenda to present details regarding the upcoming referendum (To be referred to the Executive Committee) (It is anticipated that there will be a motion pursuant to Section 2-65 of the Walworth County Code of Ordinances to consider this communication at the March 12, 2013 meeting and subsequent recognition by the County Board Chair pursuant to Section 2-68 to allow representatives of Gateway to address the Board for a period not to exceed 15 minutes.)
4. Price County Resolution No. 10-13 – Petition Wisconsin State Legislature to Reconsider Requirement for Counties to Set Constitutional Officer Salaries for Their Entire Four-Year Term (To be referred to the Executive Committee)
5. Outagamie County Resolution No. 122--2012-2013 – Opposing any proposal which gives the State Legislature the ability to dictate the amount of local property tax dollars spent on a specific county department (To be referred to the Executive Committee)
6. Communication received from Southeastern Wisconsin Regional Planning Commission (SEWRPC) in regard to Transmittal of 2012 Public Transit – Human Services Transportation Coordination Plans (To be referred to the Health and Human Services Board)
7. Correspondence from Supervisor Tim Schiefelbein in regard to the Sheriff's special response vehicle (To be referred to the Public Works Committee)
8. Communication received from Governor Scott Walker acknowledging receipt of Walworth County resolution (To be placed on file)
9. Communication received from State Representative Andy Jorgensen acknowledging receipt of Walworth County resolutions (To be placed on file)
10. County Clerk Report – Summary of 2012 Dog Licenses Sold and Licensing Statistics (To be placed on file)
11. Correspondence received from Wisconsin Counties Association (WCA) in regard to WCA Regional Legislative Meetings (To be placed on file)

12. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
 - Price County Resolution No. 7-13 – Urging State Legislators to Vote in Favor of Transportation Dollars for Transportation
 - La Crosse County Resolution No. 69-02/13 – Resolution Supporting Same Day Voter Registration
 - Waupaca County Resolution No. 30- (2012-2013) – Supporting Same Day Voter Registration
13. Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing
 - Correspondence received via e-mail from State Representative David Craig acknowledging receipt of Walworth County resolutions – To be placed file
 - *Walworth County Aging & Disability Resource Center News*, March 2013 – To be placed on file
14. Report of the County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)
 - Town of Spring Prairie (Chairman Don Henningfeld – Applicant), Spring Prairie Township. Rezone the units listed of The Highlands of Paradise Valley and Phase Two of The Highlands of Paradise Valley Subdivisions from B-5 Planned Commercial-Recreational Business to R-1 Single Family Residential District (un-sewered)
 - God’s Country Ranch LLC (Attorney Richard Torhorst – Applicant), Lafayette Township. Rezone approx. 15.75 acres of A-1 Prime Agricultural and M-3 Mineral Extractive Districts to P-1 Park District
 - Robert A. Pearce Farms Inc. (Robert A. Pearce – Applicant), Walworth Township. Rezone approx. 4.82 acres of A-1 Prime Agricultural to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District
 - Scott Smith (Kevin Remer – Applicant), Spring Prairie Township. Rezone approx. 10.24 acres of A-1 Prime Agricultural to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District
 - Ordinance Amendments: Amendment to Section 74-264 of the Walworth County Code of Ordinances, Shoreland Zoning. The format of the text of this amendment does not allow publishing in this legal notice. A copy of the amendment is available for review at the Land Use and Resource Management or the County Clerk’s Office at 100 West Walworth Street, Elkhorn, Wisconsin, Monday through Friday during normal business hours.

Supervisor Kilkenny offered a motion, seconded by Vice-Chair Grant, to suspend the rules by unanimous consent to allow Item 3 to be addressed. Motion carried.

Zina Haywood, Exec VP/Provost for Academic and Campus Affairs of Gateway Technical College, delivered a brief presentation regarding the upcoming Gateway Technical College referendum. She distributed informational handouts to those present. She stated the total cost of the referendum is for \$49 million and it will appear on the April 2, 2013 ballot. She said the total impact on taxpayers will be approximately \$9.73 per year for 20 years or \$0.81 per month, per \$100,000 valuation. She gave a brief overview of the projects involved in the referendum. Ms. Haywood concluded her presentation by answering questions from Supervisors.

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Willow Bend Park Home Owner's Association, Inc., Section 15, Geneva Township. Rezone .605 acres of A-2 to .59 acres of C-4 (Shoreland) and .015 acres of C-1 (Non-Shoreland) – Approved: 6-0 (February 21, 2013 County Zoning Agency Public Hearing)
2. Prairie Land Ventures, LLC (Paul Demechenko – Representative), Section 34, Sugar Creek Township. Rezone approximately 36 acres of A-1 to 30 acres of C-2 and 6 acres of C-1 – Approved: 6-0 (February 21, 2013 County Zoning Agency Public Hearing)
3. WI DNR requested Walworth County remove a stream tributary to Lake Como from the navigable stream inventory. The water course is located in the NW ¼ of Section 28 of Geneva Township beginning near the intersection of Uranus Road and Longfellow Drive, flowing southeast to Lake Como – Approved: 6-0 (February 21, 2013 County Zoning Agency Public Hearing)
4. WI DNR requested Walworth County remove a stream tributary to Lake Como from the navigable stream inventory. The water course begins in the SW ¼ of Section 22 of Geneva Township at the intersection of Rosewood Road and Park Drive, flowing southeast to Lake Como – Approved: 6-0 (February 21, 2013 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 4, were approved as recommended by the County Zoning Agency. Chair Russell asked Michael Cotter, Land Use and Resource Management (LURM) Director, if the condition of a deed restriction was complied with for Item #2 under Proposed Zoning Amendments. Cotter stated that they were provided with the deed restriction today.

Executive Committee

1. Approval of 2013-2014 County Board Meeting Schedule – *Vote Required: Majority* (Recommended by the Finance Committee 5-0 and the Executive Committee 4-0)
2. Res. No. 70-03/13 – Establishing a Committee of the Whole Date for a Presentation by the Southeastern Wisconsin Regional Planning Commission – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
3. Res. No. 71-03/13 – Supporting Same Day Voter Registration – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 1, **2013-2014 County Board Meeting Schedule**; Item 2, **Resolution No. 70-03/13**; and Item 3, **Resolution No. 71-03/13**, were approved by voice vote.

Finance Committee

1. Res. No. 72-03/13 – Advancing Funds to Lakeland Health Care Center to Call 2006 Outstanding Debt – *Vote Required: Two-thirds* (The Finance Committee and the Lakeland Health Care Center Board of Trustees considered this item at a special joint meeting prior to the March 12, 2013 County Board meeting and it was recommended 5-0)
2. Res. No. 73-03/13 – Resolution Authorizing the Redemption of General Obligation Promissory Notes Dated April 1, 2006 – *Vote Required: Majority* (The Finance Committee and the Lakeland Health Care Center Board of Trustees considered this item at a special joint meeting prior to the March 12, 2013 County Board meeting and it was recommended 5-0)
3. Res. No. 74-03/13 – Approving Revenue Bonds on Behalf of UHCS – Geneva Ridge, LLC – *Vote Required: Two-thirds* (The Finance Committee considered this item at a special meeting prior to the March 12, 2013 County Board meeting)

Vice-Chair Grant offered a motion, seconded by Supervisor Brandl, to approve Item 1, Resolution No. 72-03/13. On motion by Vice-Chair Grant, seconded by Supervisor Weber, **Resolution No. 72-03/13** was approved by unanimous consent.

Supervisor Schaefer offered a motion, seconded by Supervisor Weber, to approve Item 2, Resolution No. 73-03/13. A roll call vote was taken. Total votes: 10. Ayes: 10 – Brandl, Grant, Kilkenny, Monroe, Redenius, Schaefer, Schiefelbein, Stacey, Weber, and Chair Russell; Noes: 0; Absent: 1 – Brellenthin. **Resolution No. 73-03/13** was approved by roll call vote.

Item 3, Resolution No. 74-03/13, was withdrawn from the agenda at the beginning of the meeting.

Human Resources Committee

1. Ord. No. 766-03/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Elimination of a Janitor III and a Building Maintenance Engineer I and the Creation of a Mechanic II at Public Works – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 767-03/13 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating Special Pay Premiums for Lakeland Health Care Center Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 768-03/13 – Creating Section 15-394 of the Walworth County Code of Ordinances Relating to Safety Shoes for Public Works Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Brandl, seconded by Supervisor Stacey, Item 1, Ordinance No. 766-03/13, was referred back to the Human Resources Committee.

On motion by Supervisor Brandl, seconded by Supervisor Monroe, Item 2, **Ordinance No. 767-03/13**; and Item 3, **Ordinance No. 768-03/13**; were approved by voice vote.

Public Works Committee

1. Ord. No. 765-03/13 – Amending Section 17-31 of the Walworth County Code of Ordinances Relating to the General Procurement Policy – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

On motion by Supervisor Weber, seconded by Vice-Chair Grant, **Ordinance No. 765-02/13** 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 reminded Supervisors of the Public Information Meeting scheduled for Monday, March 18, 2013 from 6:00 p.m. to 8:00 p.m.

Adjournment

On motion by Supervisor Stacey, seconded by Supervisor Brandl, the meeting was adjourned at 6:45 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 March 12, 2013 meeting.

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

MARCH 18, 2013
WALWORTH COUNTY BOARD OF SUPERVISORS
PUBLIC INFORMATION MEETING

The Public Information Meeting was called to order by Chair Russell at 6:30 p.m. at the 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.

A public information meeting was held concerning the following topic:

- Acquisition by the county of approximately 195 acres of land in the Town of Lyons to be used as a county park.

Kevin Brunner, Director-Central Services, gave a brief presentation regarding the proposed White River Park. Mr. Brunner stated the proposed park is 195 acres with approximately 10,000 lineal feet of frontage on the White River. He said that the property is currently 70% agriculture use and 30% woodland conservancy in the Town of Lyons. Mr. Brunner also said that Mr. Clark, the current property owner, approached the county several years ago because he would like to see the property preserved for public purposes. He stated there are approximately 5 miles of developed trails and current improvements on the property include a single-family home (c. 1890), barn, and outbuilding. Mr. Brunner discussed the potential park uses which include walking/hiking trails, cross country skiing, hunting, fishing, trapping, canoe/kayak launch, picnicking, community garden, nature center, sledding, and other uses to be determined as part of the park planning process.

Mr. Brunner stated the property was appraised in December 2012 at \$1.91 million. He said there were two previous appraisals completed in 2010 with appraisal values ranging from \$1.635 million to \$2 million. He stated the DNR is conducting another appraisal as there are two appraisals required as part of the process of the stewardship grant. He said the county has signed an option for \$1.91 million. He also said purchase of the property is contingent upon approval by the County Board and receipt of the Stewardship Fund Grant. He stated the proposed park acquisition financing includes the Stewardship Grant which would fund 50% of the acquisition. He said the application for the stewardship grant is to be filed May 1, 2013. He stated the county's parkland fund will pay for the remainder. He said the current balance of the county parkland fund is \$277,000. He stated the difference from what is currently in the county parkland fund and the remainder to be paid by the county will be paid from a loan from the county's general fund.

Mr. Brunner discussed the potential capital improvements which include parking lots, canoe/kayak launch, picnic areas, restrooms, trail development, bridges, barn improvements for a possible nature center, and prairie/grassland restoration of the current agriculture cropland. He said it is possible that some of these capital improvements could be funded under a separate Stewardship Fund Program where 50% would be paid by the fund and the remainder would be paid by the county. He discussed the five year operating budget proforma for the potential park. He said they have forecasted five year operating revenues to be \$186,968 and five year operating expenses to be \$89,666, which leads to net operating proceeds of \$97,302. He stated the net proceeds should be used to pay for future park capital improvements.

Mr. Brunner introduced Dave Schilling of Southeastern Wisconsin Regional Planning Commission (SEWRPC). Mr. Schilling discussed how this potential park fits in the Walworth County Park Plan. He said this site does fit the recommendations of the plan, which was adopted by the County Board in 2000. Mr. Schilling introduced Dan Kammerer of Wisconsin Department of Natural Resources (DNR). Mr. Kammerer administers the Stewardship Program for the DNR in Southeastern Wisconsin. He stated the Stewardship Program is a fund available to Wisconsin citizens to be used to expand state parks and state trails. He said it also provides grants to local governments and land trusts for protecting natural resources and providing outdoor recreation opportunities. He stated the Stewardship Grant involves 50% funding for the cost of the land, 50% funding for associated costs that are involved in acquiring the land, such as surveys and recording fees, and 50% funding for development.

Public Comment was then accepted by the body.

Sharon Acuff, W4729 Briar Drive, Elkhorn, submitted a comment card in opposition of the park. Ms. Acuff did not address the board.

Charles Colman, W4461 N. Lakeshore Drive, Williams Bay, spoke in favor of the park.

Richard Getka, W9320 Lakeshore Rd, addressed the board and expressed his concern about the cost of the property.

Terri DellaMaria, W5622 Vicki Terr, Elkhorn, submitted a comment card in favor of the park. Ms. DellaMaria did not address the board.

Ralph Williams, W6714 Quinney Road, spoke in opposition of the park.

Dennis Horak, 1007 N. Church Street Apt. 103, submitted a comment card in favor of the park. Mr. Horak did not address the board.

Merilee Holst, 744 Brickley Drive, Fontana, spoke in favor of the park.

Karan Horak, 1007 N. Church Street Apt. 103, submitted a comment card in favor of the park. Ms. Horak did not address the board.

D. Thomas Kincaid, N1545 Linn Road, Lake Geneva, spoke in favor of the park.

Wayne Redenius, W8411 Turtle Lk Road, Delavan, spoke in opposition of the park.

Graham Olson, N4078 County Road H, Elkhorn, submitted a comment card in favor of the park. Mr. Olson did not address the board.

Linda Franz, 171 Willabay Drive, Williams Bay, spoke in favor of the park.

George Fischer, 171 Willabay Drive, Williams Bay, submitted a comment card in favor of the park. Mr. Fischer did not address the board.

Sherry English, 503 Campbell Street, Lake Geneva, submitted a comment card in favor of the park. Ms. English did not address the board.

Karen Helwig, W8615 Glacial Drive, Whitewater, submitted a comment card in favor of the park. Ms. Helwig did not address the board.

Shawn T. Kelly, PLA, FASLA, PO Box 430, 623 Washington Parkway, Williams Bay, spoke in favor of the park.

William H. Acuff, W4729 Briar Drive, submitted a comment card in opposition of the park. Mr. Acuff did not address the board.

Russell Helwig, W8615 Glacial Drive, Whitewater, spoke in favor of the park.

Alice Brockman, W3671 Wildwood Drive, Lake Geneva, spoke in favor of the park.

Janet Schulz, N4737 Co. Road P, Delavan, submitted a comment card in favor of the park. Ms. Schulz did not address the board.

Mark Wendorf, 623 Susie, Delavan, submitted a comment card in favor of the park. Mr. Wendorf did not address the board.

G. Galin Berrier, 3501 Westshire Circle, Delavan, spoke in favor of the park.

Carol L. Berrier, 3501 Westshire Circle, Delavan, spoke in favor of the park.

Charles H. Sharpless, W5464 West Shore Drive, Elkhorn, spoke in favor of the park.

Steve Klitzing, 215 N. Washington Street, spoke in favor of the park.

Bob Nordhaus, 1566 Orchard Lane, Lake Geneva, spoke in favor of the park.

Marcie Hollman, 1566 Orchard Lane, Lake Geneva, submitted a comment card in favor of the park. Ms. Hollman did not address the board.

Bill Jacques, N6009 Bowers Road, Elkhorn, spoke in opposition of the park.

Gary Dunham, 200 Kenosha Street, spoke in favor of the park.

Bob Nold, 1957 Gail Lynne Drive, Burlington, spoke in favor of the park.

Ronald Larson, N5849 Lyons Road, spoke in favor of the park.

Jean Larson, N5849 Lyons Road, spoke in favor of the park.

Mariette Nowak, N9053 Swift Lake Drive, East Troy, is a member of the Park Committee. She spoke in favor of the park. Ms. Nowak provided a comparison of parkland in 10 counties and she wished to have this document entered into public record. Mrs. Nowak also provided written correspondence from Paul and Margaret Jones.

Paul & Margaret Jones, N9162 Woodridge Court, East Troy, submitted a written letter in favor of the park. Mr. & Mrs. Jones did not address the board.

Jim Blomberg, N9495 East Shore Road, East Troy, submitted a comment card in favor of the park. Mr. Blomberg did not address the board.

Barbara Converse, W8339 R & W Townline Road, Whitewater, spoke in favor of the park.

Jerome Converse, W8339 R & W Townline Road, Whitewater, submitted a comment card in favor of the Park. Mr. Converse did not address the board.

Greg Pennington, 2429 South Road, Burlington, submitted a comment card in favor of the park. Mr. Pennington did not address the board.

Martha Pennington, 2429 South Road, Burlington, submitted a comment card in favor of the park. Ms. Pennington did not address the board.

Michele Batz, 2080 Ridge Drive, Lake Geneva, spoke in opposition of the park.

Sarah Schuster, N1970 S. Lakeshore Drive, Lake Geneva, spoke in favor of the park.

Pat Jenner, 6604 Buckby Road, addressed the board. He stated he is a neighbor of the property and he is uncertain about the park.

David Nowak, N9053 Swift Lake Drive, submitted a comment card in favor of the park. Mr. Nowak did not address the board.

Maggie Zoellner, N8961 Pickeral Jay Road, East Troy, spoke in favor of the park.

Mary Knipper, 2320 Lake Shore Drive, Delavan, submitted a comment card in favor of the park. Ms. Knipper did not address the board.

Joshua Skolnick, 405 Pine Grove Circle, Williams Bay, spoke in favor of the park.

Gary Milliette, 483 Wrigley, Lake Geneva, spoke in favor of the park.

The following are written comments that were received prior to the meeting and were placed on Supervisors' desks:

William Brogan, 222 Circle Parkway, Williams Bay, submitted an e-mail in favor of the park.

Janet Happ, W3511 700 Club Drive, Lake Geneva, submitted a comment card in favor of the park.

Sue Kiner & Jack Modzelewski, W3504 Wildwood Drive, Lake Geneva, submitted a comment card in favor of the park.

Virginia Coburn, 2 Coburn Ln, Whitewater, submitted a written letter and comment card in favor of the park.

Charlotte Adelman and Bernard L. Schwartz, 232 Lawndale, Wilmette, Illinois, submitted an e-mail in favor of the park.

David W. Berrier, M.D. submitted an e-mail in favor of the park.

Mitchell & Patricia Smith, 400 Lakewood Drive, Williams Bay, submitted a comment card in favor of the park.

Jill Acker, 327 Spring Street, Fontana, submitted an e-mail in favor of the park.

Jean & John Henderson submitted an e-mail in favor of the park.

Connie Gluth submitted an e-mail in favor of the park.

Karen Varhula, Fontana, submitted an e-mail in favor of the park.

Judy Johnson, Williams Bay, submitted an e-mail in favor of the park.

Dan & Caryl Lemanski, 2511 Rockford Colon Ln, Delavan, submitted an e-mail in favor of the park.

Jim Blomberg, N9495 East Shore Road, East Troy, submitted a comment card in favor of the park.

Tricia Gages, 198 Vernon Street, Williams Bay, submitted an e-mail in favor of the park.

Alan Kupsik, 717 S. Lake Shore Drive, Lake Geneva, submitted an e-mail in favor of the park.

James Marrari, W3931 Timber Lake Road, East Troy, submitted an e-mail in favor of the park.

Mary Knipper, 2320 Lake Shore Drive, Delavan, submitted a written letter to the Board in support of the park.

Chair Russell stated the property is taxed at the agriculture use level.

Administrator Bretl said the county is accepting written comments until April 1, 2013. He also said this topic will be on the April county board meeting agenda for potential action.

On motion by Supervisor Weber, seconded by Supervisor Brandl, 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 March 18, 2013 Public Information Meeting.

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

WALWORTH COUNTY
AGING AND DISABILITY RESOURCE CENTER GOVERNING BOARD

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

I, the undersigned Chair of the Walworth County Board of Supervisors, do hereby re-appoint LaVerne Duncan to the Aging and Disability Resource Center Governing Board to serve an additional three-year term, from 6/30/2013 to 6/30/2016.

Dated this 16th day of April 2013.

Nancy Russell, Chair
Walworth County Board of Supervisors

Nomination for Committee/Board/Commission Appointment

Committee: Aging & Disability Resource Board

Nominee: LaVerne Duncan

Address: 341 Pierce Dr.

Williams Bay, WI 53191

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? June 30, 2013

Was this vacancy advertised? no

Comment Upon County Board appointment, Ms. Duncan would be reappointed to serve an additional three-year term, from 6/30/2013 through 6/30/2016.

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

For incumbents, committee attendance, if known:

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

Name: LaVerne H. Duncan

Date: 2/26/2013

Mailing Address: 341 Pierce Drive
Williams Bay, WI 53191

Phone: 262-245-6714

I reside in: the Town of
 ...the Village of Williams Bay
 the City of

Please consider me for appointment to:

Walworth County Aging and Disability Resource Center Board of Directors

I am interested in serving as a citizen representative because:

If approved, this would be my second term to serve on the ADRC Board of Directors. In a second term, I would continue to inform area residents about ADRC services, contribute ideas and citizen insights about current programs, support the ADRC staff, provide feedback on the Aging Plan and be a liaison between the Walworth County ADRC and the aging advisory counsels that I serve on.

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

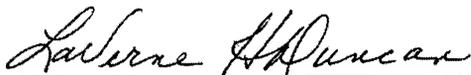
I am a Social Worker with advanced certification in Geriatric Case Management. In addition, I service on the State Aging Advisory Council and the Greater Wisconsin Agency on Aging Resources Advisory Council.

Check one of the following:

... 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.



Signature of Applicant



Date

RECEIVED
WALWORTH COUNTY CLERK
NOTICE OF INJURY

2013 APR -1 PM 12: 59

TO: Michele Smith
City of Whitewater Clerk
312 West Whitewater Street, Second Floor
Whitewater, Wisconsin 53190

Kimberly Bushey
Walworth County Clerk
100 West Walworth Street
Elkhorn, Wisconsin 53121

RE: Jeffrey S. Bierman
1270 East Jakes Way, Apartment 8
Whitewater, Wisconsin 53190

Date of Accident: February 22, 2013
Location: 1270 East Jakes Way
Whitewater, Wisconsin

PLEASE TAKE NOTICE, pursuant to Wis. Stat. § 893.80(1)(a), that on February 22, 2013, at approximately 4:00PM, Jeffrey Bierman was walking on a public sidewalk near 1270 East Jakes Way, in the City of Whitewater, Walworth County, Wisconsin, when he slipped and fell on an icy patch of the sidewalk; and that the City of Whitewater and/or Walworth County were responsible for the maintenance and snow/ice removal on the sidewalk and failed to exercise reasonable care in removing the ice from the sidewalk.

As a result of this accident, Mr. Bierman's sustained injuries and damages. A claim for damages under § 893.80(1)(b) will be made at a later date.

Liability for Mr. Bierman's injuries and damages are attributed to the City of Whitewater and/or Walworth County in that they negligently maintained the sidewalk and/or failed to exercise reasonable care in clearing the ice from the sidewalk.

DATED at Milwaukee, Wisconsin, this 19 day of March, 2013.

HUPY AND ABRAHAM, S.C.
Attorneys for Jeffrey S. Bierman

By: 
Chad A. Kremlin
State Bar Number: 1038136

Post Office Address:
111 East Kilbourn Avenue, Suite 1100
Milwaukee, Wisconsin 53202
(414) 223-4800

STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

EAGLE POINTE CONDOMINIUM ASSOCIATION, INC.
121 E. Eagle Pointe Drive
Delavan, WI 53115,

Plaintiff,

-vs-

JAY R. ADAMS and LISA G. ADAMS
102-F Eagle Pointe Drive
Delavan, WI 53115,

-and-

DISCOVER BANK
502 E. Market Street
Greenwood, DE 19950,

-and-

CAPITAL ONE BANK USA, NA
4851 Cox Road
Glen Allen, VA 23060,

-and-

PORTFOLIO RECOVERY ASSOCIATION, LLC
c/o National Registered Agents, Inc.,
Registered Agent
4701 Cox Road, Suite 301
Glen Allen, VA 23060,

-and-

CITIBANK (SOUTH DAKOTA) N.A. n/k/a
CITIBANK, NA
701 E. 60th Street North
Sioux Falls, SD 57104,

-and-

COUNTY OF WALWORTH
c/o Walworth County Administrator
100 W. Walworth Street
Elkhorn, WI 53121,

-and-

STATE OF WISCONSIN DEPARTMENT OF
WORKFORCE DEVELOPMENT
c/o Wisconsin Attorney General
Risser Justice Center
17 West Main Street
Madison, WI 53707,

Defendants.

RECEIVED
WALWORTH COUNTY CLERK

2013 APR -4 AM 9:15

File No. **13CV00335**

Case Classification Type:
Other - Real Estate

Code No. 30405

CIRCUIT COURT

APR 04 2013

CLERK OF COURTS-WALWORTH CO.

HON. JAMES L. CARLSON

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

To Defendants, Jay R. Adams, Lisa G. Adams, Discover Bank, Capital One Bank USA, N.A., Portfolio Recovery Association, LLC, Citibank (South Dakota), N.A., and County of Walworth: Within 20 days of receiving this Summons, you must respond with a written answer, as that term is used in Wis. Stat. ch. 802, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is the Walworth County Judicial Center, 1800 County Road NN, Elkhorn, Wisconsin 53121, and to Plaintiff's attorneys, Godfrey, Leibsle, Blackburn & Howarth, S.C., Attn. Kim A. Howarth, whose address is 354 Seymour Court, Elkhorn, Wisconsin 53121. You may have an attorney help or represent you. If you do not provide a proper answer within 20 days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

To Defendant, State of Wisconsin Department of Workforce Development: Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Wis. Stat. ch. 802, to the Complaint. The Court may reject or disregard an answer that does

not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is the Walworth County Judicial Center, 1800 County Road NN, Elkhorn, Wisconsin 53121, and to Plaintiff's attorneys, Godfrey, Leibsle, Blackburn & Howarth, S.C., Attn. Kim A. Howarth, whose address is 354 Seymour Court, Elkhorn, Wisconsin 53121. You may have an attorney help or represent you. If you do not provide a proper answer within 45 days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 24 day of March, 2013.

GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
Attorneys for Plaintiff

By: 

Kim A. Howarth (1008873)

Kim A. Howarth
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5091
email: khowarth@godfreylaw.com

T:\Eagle Pointe Condominium Association, Inc\Adams\off copy\summons-3 wpd

STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

EAGLE POINTE CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

-vs-

JAY R. ADAMS and LISA G. ADAMS,
DISCOVER BANK, CAPITAL ONE BANK USA,
NA, PORTFOLIO RECOVERY ASSOCIATION,
LLC, CITIBANK (SOUTH DAKOTA), N.A. n/k/a
CITIBANK, NA, COUNTY OF WALWORTH, and
STATE OF WISCONSIN DEPARTMENT OF
WORKFORCE DEVELOPMENT,

Defendants.

File No. **13CV00335**

Case Classification Type:
Other - Real Estate

Code No. 30405

CLERK OF COURTS - WALWORTH CO.

013 20 1013

CLERK OF COURTS - WALWORTH CO.

COMPLAINT

NOW COMES the above-named Plaintiff, by its attorneys, Godfrey, Leibsle, Blackburn & Howarth, S.C., and as and for a cause of action against the above-named Defendants, alleges and shows to the Court as follows:

1. Plaintiff, Eagle Pointe Condominium Association, Inc. ("Association"), is a nonstock corporation licensed to do business in the State of Wisconsin, with its principal place of business located at 121 E. Eagle Pointe Drive, Delavan, Wisconsin 53115.

2. Defendants, Jay R. Adams ("Jay Adams") and Lisa G. Adams (collectively, "Adams"), upon information and belief, are adults, husband and wife, residing at 102-F Eagle Pointe Drive, Delavan, Wisconsin 53115.

3. Defendant, Discover Bank ("Discover"), upon information and belief, is a federally chartered banking institution, with offices 502 E. Market Street, Greenwood, Delaware 19950. Discover is made a party to this action by virtue of a judgment in favor of Discover and

against Jay Adams, in the amount of \$5,652.89, in Walworth County Circuit Court Case No. 11-CV-000820. The interest or claim of Discover, if any, is subsequent, subordinate, and junior to the Association's interest.

4. Defendant, Capital One Bank USA, NA ("Capital One"), upon information and belief, is a federally chartered banking institution, with offices located at 4851 Cox Road, Glen Allen, Virginia 23060. Capital One is made a party to this action by virtue of a judgment in favor of Capital One and against Jay Adams, in the amount of \$4,576.35, in Walworth County Circuit Court Case No. 11-SC-1170. The interest or claim of Capital One, if any, is subsequent, subordinate, and junior to the Association's interest.

5. Defendant, Portfolio Recovery Associates, LLC ("Portfolio Recovery"), upon information and belief, is a foreign limited liability company, with offices located at 120 Corporate Boulevard, Suite 1, Norfolk, Virginia 23502, whose registered agent is National Registered Agents, Inc., 4701 Cox Road, Suite 301, Glen Allen, Virginia 23060. Portfolio Recovery is made a party to this action by virtue of a judgment in favor of Portfolio Recovery and against Jay Adams, in the amount of \$2,612.16, in Walworth County Circuit Court Case No. 11-SC-1834. The interest or claim of Portfolio Recovery, if any, is subsequent, subordinate, and junior to the Association's interest.

6. Defendant, Citibank, NA ("Citibank"), upon information and belief, is a federally chartered banking institution, with offices located at 701 E. 60th Street North, Sioux Falls, South Dakota 57104. Citibank is made a party to this action by virtue of being the successor institution to Citibank (South Dakota) N.A., in whose favor a judgment against Jay Adams was entered, in the amount of \$10,107.07, in Walworth County Circuit Court Case No. 11-CV-553. The

interest or claim of Citibank, if any, is subsequent, subordinate, and junior to the Association's interest.

7. Defendant, County of Walworth ("Walworth County"), upon information and belief, is a Wisconsin municipal corporation, with offices located at 100 W. Walworth Street, Elkhorn, Wisconsin 53121. Walworth County is made a party to this action by virtue of a default judgment of tax foreclosure entered June 4, 2012, in Walworth County Circuit Court Case No. 12-CV-114, as subsequently amended. The interest or claim of Walworth County, if any, created by said judgment is subsequent, subordinate, and junior to the Association's interest.

8. Defendant, State of Wisconsin Department of Workforce Development ("WDWD"), upon information and belief, is an agency of the State of Wisconsin whose agent for service of process is the Wisconsin Attorney General, whose principal office is located at Risser Justice Center, 17 West Main Street, Madison, Wisconsin 53707. WDWD is made a party to this action by virtue of the following unemployment tax warrants:

- a. Lisa G. Adams, in the amount of \$1,231.55, in Walworth County Circuit Court Case No. 12-UC-262.
- b. Lisa G. Adams, in the amount of \$4,385.78, in Walworth County Circuit Court Case No. 11-UC-283.
- c. Jay R. Adams, in the amount of \$4,385.78, in Walworth County Circuit Court Case No. 11-UC-284.
- d. Jay R. Adams, in the amount of \$1,231.55, in Walworth County Circuit Court Case No. 11-UC-261.

The interest or claim of WDWD, if any, is subsequent, subordinate, and junior to the Association's interest.

9. Upon information and belief, the Adams are, and have been at all times relevant to this Complaint, the record owners of a unit in Eagle Pointe Condominium

("Condominium"), located at 102 Eagle Pointe Drive, Delavan, Wisconsin 53115, more particularly described as follows:

Unit F, in Building A, together with said unit's undivided interest in the common elements and the exclusive use of the limited common elements appurtenant to said unit, all in EAGLE POINTE CONDOMINIUM, a condominium declared and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin and recorded by a Declaration as such condominium in the office of the Register of Deeds for Walworth County, Wisconsin, on April 18, 1991, in Volume 516 of Records, Pages 733 to 771, inclusive, as Document No. 209734; First Amendment to Declaration of Condominium of Eagle Pointe recorded on January 31, 1992 in Volume 551 of Records, Pages 823 to 832, inclusive, as Document No. 226111; Second Amendment to Declaration of Eagle Pointe Condominium dated June 8, 1992 and recorded June 15, 1992 in Volume 575 of Records on Page 16 as Document No. 235810; Third Amendment to Declaration of Eagle Pointe Condominium recorded April 12, 2004 as Document No. 599176; and Fourth Amendment to Declaration of Eagle Pointe Condominium recorded January 14, 2005 as Document No. 628720, said condominium being located in the City of Delavan, County of Walworth, State of Wisconsin on the real estate described in said Declaration and incorporated herein by this reference thereto.

Tax Key. No. XE3 00001F

("Unit F.")

10. Pursuant to Wis. Stat. §§ 703.165(2)-(3), and the Declaration of Condominium of Eagle Pointe Condominium, as amended ("Declaration"), the relevant portion of which is attached hereto as Exhibit A and incorporated herein by reference, the Adams, as the owners of Unit F, are liable for their proportionate share of the Association's assessments for common expenses of the Condominium that become due and payable against Unit F, plus interest at the rate of 18 percent *per annum* on any such unpaid assessments, and the costs of collecting the same, including attorney fees (collectively, "Assessments"), all of which constitute a lien against Unit F until paid in full.

11. As of February 15, 2013, there is justly due and owing to the Association from the Adams the sum of \$5,056.75 for unpaid Assessments. Said sum was calculated as set forth in Exhibit B.

12. Continuing notices of such unpaid Assessments and invoices evidencing the Adams' indebtedness to the Association were sent by the Association to the Adams on a monthly basis through the present, and the Adams have not objected to any such notices or invoices.

13. The Adams have been informed of their indebtedness to the Association, and have failed to pay such indebtedness in full.

14. On December 17, 2010, pursuant to Wis. Stat. § 703.165(8), the Association filed in the Office of the Clerk of Circuit Court, Walworth County, Wisconsin, a Statement of Condominium Lien against the Adams in the sum of \$1,875.00, for Assessments accrued against Unit F to December 1, 2010 ("Statement of Condominium Lien 1"). Upon information and belief, all of the allegations contained in Statement of Condominium Lien 1 are true and correct and are made a part of this Complaint. A copy of Statement of Condominium Lien 1 is attached hereto as Exhibit C and incorporated herein by reference.

15. On October 17, 2012, pursuant to Wis. Stat. § 703.165(8), the Association filed in the Office of the Clerk of Circuit Court, Walworth County, Wisconsin, a Statement of Condominium Lien against Walworth County, as the then current owner of Unit F, in the sum of \$2,786.75, for Assessments accrued against Unit F from January 1, 2011, to October 16, 2012 ("Statement of Condominium Lien 2"). Upon information and belief, all of the allegations contained in Statement of Condominium Lien 2 are true and correct and are made a part of this Complaint. A copy of Statement of Condominium Lien 2 is attached hereto as Exhibit D and incorporated herein by reference.

16. On March 6, 2013, pursuant to Wis. stat. § 703.165(7), the Association mailed a notice of intent to foreclose Statement of Condominium Lien 1 and Statement of Condominium Lien 2 to the Adams (“Lien Notice”), to which the Association has received no response. The Lien Notice was sent by registered mail, return receipt requested. A copy of the Lien Notice is attached hereto as Exhibit E and incorporated herein by reference.

17. The Association has directed that lien foreclosure proceedings be commenced against the Adams to collect the amount due for unpaid Assessments.

18. The Association did not file the current action until the expiration of 10 days following the mailing of the Lien Notice.

19. Three years have not elapsed since the date of filing of either Statement of Condominium Lien 1 or Statement of Condominium Lien 2, and said statement of condominium liens were filed within two years from the dates on which all relevant Assessments against Unit F became due.

20. Assessments continue to accrue against Unit F and are not presently being paid to the Association by the Adams, or by any other party.

21. Upon information and belief, Unit F consists of an owner-occupied one-to-four-family residential condominium that is not a farm or owned by a church or tax-exempt nonprofit charitable organization, and is less than 20 acres in size and cannot be sold in part or parcels without material injury to the right of the parties hereto.

22. The Association hereby elects to hold a foreclosure sale of Unit F upon the expiration of six months from the entry of a judgment of foreclosure in this matter, and waives its right to the entry of a judgment against the Adams for any deficiency in the amounts due the Association from the Adams after the application of the proceeds of sale of Unit F.

23. Pursuant to Section 7.07 of the Declaration, a copy of which is attached hereto as Exhibit F and incorporated herein by reference, the Adams, as the owners of Unit F and as defendants in this action to foreclose Statement of Condominium Lien 1 and Statement of Condominium Lien 2, are liable to the Association for the payment of a reasonable rental rate for Unit F during the pendency of this action.

WHEREFORE, the Association demands judgment against the Defendants as follows:

- a. For the foreclosure and sale of Unit F, pursuant to the provisions of Wis. Stat. § 703.165 and Wis. Stat. ch. 846;
- b. Requiring the Adams to pay to the Association a reasonable rental rate for Unit F during the pendency of this action, up to and including the date of confirmation of any sheriff's sale of Unit F; and,
- c. For such other and further relief as the Court may deem just and equitable.

Dated this 26 day of March, 2013.

GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
Attorneys for Plaintiff

By: 

Kim A. Howarth (1008873)

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR.
THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

Kim A. Howarth
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5091
email: khowarth@godfreylaw.com

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RECORDED BY THE

PAGE 733

209734

DECLARATION OF CONDOMINIUM

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OF

LODGE

REC OF REC'D

EAGLE POINTE CONDOMINIUM

WALWORTH COUNTY, W

SEW 840

THIS DECLARATION is made and entered into by William V. Samatas, (the "Declarant"), pursuant to The Condominium Ownership Act, under Chapter 703 of the Wisconsin Statutes as the same may be amended, renumbered or renamed from time to time (the "Act").

WITNESSETH:

Declarant owns certain real property (the "Property"), described on Exhibit "A" appended hereto. Declarant has constructed or intends to improve the Property by constructing thereon two (2) existing residential multi-family buildings (each a "Building") and two proposed future buildings (Building 5 and Building 12), each building containing a total of six (6) units, for a total of 24 units. The Property, together with all buildings and improvements, is herein-after called the "Condominium."

Declarant intends by this Declaration to submit the Property and improvements to the condominium form of ownership under the Act and further desires to establish, for its own benefit and that of all future owners and occupants of the Condominium, certain easements, rights, restrictions and obligations with respect to the ownership, use and maintenance of the Condominium on the terms and conditions hereinafter set forth.

The name of the Condominium shall be "Eagle Pointe Condominium". The address of the Condominium is set forth on Exhibit "B" attached hereto.

This Declaration contemplates an "expandable" condominium which may include two additional phases of construction. At the present time Phase II is anticipated to consist of four (4) buildings each containing 6 units for a total of twenty-four (24) units. Phase III is anticipated to consist of two (2) buildings, each containing eight (8) units and two (2) buildings, each containing 6 units for a total of twenty-eight (28) units. The total of the expandable condominium, not including the present condominium units is Fifty-Two (52) units. The legal description of the proposed expandable area is described on Exhibit "C" attached hereto.

NOW, THEREFORE, Declarant, the fee owner of the Property, by this Declaration hereby (i) submits the Property and the improvements, subject to taxes and assessments not yet due and payable, municipal and zoning ordinances, recorded easements and restrictions, if any, and all other matters of record, to the condominium form of use and ownership as provided in the Act and this Declaration; (ii) establishes and imposes the following provisions, restrictions, conditions, easements and uses to which the Condominium may be put; and (iii) specifies that the provisions of this Declaration shall constitute covenants to run with the land and shall be binding on Declarant, its successors and assigns, and all subsequent owners and occupants of all or any part of the Condominium.

EXHIBIT A

DECLARATION
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EXHIBIT M	LEGAL DESCRIPTION-SEWER AND WATERMAIN EASEMENT

deck or balcony and portion of the driveway appurtenant to the Unit in a clean and neat condition, clear of snow, ice and water; (d) keep and maintain in good and orderly condition its Limited Common Elements; and (e) repair and replace any portion of the Common Elements damaged through the fault or negligence of such owner or such owner's family, guests or invitees or any other occupants of the Unit. Notwithstanding the above, repairs to Common Elements shall be effected by the Association but paid for by the Unit owner if within this section.

2. Association Responsibility. The Association shall maintain in good condition and repair, replace and operate all of the Common Elements, except as provided above.

3. Structural Changes by Owners. An owner of a Unit shall make no changes within such Unit which will affect the structural soundness of a building of which it is a part and shall promptly report to the Association any need for repairs, the responsibility for which is that of the Association.

4. Decorations; Signs; Patios, Decks and Balconies. No Unit owner shall decorate or alter the Common Elements without the consent of the Board of Directors. No owner of a Unit, except the Declarant, may erect, post or display posters, signs or advertising material on the Common Elements or in any window except that a Unit owner may erect or post a temporary sign of customary and reasonable dimension relating to the open house of a Unit for sale or lease. No awnings, enclosures or storm doors or windows shall be installed on patios or balconies unless they are of the type using a cover in place while in use. Patios, decks and balconies shall not be used for storage, including the storage of motorcycles, baby carriages, bicycles, wagons, etc. or for handling, shaking or drying of laundry, carpet, rugs or clothing.

5. Structural Changes by Association. Except as reserved to the Declarant, its successors and assigns, the Association shall not make or permit any alterations to the exterior of any building or make any other substantial alterations or additions of a structural nature or otherwise to the Common Elements without the affirmative vote of two-thirds (2/3) of the Board of Directors. In no case shall any such alterations or additions prejudice the rights of any owner of a Unit unless his written consent has been obtained.

ARTICLE VIII

ASSESSMENTS

1. Liability; Late Payments. The by-Laws shall set forth the manner of making and collecting assessments against the Unit owners for common expenses of the Condominium. Each Unit owner shall be liable for such fractional or percentage interest of the common expenses of the Condominium as is provided in Article V hereof. Any assessment or installment not paid within ten (10) days of its due date shall be delinquent and the Unit owner shall be charged interest on the unpaid assessment or installment, calculated from the date when the assessment or installment was first due until the date it is paid, at a rate of interest not in excess of the lower of the highest rate not prohibited by law or Eighteen (18%) Percent per annum. All payments upon account shall be first applied to the interest, if any, and then to the assessment payment first due.

2. Liens. If a Unit owner defaults in the payment of any assessment or

installment, the Association shall take appropriate measures as provided by law in accordance with the By-Laws. The Lien for unpaid assessments provided in the Act shall also secure reasonable attorney's fees incurred by the Association incident to the collection of such assessment or enforcement of such lien. In any foreclosure of a lien for assessments, the owner of a Unit subject to a lien shall be required to pay a reasonable rental for the Unit commencing from the date such assessment or installment was due and the Association shall be entitled to the appointment of a receiver to collect the same. If any such Unit is occupied by a tenant of the owner, the Association shall be entitled, as an additional remedy, to notify such tenant that any rents thereafter due should be paid to the Association and each tenant shall be entitled to rely on such notice. The Association shall not thereby become bound to perform any of the duties of a landlord under statute or any specific agreement. To the extent received, rents shall be applied first against amounts then presently due the Association and the balance, if any, shall be returned to the Unit owner. To the extent received by the Unit owner directly from the tenant, all assigned rents shall be immediately paid to the Association.

3. Rights of Mortgagees. Any first mortgagee who obtains title to a Unit pursuant to remedies provided in the mortgage or foreclosure of the mortgage shall be liable for such Unit's unpaid assessments which accrued prior to the acquisition of title to such Unit by such mortgagee.

ARTICLE IX

RESTRICTIONS ON USE, OCCUPANCY AND TRANSFER

1. Residential Purposes Only. Each Unit and each building shall be occupied and used only for private dwelling purposes and for no other purposes. No trade or business shall be carried on anywhere within the Condominium, except as otherwise provided herein.

2. Leases of Units. The Declarant may lease a Unit on such terms and conditions as it desires in its sole discretion. Any owner other than Declarant may lease a Unit for a term of not less than twelve (12) months and to not more than four (4) people, not more than three (3) of whom shall be unrelated. Any person occupying a Unit with the authority of an owner shall comply with all of the provisions hereof imposed on an owner. No rooms in any Unit may be rented and no transient tenants may be accommodated.

3. Pets. No animals, reptiles or birds shall be permitted within the Condominium except in accordance with licenses to be granted by and in accordance with rules and regulations to be established by the Board of Directors. The Association may charge an application fee to cover its administrative and enforcement costs.

4. No Obstructions. No owner shall cause or permit the Common Elements, except the Limited Common Elements, to be so used as to deny to other owners the full use of such portion of the Common Elements. Walks and drives shall be kept clean and orderly. Junked, inoperative or unlicensed vehicles and vehicles licensed as trailers, vans, trucks, campers, camping trucks, house trailers, boats, boat trailers, motorcycles, mopeds, motorized bicycles, snowmobiles or land vehicles or the like shall not be stored, parked or placed on the Condominium except that "golf carts" shall be permitted in accordance with rules and regulations to be established by the Board of Directors. No vehicle shall

Adams Unit – Summary of amount due on February 6, 2013

Due from 2010 fiscal year (Covered by lien filed 17 Dec 2010)	
Assessments: two quarters at \$525 each	\$ 1050.00
Penalties for late payment: five months at \$50/month	<u>\$ 250.00</u>
	\$ 1300.00
Legal fees	\$ 325.00
Interest at 12% per annum	<u>\$ 36.75</u>
	\$ 361.75
TOTAL LIEN 1	\$ 1661.75
Due from 2011 and 2012 fiscal years (covered by lien filed 17 Oct 2012)	
Assessments: four quarters at \$540 minus \$35 credit	\$ 2125.00
Penalties for late payment: six months at \$50/month	<u>\$ 300.00</u>
	\$ 2425.00
Legal fees	\$ 430.00
Interest (lien does not specify rate)	<u>\$</u>
	\$ 430.00
TOTAL LIEN 2	\$ 2855.00
Due to date from 2012 and 2013 fiscal years (since lien filed)	
Payment	(\$ 250.00)
Assessment: one quarter at \$540	\$ 540.00)
Penalties for late payment: four months at \$50/month	<u>\$ 200.00</u>
	\$ 740.00
TOTAL (February 6, 2013)	\$ 490.00
GRAND TOTAL (February 6, 2013)	
Lien 1 amounts	\$ 1661.75
Lien 2 amounts (excluding interest)	\$ 2855.00
Since Lien 2 amounts	<u>\$ 490.00</u>
	\$ 5006.75
Expected additional late penalty for Feb 2013 (effective Feb 15)	\$ 50.00

EXHIBIT B

STATEMENT OF CONDOMINIUM LIEN

This is to certify that Jay Richard and Lisa G. Adams, Owners of the Condominium Unit, more particularly bounded and described on Exhibit A which is attached hereto and incorporated herein by reference, is indebted to Eagle Pointe Condominium Association, Inc., in the amount of one thousand three hundred dollars (\$1,300.00) as of December 1, 2010 for their proportionate share of common expenses of the Condominium, (the 3rd and 4th Quarter Assessments of five hundred twenty-five dollars (\$525.00) respectively), late fees of fifty dollars (\$50.00) per month, interest at the rate of twelve percent (12%) per annum thereon, and the costs of collection including actual attorney fees.

Dated this 17th of December, 2010.

Eagle Pointe Condominium Association,
Inc., by Sweet, Maier & Coletti, S.C., its
attorneys

By: 
Anthony A. Coletti, SNB 01018646

I hereby affirm under penalties of perjury that the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information and belief.


Anthony A. Coletti

This document was drafted by:

Attorney Anthony A. Coletti (SBN 01018646)
Sweet, Maier & Coletti, S.C.
114 N. Church Street
P.O. Box 318
Elkhorn, WI 53121-0318
(262) 723-5480

EXHIBIT C

EXHIBIT A-LEGAL DESCRIPTION OF ADAMS UNIT

Unit F, Building 1, of Eagle Pointe Condominium, being a condominium created under the Condominium Ownership Act of the State of Wisconsin by a "Declaration of Condominium for Eagle Pointe of Delbrook Estates, Inc. Condominium" dated the 12th day of April, 1991, and recorded the 18th day of April, 1991, in the office of the Register of Deeds for Walworth County, Wisconsin, in Volume 516 of Records, at Page 733 through 771 as Document No. 209734 and by a Condominium Plat therefore;

Together with all appurtenant rights, title and interests, including (without limitation):

- a) the undivided percentage interest in all Common Elements as specified for such Unit in the aforementioned Declaration;
- b) the right to use of the areas and/or facilities, if any, specified in the aforementioned Declaration, as Limited Common Elements for such Unit; and
- c) membership in the Eagle Pointe Owner's Association, Inc. (hereafter the "Owner's Association"), a not for profit home owners, as provided for in the aforementioned Declaration and in any Articles of Incorporation and/or Bylaws for such Owner's Association.

VALIDATION NOTICE AND DEBT COLLECTION WARNING

TO: Jay Richard and Lisa G. Adams
102-F Eagle Pointe Drive
Delavan, WI 53115

1. Sweet, Maier & Coletti, S.C., is the creditor's law firm and is attempting to collect a debt for the creditor. This is an attempt to collect a debt and any information the debtor provides to Sweet, Maier & Coletti, S.C., will be used for that purpose.
2. The amount of the debt is stated in the Condominium Lien attached hereto.
3. Eagle Pointe Condominium Association, Inc. as named in the attached Condominium Lien is the creditor to whom the debt is owed.
4. The debt described in the Condominium Lien attached hereto will be assumed to be valid by Sweet, Maier & Coletti, S.C., unless the debtor, within thirty (30) days after the receipt of this notice, disputes, in writing, the validity of the debt or any portion thereof.
5. If the debtor notifies Sweet, Maier & Coletti, S.C., in writing within thirty (30) days of the receipt of this notice that the debt or any portion thereof is disputed, Sweet, Maier & Coletti, S.C., will obtain a verification of the debt and a copy of the verification will be mailed to the debtors by Sweet, Maier & Coletti, S.C.
6. If the creditor named in the attached Condominium Lien is not the original creditor, and if the debtor makes a written request to Sweet, Maier & Coletti, S.C., within thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtors by Sweet, Maier & Coletti, S.C.
7. Written requests should be addressed to Sweet, Maier & Coletti, S.C., 114 N. Church Street, P.O. Box 318, Elkhorn, Wisconsin, 53121.

114 N. Church St., P. O. Box 318, Elkhorn, WI 53121
www.wisclaw.com
Telephone (262) 723-5480 · Facsimile (262) 723-2180

Case number 12 C0399

COPY

STATEMENT OF CONDOMINIUM LIEN

This is to certify that Walworth County, Wisconsin, the current Owner of the Condominium Unit, more particularly bounded and described on Exhibit "A" which is attached hereto and incorporated herein by reference, is indebted to Eagle Pointe Condominium Association, Inc., in the amount of Two Thousand Seven Hundred Eighty Six and 75/100 Dollars (\$2,786.75) as of October 16, 2012 for their proportionate share of common expenses of the Condominium, late fees, interest, and the costs of collection including actual attorney fees, all as itemized on attached Exhibit "B" which is attached hereto and incorporated by reference

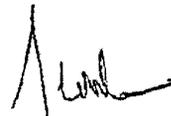
Dated as of the 16th of October, 2012.

Eagle Pointe Condominium Association,
Inc., by Sweet, Maier & Coletti, S.C., its
attorneys

FILED
CIRCUIT COURT
OCT 17 2012

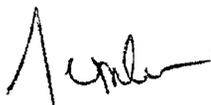
CLERK OF COURTS-WALWORTH CO

By:



John L. Maier, Jr., SBN 1016034

I hereby affirm under penalties of perjury that the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information and belief.



John L. Maier, Jr.

DOCKETED 10-17-2012 @ 12:55 P
Comp W on

This document was drafted by:

Attorney John L. Maier, Jr. (SBN 1016034)
Sweet & Maier, S.C.
114 N. Church Street
P.O. Box 318
Elkhorn, WI 53121-0318
(262) 723-5480

EXHIBIT D

EXHIBIT A-LEGAL DESCRIPTION OF ADAMS UNIT

Unit F, Building 1, of Eagle Pointe Condominium, being a condominium created under the Condominium Ownership Act of the State of Wisconsin by a "Declaration of Condominium for Eagle Pointe of Delbrook Estates, Inc. Condominium" dated the 12th day of April, 1991, and recorded the 18th day of April, 1991, in the office of the Register of Deeds for Walworth County, Wisconsin, in Volume 516 of Records, at Page 733 through 771 as Document No. 209734 and by a Condominium Plat therefore;

Together with all appurtenant rights, title and interests, including (without limitation):

- a) the undivided percentage interest in all Common Elements as specified for such Unit in the aforementioned Declaration;
- b) the right to use of the areas and/or facilities, if any, specified in the aforementioned Declaration, as Limited Common Elements for such Unit; and
- c) membership in the Eagle Pointe Owner's Association, Inc. (hereafter the "Owner's Association"), a not for profit home owners, as provided for in the aforementioned Declaration and in any Articles of Incorporation and/or Bylaws for such Owner's Association.

EXHIBIT B-ITEMIZED CHARGES

Unit 102-F – Status of Amounts Due

1.	2010 Amounts due December 1, 2010		
a.	Assessments		
	2010 3 rd quarter assessment	\$ 525.00	
	2010 4 th quarter assessment	<u>\$ 525.00</u>	
		\$ 1,050.00	
b.	Penalties for late payment of assessments at \$50 per month		
	2010 July	\$ 50.00	
	2010 August	\$ 50.00	
	2010 September	\$ 50.00	
	2010 October	\$ 50.00	
	2010 November	<u>\$ 50.00</u>	
		\$ 250.00	
c.	Legal fees		
	Billed in December 2010	\$ 262.00	
	Billed in January 2011	<u>\$ 63.00</u>	
		\$ 325.00	
d.	Interest on unpaid assessments at 12% per annum = 1% per month		
	\$525 3 rd quarter assessment for 5 months	\$ 26.25	
	\$525 4 th quarter assessment for 2 months	<u>\$ 10.50</u>	
		\$ 36.75	
	SUB-TOTAL 2010 AMOUNT OWING		\$ 1,661.75
2.	2012 Amounts due as of October 16, 2012		
a.	Assessments		
	2012 1 st quarter assessment/partial	\$ 505.00	
	2012 2 nd quarter assessment	\$ 540.00	
	2012 3 rd quarter assessment	\$ 540.00	
	2012 4 th quarter assessment	<u>\$ 540.00</u>	
		\$ 2,125.00	
b.	Penalties for late payment at \$50 per month 6 months	\$ 300.00	
	SUB-TOTAL 2012 AMOUNT OWING		\$ 2,425.00
	LESS: Filed Lien #10-CO-270 Walworth County Dated December 10, 2010/Docketed December 20, 2010	<u>(\$ 1,300.00)</u>	
	TOTAL AMOUNT OWING AS OF 10/16/2012		<u>\$ 2,786.75</u>

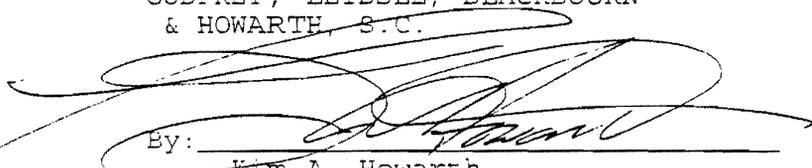
NOTICE OF INTENT TO FORECLOSE LIEN
PURSUANT TO S 703.165(7)

March 6, 2013

TO: Jay Richard and Lisa G. Adams
102-F Eagle Pointe Drive
Delavan, WI 53115

PLEASE TAKE NOTICE that after 10 days from mailing this Notice by registered mail, return receipt requested, an action will be brought in the Circuit Court of Walworth County, Wisconsin, to foreclose the attached liens on Unit F, Building 1, of Eagle Pointe Condominium, unless paid in full prior thereto. Please take further notice, that the undersigned may seek a deficiency judgment if any arises in that same proceeding as further permitted by law.

GODFREY, LEIBSLE, BLACKBOURN
& HOWARTH, S.C.

By: 
Kim A. Howarth

THIS COMMUNICATION IS FROM A DEBT COLLECTOR.
THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

VIA REGISTERED MAIL/RETURN RECEIPT REQUESTED

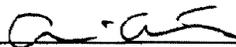
EXHIBIT E

STATEMENT OF CONDOMINIUM LIEN

This is to certify that Jay Richard and Lisa G. Adams, Owners of the Condominium Unit, more particularly bounded and described on Exhibit A which is attached hereto and incorporated herein by reference, is indebted to Eagle Pointe Condominium Association, Inc., in the amount of one thousand three hundred dollars (\$1,300.00) as of December 1, 2010 for their proportionate share of common expenses of the Condominium, (the 3rd and 4th Quarter Assessments of five hundred twenty-five dollars (\$525.00) respectively), late fees of fifty dollars (\$50.00) per month, interest at the rate of twelve percent (12%) per annum thereon, and the costs of collection including actual attorney fees.

Dated this 17th of December, 2010.

Eagle Pointe Condominium Association,
Inc., by Sweet, Maier & Coletti, S.C., its
attorneys

By: 
Anthony A. Coletti, SNB 01018646

I hereby affirm under penalties of perjury that the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information and belief.


Anthony A. Coletti

This document was drafted by:

Attorney Anthony A. Coletti (SBN 01018646)
Sweet, Maier & Coletti, S.C.
114 N. Church Street
P.O. Box 318
Elkhorn, WI 53121-0318
(262) 723-5480

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Unit F, Building 1, of Eagle Pointe Condominium, being a condominium created under the Condominium Ownership Act of the State of Wisconsin by a "Declaration of Condominium for Eagle Pointe of Delbrook Estates, Inc. Condominium" dated the 12th day of April, 1991, and recorded the 18th day of April, 1991, in the office of the Register of Deeds for Walworth County, Wisconsin, in Volume 516 of Records. at Page 733 through 771 as Document No. 209734 and by a Condominium Plat therefore;

Together with all appurtenant rights, title and interests, including (without limitation):

- a) the undivided percentage interest in all Common Elements as specified for such Unit in the aforementioned Declaration;
- b) the right to use of the areas and/or facilities, if any, specified in the aforementioned Declaration, as Limited Common Elements for such Unit; and
- c) membership in the Eagle Pointe Owner's Association, Inc. (hereafter the "Owner's Association"), a not for profit home owners, as provided for in the aforementioned Declaration and in any Articles of Incorporation and/or Bylaws for such Owner's Association.

VALIDATION NOTICE AND DEBT COLLECTION WARNING

TO: Jay Richard and Lisa G. Adams
102-F Eagle Pointe Drive
Delavan, WI 53115

1. Sweet, Maier & Coletti, S.C., is the creditor's law firm and is attempting to collect a debt for the creditor. This is an attempt to collect a debt and any information the debtor provides to Sweet, Maier & Coletti, S.C., will be used for that purpose.
2. The amount of the debt is stated in the Condominium Lien attached hereto.
3. Eagle Pointe Condominium Association, Inc. as named in the attached Condominium Lien is the creditor to whom the debt is owed.
4. The debt described in the Condominium Lien attached hereto will be assumed to be valid by Sweet, Maier & Coletti, S.C., unless the debtor, within thirty (30) days after the receipt of this notice, disputes, in writing, the validity of the debt or any portion thereof.
5. If the debtor notifies Sweet, Maier & Coletti, S.C., in writing within thirty (30) days of the receipt of this notice that the debt or any portion thereof is disputed, Sweet, Maier & Coletti, S.C., will obtain a verification of the debt and a copy of the verification will be mailed to the debtors by Sweet, Maier & Coletti, S.C.
6. If the creditor named in the attached Condominium Lien is not the original creditor, and if the debtor makes a written request to Sweet, Maier & Coletti, S.C., within thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtors by Sweet, Maier & Coletti, S.C.
7. Written requests should be addressed to Sweet, Maier & Coletti, S.C., 114 N. Church Street, P.O. Box 318, Elkhorn, Wisconsin, 53121.

114 N. Church St., P. O. Box 318, Elkhorn, WI 53121
www.wisclaw.com
Telephone (262) 723-5480 · Facsimile (262) 723-2180

Case number 12 00899

COPY

STATEMENT OF CONDOMINIUM LIEN

This is to certify that Walworth County, Wisconsin, the current Owner of the Condominium Unit, more particularly bounded and described on Exhibit "A" which is attached hereto and incorporated herein by reference, is indebted to Eagle Pointe Condominium Association, Inc., in the amount of Two Thousand Seven Hundred Eighty Six and 75/100 Dollars (\$2,786.75) as of October 16, 2012 for their proportionate share of common expenses of the Condominium, late fees, interest, and the costs of collection including actual attorney fees, all as itemized on attached Exhibit "B" which is attached hereto and incorporated by reference

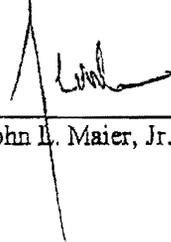
Dated as of the 16th of October, 2012.

Eagle Pointe Condominium Association,
Inc., by Sweet, Maier & Coletti, S.C., its
attorneys

FILED
CIRCUIT COURT
OCT 17 2012

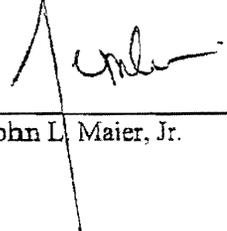
CLERK OF COURTS-WALWORTH CO

By:



John L. Maier, Jr., SBN 1016034

I hereby affirm under penalties of perjury that the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information and belief.



John L. Maier, Jr.

DOCKETED 10-17-2012 @ 12:55 P
Comp W DW

This document was drafted by:

Attorney John L. Maier, Jr. (SBN 1016034)
Sweet & Maier, S.C.
114 N. Church Street
P.O. Box 318
Elkhorn, WI 53121-0318
(262) 723-5480

EXHIBIT A-LEGAL DESCRIPTION OF ADAMS UNIT

Unit F, Building 1, of Eagle Pointe Condominium, being a condominium created under the Condominium Ownership Act of the State of Wisconsin by a "Declaration of Condominium for Eagle Pointe of Delbrook Estates, Inc. Condominium" dated the 12th day of April, 1991, and recorded the 18th day of April, 1991, in the office of the Register of Deeds for Walworth County, Wisconsin, in Volume 516 of Records, at Page 733 through 771 as Document No. 209734 and by a Condominium Plat therefore;

Together with all appurtenant rights, title and interests, including (without limitation):

- a) the undivided percentage interest in all Common Elements as specified for such Unit in the aforementioned Declaration;
- b) the right to use of the areas and/or facilities, if any, specified in the aforementioned Declaration, as Limited Common Elements for such Unit; and
- c) membership in the Eagle Pointe Owner's Association, Inc. (hereafter the "Owner's Association"), a not for profit home owners, as provided for in the aforementioned Declaration and in any Articles of Incorporation and/or Bylaws for such Owner's Association.

EXHIBIT B-ITEMIZED CHARGES

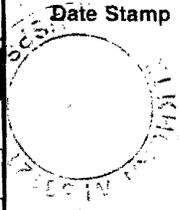
Unit 102-F – Status of Amounts Due

1.	2010 Amounts due December 1, 2010		
	a.	Assessments	
		2010 3 rd quarter assessment	\$ 525.00
		2010 4 th quarter assessment	<u>\$ 525.00</u>
			\$ 1,050.00
	b.	Penalties for late payment of assessments at \$50 per month	
		2010 July	\$ 50.00
		2010 August	\$ 50.00
		2010 September	\$ 50.00
		2010 October	\$ 50.00
		2010 November	<u>\$ 50.00</u>
			\$ 250.00
	c.	Legal fees	
		Billed in December 2010	\$ 262.00
		Billed in January 2011	<u>\$ 63.00</u>
			\$ 325.00
	d.	Interest on unpaid assessments at 12% per annum = 1% per month	
		\$525 3 rd quarter assessment for 5 months	\$ 26.25
		\$525 4 th quarter assessment for 2 months	<u>\$ 10.50</u>
			\$ 36.75
		SUB-TOTAL 2010 AMOUNT OWING	\$ 1,661.75
2.	2012 Amounts due as of October 16, 2012		
	a.	Assessments	
		2012 1 st quarter assessment/partial	\$ 505.00
		2012 2 nd quarter assessment	\$ 540.00
		2012 3 rd quarter assessment	\$ 540.00
		2012 4 th quarter assessment	<u>\$ 540.00</u>
			\$ 2,125.00
	b.	Penalties for late payment at \$50 per month 6 months	\$ 300.00
		SUB-TOTAL 2012 AMOUNT OWING	\$ 2,425.00
		LESS: Filed Lien #10-CO-270 Walworth County	(\$ 1,300.00)
		Dated December 10, 2010/Docketed December 20, 2010	
		TOTAL AMOUNT OWING AS OF 10/16/2012	<u>\$ 2,786.75</u>

Registered No.
56490 507 911 US

Date Stamp

To Be Completed By Post Office	Reg. Fee	17.20
	Handling Charge	Return Receipt 2.55
	Postage	Restricted Delivery
	Received by	022 14-41
	Customer Must Declare Full Value	<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance



Domestic insurance up to \$25,000 is included in the fee. International indemnity is limited. (See Reverse).

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Kim A. Howarth, Esq. Godfrey, Leisole, Blackburn + Huerth 354 Seymour Ct Elkhorn, WI 53121
	TO	Jay Richard and Lisa G. Adams 102-F Eagle Pointe Dr. Pewaukee, WI 53115

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
May 2004 (7530-02-000-9051) (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com

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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
RB490507911US	First-Class Mail®	Available for Pickup	March 12, 2013, 8:18 am	DELAVAN, WI 53115	Expected Delivery By: March 7, 2013 Registered Mail™ Return Receipt
		Notice Left	March 07, 2013, 10:32 am	DELAVAN, WI 53115	
		Arrival at Unit	March 07, 2013, 8:07 am	DELAVAN, WI 53115	
		Dispatched to Sort Facility	March 06, 2013, 5:36 pm	ELKHORN, WI 53121	
		Acceptance	March 06, 2013, 4:37 pm	ELKHORN, WI 53121	

Check on Another Item

What's your label (or receipt) number?

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payment of any charge or assessment imposed by the Board, the Board shall have the authority for and on behalf of itself and said Association and as the representative of all Unit owners, to exercise and enforce any and all rights and remedies as may be provided in the Act, the By-Laws, this Declaration or otherwise available at law or in equity, for the collection of all such unpaid charges or assessments.

7.07 Rental During Foreclosure: In the event of the foreclosure of a lien for unpaid common expenses, the Unit owner who is the defendant in such proceeding shall be required to pay a reasonable rental for such Unit.

7.08 Exception to Liability for Assessments: Notice is hereby given that pursuant to Section 703.16(6) of the Wisconsin Statutes certain liens are given priority over the lien of the Association for unpaid assessments. These exceptions include liens of general and special taxes; all sums unpaid on a first mortgage recorded prior to the making of the assessment; mechanic's liens filed prior to the making of the assessment; all sums unpaid on any mortgage loan made under s. 45.80, 1989 stats.; and a lien under s. 292.31(8)(I) or 292.81.

7.09 Amendments: Except for such amendments as may be required to conform any provision of the Declaration to the requirements of law, all amendments to this Article VII shall only be effective upon the written consent of 75% of the Owners and their mortgagees. No Unit Owner may exempt himself/herself/itself from liability for his/her/its contribution towards the Common Expenses by waiver of the use of enjoyment of any of the Common Elements and facilities or by abandonment of his/her/its Unit.

ARTICLE VIII

COVENANTS AND RESTRICTIONS AS TO USE AND OCCUPANCY

8.01 The Units and Common Elements shall be occupied and used as provided in the Declaration of Condominium and the Amendments of record thereto. In addition, the following use restrictions shall apply:

(a) Hazardous Uses and Waste: Nothing shall be done or kept in any Unit or in the Common Elements which will increase the rate of insurance on the Property, or contents thereof, without the prior written consent of the Board. No Owner shall permit anything to be done or kept in his/her/its Unit or in the Common Elements which will result in the cancellation of insurance on the Property, or contents thereof, or which would be in violation of any law. No waste shall be committed in the Common Elements.

(b) Exterior Exposure of Building: The provisions of Article XI, section 6, are hereby deleted and the following provision is adopted in its place and stead.

Owners shall not cause nor permit anything to be hung or displayed on the outside



Board of Supervisors

April 3, 2013

Kimberly S. Bushey
Walworth County Clerk

Dear Madam Clerk:

On July 10, 2012, I submitted a letter to the County Board regarding the possibility of waiving zoning fees in certain instances as a means of stimulating economic activity in the County. A copy of the letter is attached.

The letter was last discussed at the October 18, 2012 meeting of the Finance Committee. Pursuant to Section 2-65(c)(3) of the Code of Ordinances, I request that the item be placed on the April County Board agenda, along with my request for the Board to recall the item from the Finance Committee and for the Board to take action on the proposal on the evening of April 16th.

Very truly yours,

Rick Stacey
Supervisor, District 1

RS/tlw
Enclosure

Cc: David Bretl, County Administrator

100 W. Walworth
P.O. Box 1001
Elkhorn, WI 53121
262.741.7943 Tel
262.741.4390 Fax



July 10, 2012

Walworth County Board of Supervisors

Re: Property Foreclosures

Dear Supervisors:

The economic downturn, which began in 2008, is still with us. Our constituents are facing many problems, including the loss of income and, in some cases, their homes.

I am asking the County Zoning Agency to consider waiving fees, such as re-zone and conditional use fees, for properties that are or were recently purchased out of foreclosure. I realize that this may cause a loss of revenue for the zoning department so I am also requesting consideration of using county contingency funds to ensure that the department stays within budget.

I am asking that this communication be referred to the County Zoning Agency and Finance committees. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Stacey", written over a horizontal line.

Rick Stacey
County Board Supervisor, District 1

100 W. Walworth
P.O. Box 1001
Elkhorn, WI 53121
262.741.4357 tel
262.741.4390 fax

RECEIVED

MAR 25 2013

WALWORTH COUNTY BOARD

March 22, 2013

Walworth County Board of Supervisors
100 West Walworth
P.O. Box 1001
Elkhorn, WI 53121

Re: Illegal transient rentals of property at 3301 and 3305 Bay Road, Delavan, WI

My name is Sandra Cutler and I live at 3302 Bay Road on Lake Delavan. I am writing to ask for your help in solving a problem that has become a serious issue to me and other residents of Bay Road. We are zoned as Residential, single family. Renting to the transient public violates the Walworth County Code of Ordinances – Zoning and Shoreland Zoning. Therefore, transient stays for compensation within the dwellings are not permitted.

Starting in May of 2012 two of our neighbors began renting their homes. Our immediate neighbor, Michael Collyer at 3301 Bay Road, rented his home from the early part of May through the end of September. Another neighbor, Roger Moore at 3305 Bay Road also began renting in May and continues to rent to this day. The noise, traffic, destruction of private property, and loss of our personal peace of mind has become a very serious issue. My husband was fighting cancer and having the home right next to ours become a constant "Party House" was a serious problem for us. My husband was unable to rest, the stress of trying to keep the next door "renters" off our property, picking up beer bottles left on "our" dock, trash left in "our" yard, cars blocking our ability to come and go from our own home was an unbelievable stress for my very ill husband. Unfortunately, my husband passed away in December. I have no doubt that the stress caused by our battle to regain the peace and tranquility of our own home played a role in his death. I know for a fact that it ruined his last year in his own home.

My husband and I have filed over 13 separate complaints with the County. We focused on Mr. Collyer at 3301 Bay Road as his home (and pool) is very close to our home and it was our most immediate concern. Mr. Collyer was cited and fined. He negotiated with the County to forgive several of his fines and in agreeing to pay the two remaining fines he stated he would no longer rent his home to short term transient renters. However, he did continue to rent it.

In February I became aware of his intent to try to get a Conditional Use Permit to allow him to operate his home as a Bed and Breakfast. I and several neighbors went to the Town of Delavan Plan Commission meeting on Tuesday, February 5, 2013 and requested that the permit be denied. Fortunately, it was denied and subsequently that denial was upheld at the meeting of the whole Board on February 11th. However, the County Attorney, Michael Cotter, who is fully aware of the circumstances of this past year feels it is very likely that Mr. Collyer will simply begin his illegal rentals again as soon as the spring and summer season arrives. He assures me that if he does, the county will file a law suit against him.

Mr. Roger Moore at 3305 Bay Road has also been renting his home to transient renters since late May of 2012 and has continued to rent it nearly every weekend throughout the fall and winter. Mr. Moore purchased the property at 3305 Bay Road in December of 2011. He spent the winter having the home remodeled to accommodate his plans for rentals and began renting it in May of 2012. He has never lived in the home. He purchased it for the purpose of renting it even knowing that the zoning regulations did not allow for short term rentals. My husband and I spoke with him about it and showed

him the zoning regulations. I have been told by Attorney Cotter that a letter has been sent to him informing him of the illegality of renting his home to transient renters. To date he continues the rentals.

After speaking to some of his renters, I was informed that they found the property on the internet. I also understand from Attorney Cotter that he may be using the services of Keefe Real Estate to rent his property. This is not the only home that Mr. Moore owns on Lake Delavan for the purpose of rentals. He also has a property manager, Karyn Rossi. I have spoken to her and she informed me that we he was allowed to rent it to the transient public. I spoke with Attorney Cotter and filed a complaint. He assures me Mr. Moore is NOT allowed to rent it to the transient public for short term rentals. Ms. Rossi, his property manager, can be reached at 262-358-1322.

An additional issue that I believe you should be made aware of is that Bay Road is a Private road owned by Northwestern Settlement which runs a Not For Profit Camp called House in the Woods. Valerie Wright, who runs the camp has also expressed her strong opposition to the rentals as well as the request by the Collyer's for a Provisional Use Permit for a Bed and Breakfast. I will enclose a copy of her letter.

We, as home owners at the end of Bay Road, have permission to pass over the road to access our homes. As I mentioned earlier, there are only six homeowners so there is normally very little traffic on the road. As homeowners, we are aware of the Camp and the fact that there are often children crossing the road frequently as the Camp is located on both sides of the road so we drive very carefully and slowly, always watching for children or other campers on the road. However, with the constant rentals going on at 3301 and 3305, the traffic has increased by 20 fold. Mr. Collyer alone has in excess of 20 to 30 people renting his home at any given time. Mr. Moore also has large numbers of cars coming and going constantly. As Ms. Wright mentions in her letter, the renters have been seen driving very fast and carelessly. They have also parked in the Camp parking lot, ignoring the signs posted there stating it is for the use of the Camp only.

My concern is, what is going to happen if one of these constantly changing renters, unfamiliar with the narrow, curving road and the young people crossing the road at all times of the day, hits and injures or kills one of these children. I believe the County could very likely be held liable. Especially as they have been made aware of the issue and the serious concerns of the homeowners on Bay Road. The fact that I, as a homeowner on Bay Road, have filed numerous complaints and the zoning regulations clearly state that short term transient rentals of the homes here are not legal, and the County has been made aware of the issue, I believe this leaves the County open to serious legal liability.

It is fairly clear that both Mr. Collyer and Mr. Moore have no regard for the zoning regulations and feel free to continue renting their homes at will. I am asking you to please address this violation of the zoning regulations and stop these rentals before the heavy rental season begins again this year.

My husband and I purchased our home in this neighborhood (it is one of only six) because of the quiet, peaceful location. We did our research before spending \$1.7 million for our home to make sure that the zoning regulations did not allow for anything other than single family residences. We were aware that some areas of Lake Delavan did allow for short term rentals and we wanted to be assured that would not be the case here if we were to buy. Our real estate agent, coincidentally also from Keefe Real Estate, assured us that short term rentals were not allowed here. We also got assurance from Walworth County. Unfortunately, as I have stated, those assurances have proved worthless. Even with all of our

efforts, Mr. Collyer continued to rent his property throughout the summer and fall and Mr. Moore continues to rent his property.

I would like to know what can be done to stop this blatant disregard for the zoning regulations in our neighborhood. Any help you can give me would be very much appreciated.

Thank you in advance for your help.

Sandra Cutler (262-728-4552)
3302 Bay Road, Delavan, WI 53115

Cc: Michael Cotter

February 6, 2013

Zoning Commission
Town of Delavan
5621 Town Hall Road,
Delavan, WI 53115

Commissioners

I am writing to register my opposition to the creation of a Bed and Breakfast on the island of Delavan. I am a year around resident of the Town of Delavan. I live and work on Bay Road and the camp I manage is located adjacent to the house that would like to become a B&B.

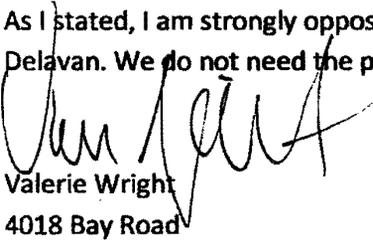
I work for Northwestern Settlement, which owns extensive property on the island including Bay Road. We provide an easement through our property so homeowners can access their homes on the tip of the island. If the house in question becomes a B&B, we will see increased traffic on Bay Road. That road runs directly through our camp grounds. Increased traffic raises safety concerns for our campers, our guests and visitors to the Island of Delavan. Bay Road is a curving country road and can be tricky to maneuver at night and in inclement weather.

We are also concerned that the house will become a rental party spot rather than a traditional Bed and Breakfast. We have already had some indication that this will happen. There have been several instances of late night parties. We have also seen vehicles from that house speeding down Bay Road and our parking lot was vandalized with broken beer bottles.

Parking is another issue. Several visitors to the house in question have parked in our parking lot despite the signs posted there. Given the large size of the house, parking for visitors staying at the Bed and Breakfast could be a problem.

Finally, there is the question of the impact of a business such as this on the neighborhood. The Island of Delavan and Ravenswood is a quiet, residential area. If the zoning is changed, will it establish a precedent and open the door to further home rentals and other businesses?

As I stated, I am strongly opposed to any changes to the current zoning on the Island of Delavan. We do not need the potential problems a Bed and Breakfast may create.



Valerie Wright
4018 Bay Road
Delavan, Wisconsin 53115
(262) 725-7707

**OUTAGAMIE COUNTY BOARD MEETING
FEBRUARY 26, 2013**

Resolution No. 120--2012-2013

ROLL CALL to adopt as amended. RESOLUTION NO--120 --2012-2013 IS ADOPTED AS AMENDED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	YES	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	YES
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	NO
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 4 Passed (31 YES - 1 NO)			Maj

**OUTAGAMIE COUNTY BOARD MEETING
FEBRUARY 26, 2013**

Resolution No. 120--2012-2013

Supervisor Duncan moved, seconded by Supervisor Mahan, to amend Resolution No. 120--2012-2013 as follows: To eliminate on line 5 the sentence, "The current statute is outdated and needs to be changed to mirror the decision of the U.S. Supreme Court." Add on lines 14-16 the word after the words "work release" "resulting from arrests or convictions for any felony or a misdemeanor charged under Wis. Stat. s. 167.30(1), 940.19, 941.20(1), 941.23, 941.237, 941.24, 948.60 or 948.61".

ROLL CALL to amend. RESOLUTION NO. 120--2012-2013 IS AMENDED

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	YES	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	YES
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	NO
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 3 Passed (31 YES - 1 NO)			Maj

**OUTAGAMIE COUNTY BOARD MEETING
January 22, 2013**

Resolution No. 120—2012-2013

Supervisor Pleuss moved, seconded by Supervisor Schmidt, to refer this Resolution to the Legislative/Audit and Human Resources Committee for review.

RESOLUTION 120—2012-2013 IS REFERRED TO THE LEGISLATIVE/AUDIT AND HUMAN RESOURCES COMMITTEE.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	YES	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	YES
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	NO
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	NO
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 8 Passed (33 YES - 2 NO)			Maj

RESOLUTION NO.: 120--2012-13

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 A recent U.S. Supreme Court decision has granted the authority to jails to strip search anyone
2 arrested who will be placed in general population. While this is good for Corrections, our
3 current Wisconsin State Statute related to strip searches (968.255) is more stringent and puts
4 difficult limitations on who can be strip searched and why.
5

6
7 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
8 adoption of the following resolution.

9 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize the
10 Outagamie County Lobbyist to request the state legislature re-examine Wisconsin State Statute 968.255
11 regarding strip searches and to clarify the language contained therein in light of the recent U.S. Supreme
12 Court decision in Florence v. Board of Chosen Freeholders of the County of Burlington, April 2012, and
13 to consider permitting strip searches of newly incarcerated inmates who have been taken into custody on
14 existing warrants, probation holds or who are returning from work release resulting from arrests or
15 convictions for any felony or a misdemeanor charged under Wis. Stat. s. 167.30(1), 940.19, 941.20(1),
16 941.23, 941.237, 941.24, 948.60 or 948.61 instead of restricting those searches to persons newly arrested
17 for felonies or certain misdemeanors, and

18 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
19 of this resolution to all other Wisconsin Counties, the Outagamie County Sheriff, the Outagamie County
20 Lobbyist for distribution to the State Legislature and the Outagamie County Executive.

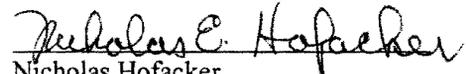
21 Dated this 21st day of February, 2013
22

23 Respectfully Submitted,
24 PUBLIC SAFETY COMMITTEE
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James Duncan

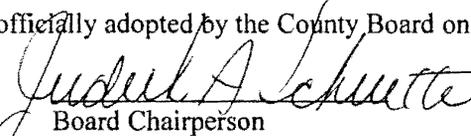
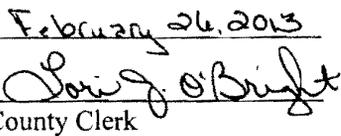

Lee W. Hammen


Nicholas Hofacker

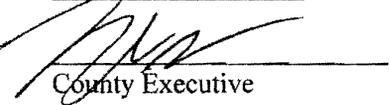

Katrin Patience


Tony Kraeger

Duly and officially adopted by the County Board on: February 26, 2013

Signed:  Board Chairperson  County Clerk

Approved: 2-28-13 Vetoed: _____

Signed: 
County Executive

**OUTAGAMIE
COUNTY
SHERIFF'S
DEPARTMENT**



Sheriff BRADLEY G. GEHRING

320 S. Walnut Street
Appleton, WI 54911-5918
Phone (920) 832-5605
Fax (920) 832-5263
TDD (920) 832-5007
EMERGENCY 9-1-1

www.co.outagamie.wi.us/sheriff/index.htm

September 12, 2012

TO: County Executive Thomas Nelson
FROM: Sheriff Bradley G. Gehring
RE: Inmate Searches

I would like to bring to your attention a recent U.S. Supreme Court decision that has a major impact on how jails search inmates. The specific case is Florence v. Board of Chosen Freeholders of the County of Burlington, April 2012. This new U.S. Supreme Court decision has granted the authority to jails to strip search anyone arrested who will be placed in general population. This is the good news for Corrections—the bad news is that our current Wisconsin State Statute related to strip searches (968.255) is more stringent and puts difficult limitations on whom and why a person can be strip searched. The current statute is outdated and needs to be changed to mirror the decision of the U.S. Supreme Court.

There are over 70 jails in Wisconsin that are affected by this change. These jails admitted more than 226,000 inmates in 2011. Jail staff has struggled with strip searches for many years. In 2004, St. Croix County settled a law suit for \$7 million related to strip search procedures. Also concerning is the fact that a "savvy criminal" understands the current strip search law which mandates certain criminal offenses or probable cause in order to conduct a strip search. This in itself creates a dangerous environment for other inmates, visitors and corrections staff.

Jails need the authority to conduct a thorough strip search of an inmate entering general population for the safety and security of the facility, the safety of jail staff and visitors, and the wellbeing of all inmates. Strip searches are an important tool for corrections staff. Strip searches aid in identifying medical concerns, gang affiliations, and contraband. They also deter attempts to smuggle weapons, drugs or other prohibited items into the jail.

For your reference I have attached the U.S. Supreme Court's decision, Wisconsin State Statute 968.255, and articles related to this topic.

I am asking that you support the change in Wisconsin State Statute 968.255. Furthermore, if needed, I will avail my staff to be part of a group to rewrite the current Wisconsin State Statute to conform to the intentions of the U.S. Supreme Court.

BGG/dll

"Protecting and Serving Our Community Since 1851"

(Slip Opinion)

OCTOBER TERM, 2011

1

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

**FLORENCE v. BOARD OF CHOSEN FREEHOLDERS
OF COUNTY OF BURLINGTON ET AL.**

**CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE THIRD CIRCUIT**

No. 10–945. Argued October 12, 2011—Decided April 2, 2012

Petitioner was arrested during a traffic stop by a New Jersey state trooper who checked a statewide computer database and found a bench warrant issued for petitioner's arrest after he failed to appear at a hearing to enforce a fine. He was initially detained in the Burlington County Detention Center and later in the Essex County Correctional Facility, but was released once it was determined that the fine had been paid. At the first jail, petitioner, like every incoming detainee, had to shower with a delousing agent and was checked for scars, marks, gang tattoos, and contraband as he disrobed. Petitioner claims that he also had to open his mouth, lift his tongue, hold out his arms, turn around, and lift his genitals. At the second jail, petitioner, like other arriving detainees, had to remove his clothing while an officer looked for body markings, wounds, and contraband; had an officer look at his ears, nose, mouth, hair, scalp, fingers, hands, armpits, and other body openings; had a mandatory shower; and had his clothes examined. Petitioner claims that he was also required to lift his genitals, turn around, and cough while squatting. He filed a 42 U. S. C. §1983 action in the Federal District Court against the government entities that ran the jails and other defendants, alleging Fourth and Fourteenth Amendment violations, and arguing that persons arrested for minor offenses cannot be subjected to invasive searches unless prison officials have reason to suspect concealment of weapons, drugs, or other contraband. The court granted him summary judgment, ruling that "strip-searching" nonindictable offenders without reasonable suspicion violates the Fourth Amendment. The Third Circuit reversed.

Held: The judgment is affirmed.

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COUNTY OF BURLINGTON

Syllabus

621 F. 3d 296, affirmed.

JUSTICE KENNEDY delivered the opinion of the Court, except as to Part IV, concluding that the search procedures at the county jails struck a reasonable balance between inmate privacy and the needs of the institutions, and thus the Fourth and Fourteenth Amendments do not require adoption of the framework and rules petitioner proposes. Pp. 5–18, 19.

(a) Maintaining safety and order at detention centers requires the expertise of correctional officials, who must have substantial discretion to devise reasonable solutions to problems. A regulation impinging on an inmate's constitutional rights must be upheld "if it is reasonably related to legitimate penological interests." *Turner v. Safley*, 482 U. S. 78, 89. This Court, in *Bell v. Wolfish*, 441 U. S. 520, 558, upheld a rule requiring pretrial detainees in federal correctional facilities "to expose their body cavities for visual inspection as a part of a strip search conducted after every contact visit with a person from outside the institution[s]," deferring to the judgment of correctional officials that the inspections served not only to discover but also to deter the smuggling of weapons, drugs, and other prohibited items. In *Block v. Rutherford*, 468 U. S. 576, 586–587, the Court upheld a general ban on contact visits in a county jail, noting the smuggling threat posed by such visits and the difficulty of carving out exceptions for certain detainees. The Court, in *Hudson v. Palmer*, 468 U. S. 517, 522–523, also recognized that deterring the possession of contraband depends in part on the ability to conduct searches without predictable exceptions when it upheld the constitutionality of random searches of inmate lockers and culls even without suspicion that an inmate is concealing a prohibited item. These cases establish that correctional officials must be permitted to devise reasonable search policies to detect and deter the possession of contraband in their facilities, and that "in the absence of substantial evidence in the record to indicate that the officials have exaggerated their response to these considerations courts should ordinarily defer to their expert judgment in such matters," *Block, supra*, at 584–585.

Persons arrested for minor offenses may be among the detainees to be processed at jails. See *Atwater v. Lago Vista*, 532 U. S. 318, 354. Pp. 5–9.

(b) The question here is whether undoubted security imperatives involved in jail supervision override the assertion that some detainees must be exempt from the invasive search procedures at issue absent reasonable suspicion of a concealed weapon or other contraband. Correctional officials have a significant interest in conducting a thorough search as a standard part of the intake process. The admission of new inmates creates risks for staff, the existing detainee popula-

Cite as: 586 U. S. ____ (2012)

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Syllabus

tion, and the new detainees themselves. Officials therefore must screen for contagious infections and for wounds or injuries requiring immediate medical attention. It may be difficult to identify and treat medical problems until detainees remove their clothes for a visual inspection. Jails and prisons also face potential gang violence, giving them reasonable justification for a visual inspection of detainees for signs of gang affiliation as part of the intake process. Additionally, correctional officials have to detect weapons, drugs, alcohol, and other prohibited items new detainees may possess. Drugs can make inmates aggressive toward officers or each other, and drug trading can lead to violent confrontations. Contraband has value in a jail's culture and underground economy, and competition for scarce goods can lead to violence, extortion, and disorder. Pp. 9–13.

(c) Petitioner's proposal—that new detainees not arrested for serious crimes or for offenses involving weapons or drugs be exempt from invasive searches unless they give officers a particular reason to suspect them of hiding contraband—is unworkable. The seriousness of an offense is a poor predictor of who has contraband, and it would be difficult to determine whether individual detainees fall within the proposed exemption. Even persons arrested for a minor offense may be coerced by others into concealing contraband. Exempting people arrested for minor offenses from a standard search protocol thus may put them at greater risk and result in more contraband being brought into the detention facility.

It also may be difficult to classify inmates by their current and prior offenses before the intake search. Jail officials know little at the outset about an arrestee, who may be carrying a false ID or lie about his identity. The officers conducting an initial search often do not have access to criminal history records. And those records can be inaccurate or incomplete. Even with accurate information, officers would encounter serious implementation difficulties. They would be required to determine quickly whether any underlying offenses were serious enough to authorize the more invasive search protocol. Other possible classifications based on characteristics of individual detainees also might prove to be unworkable or even give rise to charges of discriminatory application. To avoid liability, officers might be inclined not to conduct a thorough search in any close case, thus creating unnecessary risk for the entire jail population. While the restrictions petitioner suggests would limit the intrusion on the privacy of some detainees, it would be at the risk of increased danger to everyone in the facility, including the less serious offenders. The Fourth and Fourteenth Amendments do not require adoption of the proposed framework. Pp. 13–18, 19.

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COUNTY OF BURLINGTON
Syllabus

KENNEDY, J., delivered the opinion of the Court, except as to Part IV. ROBERTS, C. J., and SCALIA and ALITO, JJ., joined that opinion in full, and THOMAS, J., joined as to all but Part IV. ROBERTS, C. J., and ALITO, J., filed concurring opinions. BREYER, J., filed a dissenting opinion, in which GINSBURG, SOTOMAYOR, and KAGAN, JJ., joined.

Cite as: 566 U. S. ____ (2012)

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Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 10-945

ALBERT W. FLORENCE, PETITIONER *v.* BOARD OF
CHOSEN FREEHOLDERS OF THE COUNTY OF
BURLINGTON ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE THIRD CIRCUIT

[April 2, 2012]

JUSTICE KENNEDY delivered the opinion of the Court,
except as to Part IV.*

Correctional officials have a legitimate interest, indeed a responsibility, to ensure that jails are not made less secure by reason of what new detainees may carry in on their bodies. Facility personnel, other inmates, and the new detainee himself or herself may be in danger if these threats are introduced into the jail population. This case presents the question of what rules, or limitations, the Constitution imposes on searches of arrested persons who are to be held in jail while their cases are being processed. The term “jail” is used here in a broad sense to include prisons and other detention facilities. The specific measures being challenged will be described in more detail; but, in broad terms, the controversy concerns whether every detainee who will be admitted to the general population may be required to undergo a close visual inspection while undressed.

The case turns in part on the extent to which this Court

* JUSTICE THOMAS joins all but Part IV of this opinion.

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COUNTY OF BURLINGTON

Opinion of the Court

has sufficient expertise and information in the record to mandate, under the Constitution, the specific restrictions and limitations sought by those who challenge the visual search procedures at issue. In addressing this type of constitutional claim courts must defer to the judgment of correctional officials unless the record contains substantial evidence showing their policies are an unnecessary or unjustified response to problems of jail security. That necessary showing has not been made in this case.

I

In 1998, seven years before the incidents at issue, petitioner Albert Florence was arrested after fleeing from police officers in Essex County, New Jersey. He was charged with obstruction of justice and use of a deadly weapon. Petitioner entered a plea of guilty to two lesser offenses and was sentenced to pay a fine in monthly installments. In 2003, after he fell behind on his payments and failed to appear at an enforcement hearing, a bench warrant was issued for his arrest. He paid the outstanding balance less than a week later; but, for some unexplained reason, the warrant remained in a statewide computer database.

Two years later, in Burlington County, New Jersey, petitioner and his wife were stopped in their automobile by a state trooper. Based on the outstanding warrant in the computer system, the officer arrested petitioner and took him to the Burlington County Detention Center. He was held there for six days and then was transferred to the Essex County Correctional Facility. It is not the arrest or confinement but the search process at each jail that gives rise to the claims before the Court.

Burlington County jail procedures required every arrestee to shower with a delousing agent. Officers would check arrestees for scars, marks, gang tattoos, and contraband as they disrobed. App. to Pet. for Cert. 53a-56a.

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Opinion of the Court

Petitioner claims he was also instructed to open his mouth, lift his tongue, hold out his arms, turn around, and lift his genitals. (It is not clear whether this last step was part of the normal practice. See *ibid.*) Petitioner shared a cell with at least one other person and interacted with other inmates following his admission to the jail. Tr. of Oral Arg. 17.

The Essex County Correctional Facility, where petitioner was taken after six days, is the largest county jail in New Jersey. App. 70a. It admits more than 25,000 inmates each year and houses about 1,000 gang members at any given time. When petitioner was transferred there, all arriving detainees passed through a metal detector and waited in a group holding cell for a more thorough search. When they left the holding cell, they were instructed to remove their clothing while an officer looked for body markings, wounds, and contraband. Apparently without touching the detainees, an officer looked at their ears, nose, mouth, hair, scalp, fingers, hands, arms, armpits, and other body openings. *Id.*, at 57a–59a; App. to Pet. for Cert. 137a–144a. This policy applied regardless of the circumstances of the arrest, the suspected offense, or the detainee's behavior, demeanor, or criminal history. Petitioner alleges he was required to lift his genitals, turn around, and cough in a squatting position as part of the process. After a mandatory shower, during which his clothes were inspected, petitioner was admitted to the facility. App. 3a–4a, 52a, 258a. He was released the next day, when the charges against him were dismissed.

Petitioner sued the governmental entities that operated the jails, one of the wardens, and certain other defendants. The suit was commenced in the United States District Court for the District of New Jersey. Seeking relief under 42 U. S. C. §1983 for violations of his Fourth and Fourteenth Amendment rights, petitioner maintained that persons arrested for a minor offense could not be required

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COUNTY OF BURLINGTON
Opinion of the Court

to remove their clothing and expose the most private areas of their bodies to close visual inspection as a routine part of the intake process. Rather, he contended, officials could conduct this kind of search only if they had reason to suspect a particular inmate of concealing a weapon, drugs, or other contraband. The District Court certified a class of individuals who were charged with a nonindictable offense under New Jersey law, processed at either the Burlington County or Essex County jail, and directed to strip naked even though an officer had not articulated any reasonable suspicion they were concealing contraband.

After discovery, the court granted petitioner's motion for summary judgment on the unlawful search claim. It concluded that any policy of "strip searching" nonindictable offenders without reasonable suspicion violated the Fourth Amendment. A divided panel of the United States Court of Appeals for the Third Circuit reversed, holding that the procedures described by the District Court struck a reasonable balance between inmate privacy and the security needs of the two jails. 621 F.3d 296 (2010). The case proceeds on the understanding that the officers searched detainees prior to their admission to the general population, as the Court of Appeals seems to have assumed. See *id.*, at 298, 311. Petitioner has not argued this factual premise is incorrect.

The opinions in earlier proceedings, the briefs on file, and some cases of this Court refer to a "strip search." The term is imprecise. It may refer simply to the instruction to remove clothing while an officer observes from a distance of, say, five feet or more; it may mean a visual inspection from a closer, more uncomfortable distance; it may include directing detainees to shake their heads or to run their hands through their hair to dislodge what might be hidden there; or it may involve instructions to raise arms, to display foot insteps, to expose the back of the ears, to move or spread the buttocks or genital areas, or to

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cough in a squatting position. In the instant case, the term does not include any touching of unclothed areas by the inspecting officer. There are no allegations that the detainees here were touched in any way as part of the searches.

The Federal Courts of Appeals have come to differing conclusions as to whether the Fourth Amendment requires correctional officials to exempt some detainees who will be admitted to a jail's general population from the searches here at issue. This Court granted certiorari to address the question. 563 U. S. ____ (2011).

II

The difficulties of operating a detention center must not be underestimated by the courts. *Turner v. Safley*, 482 U. S. 78, 84–85 (1987). Jails (in the stricter sense of the term, excluding prison facilities) admit more than 13 million inmates a year. See, e.g., Dept. of Justice, Bureau of Justice Statistics, T. Minton, Jail Inmates at Midyear 2010—Statistical Tables 2 (2011). The largest facilities process hundreds of people every day; smaller jails may be crowded on weekend nights, after a large police operation, or because of detainees arriving from other jurisdictions. Maintaining safety and order at these institutions requires the expertise of correctional officials, who must have substantial discretion to devise reasonable solutions to the problems they face. The Court has confirmed the importance of deference to correctional officials and explained that a regulation impinging on an inmate's constitutional rights must be upheld “if it is reasonably related to legitimate penological interests.” *Turner, supra*, at 89; see *Overton v. Bazzetta*, 539 U. S. 126, 131–132 (2003). But see *Johnson v. California*, 543 U. S. 499, 510–511 (2005) (applying strict scrutiny to racial classifications).

The Court's opinion in *Bell v. Wolfish*, 441 U. S. 520 (1979), is the starting point for understanding how this

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COUNTY OF BURLINGTON
Opinion of the Court

framework applies to Fourth Amendment challenges. That case addressed a rule requiring pretrial detainees in any correctional facility run by the Federal Bureau of Prisons "to expose their body cavities for visual inspection as a part of a strip search conducted after every contact visit with a person from outside the institution." *Id.*, at 558. Inmates at the federal Metropolitan Correctional Center in New York City argued there was no security justification for these searches. Officers searched guests before they entered the visiting room, and the inmates were under constant surveillance during the visit. *Id.*, at 577-578 (Marshall, J., dissenting). There had been but one instance in which an inmate attempted to sneak contraband back into the facility. See *id.*, at 559 (majority opinion). The Court nonetheless upheld the search policy. It deferred to the judgment of correctional officials that the inspections served not only to discover but also to deter the smuggling of weapons, drugs, and other prohibited items inside. *Id.*, at 558. The Court explained that there is no mechanical way to determine whether intrusions on an inmate's privacy are reasonable. *Id.*, at 559. The need for a particular search must be balanced against the resulting invasion of personal rights. *Ibid.*

Policies designed to keep contraband out of jails and prisons have been upheld in cases decided since *Bell*. In *Block v. Rutherford*, 468 U. S. 576 (1984), for example, the Court concluded that the Los Angeles County Jail could ban all contact visits because of the threat they posed:

"They open the institution to the introduction of drugs, weapons, and other contraband. Visitors can easily conceal guns, knives, drugs, or other contraband in countless ways and pass them to an inmate unnoticed by even the most vigilant observers. And these items can readily be slipped from the clothing of an innocent child, or transferred by other visitors

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permitted close contact with inmates." *Id.*, at 586.

There were "many justifications" for imposing a general ban rather than trying to carve out exceptions for certain detainees. *Id.*, at 587. Among other problems, it would be "a difficult if not impossible task" to identify "inmates who have propensities for violence, escape, or drug smuggling." *Ibid.* This was made "even more difficult by the brevity of detention and the constantly changing nature of the inmate population." *Ibid.*

The Court has also recognized that deterring the possession of contraband depends in part on the ability to conduct searches without predictable exceptions. In *Hudson v. Palmer*, 468 U. S. 517 (1984), it addressed the question of whether prison officials could perform random searches of inmate lockers and cells even without reason to suspect a particular individual of concealing a prohibited item. *Id.*, at 522-523. The Court upheld the constitutionality of the practice, recognizing that "[f]or one to advocate that prison searches must be conducted only pursuant to an enunciated general policy or when suspicion is directed at a particular inmate is to ignore the realities of prison operation." *Id.*, at 529 (quoting *Marrero v. Commonwealth*, 222 Va. 754, 757, 284 S. E. 2d 809, 811 (1981)). Inmates would adapt to any pattern or loopholes they discovered in the search protocol and then undermine the security of the institution. 468 U. S., at 529.

These cases establish that correctional officials must be permitted to devise reasonable search policies to detect and deter the possession of contraband in their facilities. See *Bell*, 441 U. S., at 546 ("[M]aintaining institutional security and preserving internal order and discipline are essential goals that may require limitation or retraction of retained constitutional rights of both convicted prisoners and pretrial detainees"). The task of determining whether a policy is reasonably related to legitimate security inter-

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COUNTY OF BURLINGTON
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ests is "peculiarly within the province and professional expertise of corrections officials." *Id.*, at 548. This Court has repeated the admonition that, "in the absence of substantial evidence in the record to indicate that the officials have exaggerated their response to these considerations courts should ordinarily defer to their expert judgment in such matters." *Block, supra*, at 584-585; *Bell, supra*, at 548.

In many jails officials seek to improve security by requiring some kind of strip search of everyone who is to be detained. These procedures have been used in different places throughout the country, from Cranston, Rhode Island, to Sapulpa, Oklahoma, to Idaho Falls, Idaho. See *Roberts v. Rhode Island*, 239 F.3d 107, 108-109 (CA1 2001); *Chapman v. Nichols*, 989 F.2d 393, 394 (CA10 1993); *Giles v. Ackerman*, 746 F.2d 614, 615 (CA9 1984) (*per curiam*); see also, *e.g.*, *Bull v. City and Cty. of San Francisco*, 595 F.3d 964 (CA9 2010) (en banc) (San Francisco, California); *Powell v. Barrett*, 541 F.3d 1298 (CA11 2008) (en banc) (Fulton Cty., Ga.); *Masters v. Crouch*, 872 F.2d 1248, 1251 (CA6 1989) (Jefferson Cty., Ky.); *Weber v. Dell*, 804 F.2d 796, 797-798 (CA2 1986) (Monroe Cty., N. Y.); *Stewart v. Lubbock Cty.*, 767 F.2d 153, 154 (CA5 1985) (Lubbock Cty., Tex.).

Persons arrested for minor offenses may be among the detainees processed at these facilities. This is, in part, a consequence of the exercise of state authority that was the subject of *Atwater v. Lago Vista*, 532 U.S. 318 (2001). *Atwater* addressed the perhaps more fundamental question of who may be deprived of liberty and taken to jail in the first place. The case involved a woman who was arrested after a police officer noticed neither she nor her children were wearing their seatbelts. The arrestee argued the Fourth Amendment prohibited her custodial arrest without a warrant when an offense could not result in jail time and there was no compelling need for immedi-

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Opinion of the Court

ate detention. *Id.*, at 346. The Court held that a Fourth Amendment restriction on this power would put officers in an "almost impossible spot." *Id.*, at 350. Their ability to arrest a suspect would depend in some cases on the precise weight of drugs in his pocket, whether he was a repeat offender, and the scope of what counted as a compelling need to detain someone. *Id.*, at 348–349. The Court rejected the proposition that the Fourth Amendment barred custodial arrests in a set of these cases as a matter of constitutional law. It ruled, based on established principles, that officers may make an arrest based upon probable cause to believe the person has committed a criminal offense in their presence. See *id.*, at 354. The Court stated that "a responsible Fourth Amendment balance is not well served by standards requiring sensitive, case-by-case determinations of government need, lest every discretionary judgment in the field be converted into an occasion for constitutional review." *Id.*, at 347.

Atwater did not address whether the Constitution imposes special restrictions on the searches of offenders suspected of committing minor offenses once they are taken to jail. Some Federal Courts of Appeals have held that corrections officials may not conduct a strip search of these detainees, even if no touching is involved, absent reasonable suspicion of concealed contraband. 621 F. 3d, at 303–304, and n. 4. The Courts of Appeals to address this issue in the last decade, however, have come to the opposite conclusion. See 621 F. 3d 296 (case below); *Bame v. Dillard*, 637 F. 3d 380 (CADC 2011); *Powell, supra*; *Bull, supra*. The current case is set against this precedent and governed by the principles announced in *Turner* and *Bell*.

III

The question here is whether undoubted security imperatives involved in jail supervision override the asser-

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COUNTY OF BURLINGTON
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tion that some detainees must be exempt from the more invasive search procedures at issue absent reasonable suspicion of a concealed weapon or other contraband. The Court has held that deference must be given to the officials in charge of the jail unless there is "substantial evidence" demonstrating their response to the situation is exaggerated. *Block*, 468 U. S., at 584–585 (internal quotation marks omitted). Petitioner has not met this standard, and the record provides full justifications for the procedures used.

A

Correctional officials have a significant interest in conducting a thorough search as a standard part of the intake process. The admission of inmates creates numerous risks for facility staff, for the existing detainee population, and for a new detainee himself or herself. The danger of introducing lice or contagious infections, for example, is well documented. See, e.g., Deger & Quick, *The Enduring Menace of MRSA: Incidence, Treatment, and Prevention in a County Jail*, 15 *J. Correctional Health Care* 174, 174–175, 177–178 (2009); Bick, *Infection Control in Jails and Prisons*, 45 *Healthcare Epidemiology* 1047, 1049 (2007). The Federal Bureau of Prisons recommends that staff screen new detainees for these conditions. See *Clinical Practice Guidelines, Management of Methicillin-Resistant Staphylococcus aureus (MRSA) Infections 2* (2011); *Clinical Practice Guidelines, Lice and Scabies Protocol 1* (2011). Persons just arrested may have wounds or other injuries requiring immediate medical attention. It may be difficult to identify and treat these problems until detainees remove their clothes for a visual inspection. See *Prison and Jail Administration: Practice and Theory* 142 (P. Carlson & G. Garrett eds., 2d ed. 2008) (hereinafter Carlson & Garrett).

Jails and prisons also face grave threats posed by the

Cite as: 568 U. S. ____ (2012)

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increasing number of gang members who go through the intake process. See Brief for Policemen's Benevolent Association, Local 249, et al. as *Amici Curiae* 14 (hereinafter PBA Brief); New Jersey Comm'n of Investigation, *Gangland Behind Bars: How and Why Organized Criminal Street Gangs Thrive in New Jersey's Prisons . . . And What Can Be Done About It* 10-11 (2009). "Gang rivalries spawn a climate of tension, violence, and coercion." Carlson & Garrett 462. The groups recruit new members by force, engage in assaults against staff, and give other inmates a reason to arm themselves. *Ibid.* Fights among feuding gangs can be deadly, and the officers who must maintain order are put in harm's way. PBA Brief 17. These considerations provide a reasonable basis to justify a visual inspection for certain tattoos and other signs of gang affiliation as part of the intake process. The identification and isolation of gang members before they are admitted protects everyone in the facility. Cf. *Fraise v. Terhune*, 283 F.3d 506, 509-510 (CA3 2002) (Alito, J.) (describing a statewide policy authorizing the identification and isolation of gang members in prison).

Detecting contraband concealed by new detainees, furthermore, is a most serious responsibility. Weapons, drugs, and alcohol all disrupt the safe operation of a jail. Cf. *Hudson*, 468 U. S., at 528 (recognizing "the constant fight against the proliferation of knives and guns, illicit drugs, and other contraband"). Correctional officers have had to confront arrestees concealing knives, scissors, razor blades, glass shards, and other prohibited items on their person, including in their body cavities. See *Bull*, 595 F.3d, at 967, 969; Brief for New Jersey County Jail Wardens Association as *Amicus Curiae* 17-18 (hereinafter New Jersey Wardens Brief). They have also found crack, heroin, and marijuana. Brief for City and County of San Francisco et al. as *Amici Curiae* 9-11 (hereinafter San Francisco Brief). The use of drugs can embolden inmates

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in aggression toward officers or each other; and, even apart from their use, the trade in these substances can lead to violent confrontations. See PBA Brief 11.

There are many other kinds of contraband. The textbook definition of the term covers any unauthorized item. See *Prisons: Today and Tomorrow* 237 (J. Pollock ed. 1997) ("Contraband is any item that is possessed in violation of prison rules. Contraband obviously includes drugs or weapons, but it can also be money, cigarettes, or even some types of clothing"). Everyday items can undermine security if introduced into a detention facility:

"Lighters and matches are fire and arson risks or potential weapons. Cell phones are used to orchestrate violence and criminality both within and without jail-house walls. Pills and medications enhance suicide risks. Chewing gum can block locking devices; hair-pins can open handcuffs; wigs can conceal drugs and weapons." New Jersey Wardens Brief 8-9.

Something as simple as an overlooked pen can pose a significant danger. Inmates commit more than 10,000 assaults on correctional staff every year and many more among themselves. See Dept. of Justice, Bureau of Justice Statistics, J. Stephan & J. Karberg, *Census of State and Federal Correctional Facilities, 2000*, p. v (2003).

Contraband creates additional problems because scarce items, including currency, have value in a jail's culture and underground economy. Correctional officials inform us "[t]he competition . . . for such goods begets violence, extortion, and disorder." New Jersey Wardens Brief 2. Gangs exacerbate the problem. They "orchestrate thefts, commit assaults, and approach inmates in packs to take the contraband from the weak." *Id.*, at 9-10. This puts the entire facility, including detainees being held for a brief term for a minor offense, at risk. Gangs do coerce inmates who have access to the outside world, such as

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people serving their time on the weekends, to sneak things into the jail. *Id.*, at 10; see, e.g., Pugmire, *Vegas Suspect Has Term to Serve*, Los Angeles Times, Sept. 23, 2005, p. B1 (“Weekend-only jail sentences are a common punishment for people convicted of nonviolent drug crimes . . .”). These inmates, who might be thought to pose the least risk, have been caught smuggling prohibited items into jail. See New Jersey Wardens Brief 10. Concealing contraband often takes little time and effort. It might be done as an officer approaches a suspect’s car or during a brief commotion in a group holding cell. Something small might be tucked or taped under an armpit, behind an ear, between the buttocks, in the instep of a foot, or inside the mouth or some other body cavity.

It is not surprising that correctional officials have sought to perform thorough searches at intake for disease, gang affiliation, and contraband. Jails are often crowded, unsanitary, and dangerous places. There is a substantial interest in preventing any new inmate, either of his own will or as a result of coercion, from putting all who live or work at these institutions at even greater risk when he is admitted to the general population.

B

Petitioner acknowledges that correctional officials must be allowed to conduct an effective search during the intake process and that this will require at least some detainees to lift their genitals or crouch in a squatting position. These procedures, similar to the ones upheld in *Bell*, are designed to uncover contraband that can go undetected by a patdown, metal detector, and other less invasive searches. See Brief for United States as *Amicus Curiae* 23 (hereinafter United States Brief); New Jersey Wardens Brief 19, n. 6. Petitioner maintains there is little benefit to conducting these more invasive steps on a new detainee who has not been arrested for a serious crime or for any

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offense involving a weapon or drugs. In his view these detainees should be exempt from this process unless they give officers a particular reason to suspect them of hiding contraband. It is reasonable, however, for correctional officials to conclude this standard would be unworkable. The record provides evidence that the seriousness of an offense is a poor predictor of who has contraband and that it would be difficult in practice to determine whether individual detainees fall within the proposed exemption.

1

People detained for minor offenses can turn out to be the most devious and dangerous criminals. Cf. *Clements v. Logan*, 454 U.S. 1304, 1305 (1981) (Rehnquist, J., in chambers) (deputy at a detention center shot by misdemeanant who had not been strip searched). Hours after the Oklahoma City bombing, Timothy McVeigh was stopped by a state trooper who noticed he was driving without a license plate. Johnston, *Suspect Won't Answer Any Questions*, N.Y. Times, Apr. 25, 1995, p. A1. Police stopped serial killer Joel Rifkin for the same reason. McQuiston, *Confession Used to Portray Rifkin as Methodical Killer*, N.Y. Times, Apr. 26, 1994, p. B6. One of the terrorists involved in the September 11 attacks was stopped and ticketed for speeding just two days before hijacking Flight 93. *The Terrorists: Hijacker Got a Speeding Ticket*, N.Y. Times, Jan. 8, 2002, p. A12. Reasonable correctional officials could conclude these uncertainties mean they must conduct the same thorough search of everyone who will be admitted to their facilities.

Experience shows that people arrested for minor offenses have tried to smuggle prohibited items into jail, sometimes by using their rectal cavities or genitals for the concealment. They may have some of the same incentives as a serious criminal to hide contraband. A detainee might risk carrying cash, cigarettes, or a penknife to

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survive in jail. Others may make a quick decision to hide unlawful substances to avoid getting in more trouble at the time of their arrest. This record has concrete examples. Officers at the Atlantic County Correctional Facility, for example, discovered that a man arrested for driving under the influence had "2 dime bags of weed, 1 pack of rolling papers, 20 matches, and 5 sleeping pills" taped under his scrotum. Brief for Atlantic County et al. as *Amici Curiae* 36 (internal quotation marks omitted). A person booked on a misdemeanor charge of disorderly conduct in Washington State managed to hide a lighter, tobacco, tattoo needles, and other prohibited items in his rectal cavity. See United States Brief 25, n. 15. San Francisco officials have discovered contraband hidden in body cavities of people arrested for trespassing, public nuisance, and shoplifting. San Francisco Brief 3. There have been similar incidents at jails throughout the country. See United States Brief 25, n. 15.

Even if people arrested for a minor offense do not themselves wish to introduce contraband into a jail, they may be coerced into doing so by others. See New Jersey Wardens Brief 16; cf. *Block*, 468 U. S., at 587 ("It is not unreasonable to assume, for instance, that low security risk detainees would be enlisted to help obtain contraband or weapons by their fellow inmates who are denied contact visits"). This could happen any time detainees are held in the same area, including in a van on the way to the station or in the holding cell of the jail. If, for example, a person arrested and detained for unpaid traffic citations is not subject to the same search as others, this will be well known to other detainees with jail experience. A hardened criminal or gang member can, in just a few minutes, approach the person and coerce him into hiding the fruits of a crime, a weapon, or some other contraband. As an expert in this case explained, "the interaction and mingling between misdemeanants and felons will only increase the

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amount of contraband in the facility if the jail can only conduct admission searches on felons." App. 381a. Exempting people arrested for minor offenses from a standard search protocol thus may put them at greater risk and result in more contraband being brought into the detention facility. This is a substantial reason not to mandate the exception petitioner seeks as a matter of constitutional law.

2

It also may be difficult, as a practical matter, to classify inmates by their current and prior offenses before the intake search. Jails can be even more dangerous than prisons because officials there know so little about the people they admit at the outset. See New Jersey Wardens Brief 11-14. An arrestee may be carrying a false ID or lie about his identity. The officers who conduct an initial search often do not have access to criminal history records. See, e.g., App. 235a; New Jersey Wardens Brief 13. And those records can be inaccurate or incomplete. See *Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U. S. 749, 752 (1989). Petitioner's rap sheet is an example. It did not reflect his previous arrest for possession of a deadly weapon. Tr. of Oral Arg. 18-19. In the absence of reliable information it would be illogical to require officers to assume the arrestees in front of them do not pose a risk of smuggling something into the facility.

The laborious administration of prisons would become less effective, and likely less fair and evenhanded, were the practical problems inevitable from the rules suggested by petitioner to be imposed as a constitutional mandate. Even if they had accurate information about a detainee's current and prior arrests, officers, under petitioner's proposed regime, would encounter serious implementation difficulties. They would be required, in a few minutes, to determine whether any of the underlying offenses were

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serious enough to authorize the more invasive search protocol. Other possible classifications based on characteristics of individual detainees also might prove to be unworkable or even give rise to charges of discriminatory application. Most officers would not be well equipped to make any of these legal determinations during the pressures of the intake process. *Bull*, 595 F. 3d, at 985-987 (Kozinski, C. J., concurring); see also *Welsh v. Wisconsin*, 466 U. S. 740, 761-762 (1984) (White, J., dissenting) ("[T]he Court's approach will necessitate a case-by-case evaluation of the seriousness of particular crimes, a difficult task for which officers and courts are poorly equipped"). To avoid liability, officers might be inclined not to conduct a thorough search in any close case, thus creating unnecessary risk for the entire jail population. Cf. *Atwater*, 532 U. S., at 351, and n. 22.

The Court addressed an analogous problem in *Atwater*. The petitioner in that case argued the Fourth Amendment prohibited a warrantless arrest when being convicted of the suspected crime "could not ultimately carry any jail time" and there was "no compelling need for immediate detention." *Id.*, at 346. That rule "promise[d] very little in the way of administrability." *Id.*, at 350. Officers could not be expected to draw the proposed lines on a moment's notice, and the risk of violating the Constitution would have discouraged them from arresting criminals in any questionable circumstances. *Id.*, at 350-351 ("An officer not quite sure the drugs weighed enough to warrant jail time or not quite certain about a suspect's risk of flight would not arrest, even though it could perfectly well turn out that, in fact, the offense called for incarceration and the defendant was long gone on the day of trial"). The Fourth Amendment did not compel this result in *Atwater*. The Court held that officers who have probable cause to believe even a minor criminal offense has been committed in their presence may arrest the offender. See *id.*, at 354.

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Opinion of KENNEDY, J.

Individual jurisdictions can of course choose "to impose more restrictive safeguards through statutes limiting warrantless arrests for minor offenders." *Id.*, at 352.

One of the central principles in *Atwater* applies with equal force here. Officers who interact with those suspected of violating the law have an "essential interest in readily administrable rules." *Id.*, at 347; accord, *New York v. Belton*, 453 U. S. 454, 458 (1981). The officials in charge of the jails in this case urge the Court to reject any complicated constitutional scheme requiring them to conduct less thorough inspections of some detainees based on their behavior, suspected offense, criminal history, and other factors. They offer significant reasons why the Constitution must not prevent them from conducting the same search on any suspected offender who will be admitted to the general population in their facilities. The restrictions suggested by petitioner would limit the intrusion on the privacy of some detainees but at the risk of increased danger to everyone in the facility, including the less serious offenders themselves.

IV

This case does not require the Court to rule on the types of searches that would be reasonable in instances where, for example, a detainee will be held without assignment to the general jail population and without substantial contact with other detainees. This describes the circumstances in *Atwater*. See 532 U. S., at 324 ("Officers took Atwater's 'mug shot' and placed her, alone, in a jail cell for about one hour, after which she was taken before a magistrate and released on \$310 bond"). The accommodations provided in these situations may diminish the need to conduct some aspects of the searches at issue. Cf. United States Brief 30 (discussing the segregation, and less invasive searches, of individuals held by the Federal Bureau of Prisons for misdemeanors or civil contempt). The circumstances

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before the Court, however, do not present the opportunity to consider a narrow exception of the sort JUSTICE ALITO describes, *post*, at 2–3 (concurring opinion), which might restrict whether an arrestee whose detention has not yet been reviewed by a magistrate or other judicial officer, and who can be held in available facilities removed from the general population, may be subjected to the types of searches at issue here.

Petitioner's *amici* raise concerns about instances of officers engaging in intentional humiliation and other abusive practices. See Brief for Sister Bernice Galvin et al. as *Amici Curiae*; see also *Hudson*, 468 U.S., at 528 (“[I]ntentional harassment of even the most hardened criminals cannot be tolerated by a civilized society”); *Bell*, 441 U.S., at 560. There also may be legitimate concerns about the invasiveness of searches that involve the touching of detainees. These issues are not implicated on the facts of this case, however, and it is unnecessary to consider them here.

V

Even assuming all the facts in favor of petitioner, the search procedures at the Burlington County Detention Center and the Essex County Correctional Facility struck a reasonable balance between inmate privacy and the needs of the institutions. The Fourth and Fourteenth Amendments do not require adoption of the framework of rules petitioner proposes.

The judgment of the Court of Appeals for the Third Circuit is affirmed.

It is so ordered.

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ROBERTS, C. J., concurring

SUPREME COURT OF THE UNITED STATES

No. 10-945

ALBERT W. FLORENCE, PETITIONER v. BOARD OF
CHOSEN FREEHOLDERS OF THE COUNTY OF
BURLINGTON ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE THIRD CIRCUIT

[April 2, 2012]

CHIEF JUSTICE ROBERTS, concurring.

I join the opinion of the Court. As with JUSTICE ALITO, however, it is important for me that the Court does not foreclose the possibility of an exception to the rule it announces. JUSTICE KENNEDY explains that the circumstances before it do not afford an opportunity to consider that possibility. *Ante*, at 18–19. Those circumstances include the facts that Florence was detained not for a minor traffic offense but instead pursuant to a warrant for his arrest, and that there was apparently no alternative, if Florence were to be detained, to holding him in the general jail population.

Factual nuances have not played a significant role as this case has been presented to the Court. Both courts below regarded acknowledged factual disputes as “immaterial” to their conflicting dispositions, 621 F. 3d 296, 300 (CA3 2010), and before this Court Florence challenged suspicionless strip searches “no matter what the circumstances.” *Pet. for Cert. i*.

The Court makes a persuasive case for the general applicability of the rule it announces. The Court is nonetheless wise to leave open the possibility of exceptions, to ensure that we “not embarrass the future.” *Northwest Airlines, Inc. v. Minnesota*, 322 U. S. 292, 300 (1944) (Frankfurter, J.).

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ALITO, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 10-945

ALBERT W. FLORENCE, PETITIONER v. BOARD OF
CHOSEN FREEHOLDERS OF THE COUNTY OF
BURLINGTON ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE THIRD CIRCUIT

[April 2, 2012]

JUSTICE ALITO, concurring.

I join the opinion of the Court but emphasize the limits of today's holding. The Court holds that jail administrators may require all arrestees *who are committed to the general population of a jail* to undergo visual strip searches not involving physical contact by corrections officers. To perform the searches, officers may direct the arrestees to disrobe, shower, and submit to a visual inspection. As part of the inspection, the arrestees may be required to manipulate their bodies.

Undergoing such an inspection is undoubtedly humiliating and deeply offensive to many, but there are reasonable grounds for strip searching arrestees before they are admitted to the general population of a jail. As the Court explains, there is a serious danger that some detainees will attempt to smuggle weapons, drugs, or other contraband into the jail. Some detainees may have lice, which can easily spread to others in the facility, and some detainees may have diseases or injuries for which the jail is required to provide medical treatment. In addition, if a detainee with gang-related tattoos is inadvertently housed with detainees from a rival gang, violence may ensue.

Petitioner and the dissent would permit corrections officers to conduct the visual strip search at issue here

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COUNTY OF BURLINGTON
ALITO, J., concurring

only if the officers have a reasonable basis for thinking that a particular arrestee may present a danger to other detainees or members of the jail staff. But as the Court explains, corrections officers are often in a very poor position to make such a determination, and the threat to the health and safety of detainees and staff, should the officers miscalculate, is simply too great.

It is important to note, however, that the Court does not hold that it is *always* reasonable to conduct a full strip search of an arrestee whose detention has not been reviewed by a judicial officer and who could be held in available facilities apart from the general population. Most of those arrested for minor offenses are not dangerous, and most are released from custody prior to or at the time of their initial appearance before a magistrate. In some cases, the charges are dropped. In others, arrestees are released either on their own recognizance or on minimal bail. In the end, few are sentenced to incarceration. For these persons, admission to the general jail population, with the concomitant humiliation of a strip search, may not be reasonable, particularly if an alternative procedure is feasible. For example, the Federal Bureau of Prisons (BOP) and possibly even some local jails appear to segregate temporary detainees who are minor offenders from the general population. See, e.g., Brief for United States as *Amicus Curiae* 30; *Bull v. City & Cty. of San Francisco*, 595 F. 3d 964, 968 (CA9 2010) (en banc).*

* In its *amicus* brief, the United States informs us that, according to BOP policy, prison and jail officials cannot subject persons arrested for misdemeanor or civil contempt offenses to visual body-cavity searches without their consent or without reasonable suspicion that they are concealing contraband. Brief for United States 30. Those who are not searched must be housed separately from the inmates in the general population. *Ibid.* Similarly, as described by the Court of Appeals in *Bull*, 595 F. 3d 964, the San Francisco County jail system distinguishes between arrestees who are eligible for release because, for instance, they can post bail within 12 hours and those who must be housed for an

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ALITO, J., concurring

The Court does not address whether it is always reasonable, without regard to the offense or the reason for detention, to strip search an arrestee before the arrestee's detention has been reviewed by a judicial officer. The lead opinion explicitly reserves judgment on that question. See *ante*, at 18–19. In light of that limitation, I join the opinion of the Court in full.

extended period of time. *Id.*, at 958. The former are kept in holding cells at a temporary intake and release facility where they are pat searched and scanned with a metal detector but apparently are not strip searched. *Ibid.* The latter are transported to a jail with custodial housing facilities where they are then strip searched prior to their admission into the general population. *Ibid.*

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BREYER, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 10-945

ALBERT W. FLORENCE, PETITIONER *v.* BOARD OF
CHOSEN FREEHOLDERS OF THE COUNTY OF
BURLINGTON ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE THIRD CIRCUIT

[April 2, 2012]

JUSTICE BREYER, with whom JUSTICE GINSBURG,
JUSTICE SOTOMAYOR, and JUSTICE KAGAN join, dissenting.

The petition for certiorari asks us to decide “[w]hether the Fourth Amendment permits a . . . suspicionless strip search of every individual arrested for any minor offense . . .” Pet. for Cert. i. This question is phrased more broadly than what is at issue. The case is limited to strip searches of those arrestees entering a jail’s general population, see 621 F. 3d 296, 298 (CA3 2010). And the kind of strip search in question involves more than undressing and taking a shower (even if guards monitor the shower area for threatened disorder). Rather, the searches here involve close observation of the private areas of a person’s body and for that reason constitute a far more serious invasion of that person’s privacy.

The visually invasive kind of strip search at issue here is not unique. A similar practice is well described in *Dodge v. County of Orange*, 282 F. Supp. 2d 41 (SDNY 2003). In that New York case, the “strip search” (as described in a relevant prison manual) involved:

“a visual inspection of the inmate’s naked body. This should include the inmate opening his mouth and

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COUNTY OF BURLINGTON
BREYER, J., dissenting

moving his tongue up and down and from side to side, removing any dentures, running his hands through his hair, allowing his ears to be visually examined, lifting his arms to expose his arm pits, lifting his feet to examine the sole, spreading and/or lifting his testicles to expose the area behind them and bending over and/or spreading the cheeks of his buttocks to expose his anus. For females, the procedures are similar except females must in addition, squat to expose the vagina." *Id.*, at 46.

Because the *Dodge* court obtained considerable empirical information about the need for such a search in respect to minor offenders, and because the searches alleged in this case do not differ significantly, I shall use the succinct *Dodge* description as a template for the kind of strip search to which the Question Presented refers. See, e.g., App. to Pet. for Cert. 3a-4a (alleging that officers inspected his genitals from an arm's length away, required him to lift his genitals, and examined his anal cavity).

In my view, such a search of an individual arrested for a minor offense that does not involve drugs or violence—say a traffic offense, a regulatory offense, an essentially civil matter, or any other such misdemeanor—is an “unreasonable search” forbidden by the Fourth Amendment, unless prison authorities have reasonable suspicion to believe that the individual possesses drugs or other contraband. And I dissent from the Court’s contrary determination.

I

Those confined in prison retain basic constitutional rights. *Bell v. Wolfish*, 441 U. S. 520, 545 (1979); *Turner v. Safley*, 482 U. S. 78, 84 (1987) (“Prison walls do not form a barrier separating prison inmates from the protections of the Constitution”). The constitutional right at issue here is the Fourth Amendment right to be free of “unreasonable searches and seizures.” And, as the Court

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BREYER, J., dissenting

notes, the applicable standard is the Fourth Amendment balancing inquiry announced regarding prison inmates in *Bell v. Wolfish*, *supra*. The Court said:

"The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application. In each case it requires a balancing of the need for the particular search against the invasion of personal rights that the search entails. Courts must consider the scope of the particular intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted." *Id.*, at 559.

I have described in general terms, see *supra*, at 1–2, the place, scope and manner of "the particular intrusion." *Bell*, 441 U. S., at 559. I now explain why I believe that the "invasion of personal rights" here is very serious and lacks need or justification, *ibid.*—at least as to the category of minor offenders at issue.

II

A strip search that involves a stranger peering without consent at a naked individual, and in particular at the most private portions of that person's body, is a serious invasion of privacy. We have recently said, in respect to a schoolchild (and a less intrusive search), that the "meaning of such a search, and the degradation its subject may reasonably feel, place a search that intrusive in a category of its own demanding its own specific suspicions." *Safford Unified School Dist. #1 v. Redding*, 557 U. S. ____ (2009) (slip op., at 11). The Courts of Appeals have more directly described the privacy interests at stake, writing, for example, that practices similar to those at issue here are "demeaning, dehumanizing, undignified, humiliating, terrifying, unpleasant, embarrassing, [and] repulsive, signifying degradation and submission." *Mary Beth G. v.*

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Chicago, 723 F. 2d 1263, 1272 (CA7 1984) (internal quotation marks omitted); see also, e.g., *Blackburn v. Snow*, 771 F. 2d 556, 564 (CA1 1985) (“[A]ll courts” have recognized the “severe if not gross interference with a person’s privacy” that accompany visual body cavity searches (quoting *Arruda v. Fair*, 710 F. 2d 886, 887 (CA1 1983))). These kinds of searches also gave this Court the “most pause” in *Bell*, *supra*, at 558 (guards strip searched prisoners after they received outside visits). Even when carried out in a respectful manner, and even absent any physical touching, see *ante* at 4–5, 19, such searches are inherently harmful, humiliating, and degrading. And the harm to privacy interests would seem particularly acute where the person searched may well have no expectation of being subject to such a search, say, because she had simply received a traffic ticket for failing to buckle a seatbelt, because he had not previously paid a civil fine, or because she had been arrested for a minor trespass.

In *Atwater v. Lago Vista*, 532 U. S. 318, 323–324 (2001), for example, police arrested a mother driving with her two children because their seat belts were not buckled. This Court held that the Constitution did not forbid an arrest for a minor seatbelt offense. *Id.*, at 323. But, in doing so, it pointed out that the woman was held for only an hour (before being taken to a magistrate and released on bond) and that the search—she had to remove her shoes, jewelry, and the contents of her pockets, *id.*, at 355—was not “unusually harmful to [her] privacy or . . . physical interests.” *Id.*, at 354 (quoting *Whren v. United States*, 517 U. S. 806, 818 (1996)). Would this Court have upheld the arrest had the magistrate not been immediately available, had the police housed her overnight in the jail, and had they subjected her to a search of the kind at issue here? Cf. *County of Riverside v. McLaughlin*, 500 U. S. 44, 56 (1991) (presentment must be within 48 hours after arrest).

The petitioner, Albert W. Florence, states that his pre-

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sent arrest grew out of an (erroneous) report that he had failed to pay a minor civil fine previously assessed because he had hindered a prosecution (by fleeing police officers in his automobile). App. 25a–26a. He alleges that he was held for six days in jail before being taken to a magistrate and that he was subjected to two strip searches of the kind in question. App. to Pet. for Cert. 3a.

Amicus briefs present other instances in which individuals arrested for minor offenses have been subjected to the humiliations of a visual strip search. They include a nun, a Sister of Divine Providence for 50 years, who was arrested for trespassing during an antiwar demonstration. Brief for Sister Bernie Galvin et al. as *Amici Curiae* 6. They include women who were strip-searched during periods of lactation or menstruation. *Id.*, at 11–12 (describing humiliating experience of female student who was strip searched while menstruating); *Archuleta v. Wagner*, 523 F. 3d 1278, 1282 (CA10 2008) (same for woman lactating). They include victims of sexual violence. Brief for Domestic Violence Legal Empowerment and Appeals Project et al. as *Amici Curiae*. They include individuals detained for such infractions as driving with a noisy muffler, driving with an inoperable headlight, failing to use a turn signal, or riding a bicycle without an audible bell. Brief for Petitioner 11, 25; see also *Mary Beth G.*, *supra*, at 1267, n. 2 (considering strip search of a person arrested for having outstanding parking tickets and a person arrested for making an improper left turn); *Jones v. Edwards*, 770 F. 2d 739, 741 (CA8 1985) (same for violation of dog leash law). They include persons who perhaps should never have been placed in the general jail population in the first place. See *ante*, at 2 (ALITO, J. concurring) (“admission to general jail population, with the concomitant humiliation of a strip search, may not be reasonable” for those “whose detention has not been reviewed by a judicial officer and who could not be held in available facilities apart from the

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general population”).

I need not go on. I doubt that we seriously disagree about the nature of the strip search or about the serious affront to human dignity and to individual privacy that it presents. The basic question before us is whether such a search is nonetheless justified when an individual arrested for a minor offense is involuntarily placed in the general jail or prison population.

III

The majority, like the respondents, argues that strip searches are needed (1) to detect injuries or diseases, such as lice, that might spread in confinement, (2) to identify gang tattoos, which might reflect a need for special housing to avoid violence, and (3) to detect contraband, including drugs, guns, knives, and even pens or chewing gum, which might prove harmful or dangerous in prison. In evaluating this argument, I, like the majority, recognize that managing a jail or prison is an “inordinately difficult undertaking,” *Turner*, 482 U. S., at 85; that prison regulations that interfere with important constitutional interests are generally valid as long as they are “reasonably related to legitimate penological interests,” *id.*, at 89; that finding injuries and preventing the spread of disease, minimizing the threat of gang violence, and detecting contraband are “legitimate penological interests,” *ibid.*; and that we normally defer to the expertise of jail and prison administrators in such matters, *id.*, at 85.

Nonetheless, the “particular” invasion of interests, *Bell*, 441 U. S., at 559, must be “reasonably related” to the justifying “penological interest” and the need must not be “exaggerated.” *Turner, supra*, at 87. It is at this point that I must part company with the majority. I have found no convincing reason indicating that, in the absence of reasonable suspicion, involuntary strip searches of those arrested for minor offenses are necessary in order to fur-

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ther the penal interests mentioned. And there are strong reasons to believe they are not justified.

The lack of justification is fairly obvious with respect to the first two penological interests advanced. The searches already employed at Essex and Burlington include: (a) pat-frisking all inmates; (b) making inmates go through metal detectors (including the Body Orifice Screening System (BOSS) chair used at Essex County Correctional Facility that identifies metal hidden within the body); (c) making inmates shower and use particular delousing agents or bathing supplies; and (d) searching inmates' clothing. In addition, petitioner concedes that detainees could be lawfully subject to being viewed in their undergarments by jail officers or during showering (for security purposes). Brief for Petitioner 9; Tr. of Oral Arg. 7–8 (“Showering in the presence of officers is not something that requires reasonable suspicion”). No one here has offered any reason, example, or empirical evidence suggesting the inadequacy of such practices for detecting injuries, diseases, or tattoos. In particular, there is no connection between the genital lift and the “squat and cough” that Florence was allegedly subjected to and health or gang concerns. See Brief for Academics on Gang Behavior as *Amici Curiae*; Brief for Medical Society of New Jersey et al. as *Amici Curiae*.

The lack of justification for such a strip search is less obvious but no less real in respect to the third interest, namely that of detecting contraband. The information demonstrating the lack of justification is of three kinds. First, there are empirically based conclusions reached in specific cases. The New York Federal District Court, to which I have referred, conducted a study of 23,000 persons admitted to the Orange County correctional facility between 1999 and 2003. *Dodge*, 282 F. Supp. 2d, at 69. These 23,000 persons underwent a strip search of the kind described, *supra*, at 1. Of these 23,000 persons, the court

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wrote, “the County encountered three incidents of drugs recovered from an inmate’s anal cavity and two incidents of drugs falling from an inmate’s underwear during the course of a strip search.” 282 F. Supp. 2d, at 69. The court added that in four of these five instances there may have been “reasonable suspicion” to search, leaving only one instance in 23,000 in which the strip search policy “arguably” detected additional contraband. *Id.*, at 70. The study is imperfect, for search standards changed during the time it was conducted. *Id.*, at 50–51. But the large number of inmates, the small number of “incidents,” and the District Court’s own conclusions make the study probative though not conclusive.

Similarly, in *Shain v. Ellison*, 273 F.3d 56, 60 (CA2 2001), the court received data produced by the county jail showing that authorities conducted body-cavity strip searches, similar to those at issue here, of 75,000 new inmates over a period of five years. Brief for Plaintiff-Appellee-Cross-Appellant in No. 00-7061 etc. (CA2), p. 16 (citing to its App. 343a–493a). In 16 instances the searches led to the discovery of contraband. The record further showed that 13 of these 16 pieces of contraband would have been detected in a patdown or a search of shoes and outer-clothing. In the three instances in which contraband was found on the detainee’s body or in a body cavity, there was a drug or felony history that would have justified a strip search on individualized reasonable suspicion. *Ibid.*; Brief for National Police Accountability Project as *Amicus Curiae* 10.

Second, there is the plethora of recommendations of professional bodies, such as correctional associations, that have studied and thoughtfully considered the matter. The American Correctional Association (ACA)—an association that informs our view of “what is obtainable and what is acceptable in corrections philosophy,” *Brown v. Plata*, 563 U. S. ____ (2011) (slip op., at 43)—has promulgated a

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standard that forbids suspicionless strip searches. And it has done so after consultation with the American Jail Association, National Sheriff's Association, National Institute of Corrections of the Department of Justice, and Federal Bureau of Prisons. ACA, Performance-Based Standards for Adult Local Detention Facilities, Standard 4-ALDF-2C-03, p. 36 (4th ed. 2004); Dept. of Justice, Federal Performance-Based Detention Standards Handbook, §C. 6, p. 99 (Feb. 23, 2011, rev.-2), <http://www.justice.gov/ofdt/fpbd02232011.pdf> (all Internet materials as visited Mar. 30, 2012, and available in Clerk of Court's case file); ACA, Core Jail Standards §1-CORE-2C-02, pp. vii, 23 (2010). A standard desk reference for general information about sound correctional practices advises against suspicionless strip searches. Dept. of Justice, National Institute of Corrections, M. Martin & T. Rosazza, Resource Guide for Jail Administrators 4, 113 (2004); see also Dept. of Justice, National Institute of Corrections, M. Martin & P. Katsampes, Sheriff's Guide to Effective Jail Operations 50 (2007).

Moreover, many correctional facilities apply a reasonable suspicion standard before strip searching inmates entering the general jail population, including the U. S. Marshals Service, the Immigration and Customs Service, and the Bureau of Indian Affairs. See U. S. Marshals Serv., Policy Directive, Prisoner Custody-Body Searches §9.1(E)(3) (2010), http://www.usmarshals.gov/foia/Directives-Policy/prisoner_ops/body_searches.pdf; Immigration and Customs Enforcement (ICE) Detention Standard: Searches of Detainees 1 (2008), http://www.ice.gov/doclib/dro/detention-standards/pdf/searches_of_detainees.pdf; ICE/DRO, Detention Standard: Admission and Release 4-5 (2008), http://www.ice.gov/doclib/dro/detention-standards/pdf/environmental_health_and_safety.pdf; Bureau of Indian Affairs, Office of Justice Servs., BIA Adult Detention Facility Guidelines 22 (Draft 2010). The Federal Bureau

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of Prisons (BOP) itself forbids suspicionless strip searches for minor offenders, though it houses separately (and does not admit to the general jail population) a person who does not consent to such a search. See Dept. of Justice, BOP Program Statement 5140.38, p. 5. (2004), http://www.bop.gov/policy/progstat/5140_038.pdf.

Third, there is general experience in areas where the law has forbidden here-relevant suspicionless searches. Laws in at least 10 States prohibit suspicionless strip searches. See, e.g., Mo. Stat. Ann. §544.193.2 (2002) ("No person arrested or detained for a traffic offense or an offense which does not constitute a felony may be subject to a strip search or a body cavity search . . . unless there is probable cause to believe that such person is concealing a weapon . . . or contraband"); Kan. Stat. Ann. §22-2521(a) (2007) (similar); Iowa Code §804.30 (2009) (similar); 725 Ill. Comp. Stat., ch. 725, §5/103-1(c) (2011) (similar but requiring "reasonable belief"); 501 Ky. Admin. Regs. 3:120, §3(1)(b) (2011) (similar); Tenn. Code Ann. §40-7-119 (2006) (similar); Colo. Rev. Stat. Ann. §16-3-405(1) (2011) (no strip search absent individualized suspicion unless person has been arraigned and court orders that suspect be detained); Fla. Stat. §901.211(2) (2010) (similar); Mich. Comp. Laws Ann. §764.25a(2) (2000) (similar); Wash. Rev. Code §10.79.130(1) (2010) (similar).

At the same time at least seven Courts of Appeals have considered the question and have required reasonable suspicion that an arrestee is concealing weapons or contraband before a strip search of one arrested for a minor offense can take place. See, e.g., *Roberts v. Rhode Island*, 239 F.3d 107, 112-113 (CA1 2001); *Weber v. Dell*, 804 F.2d 796, 802 (CA2 1986); *Logan v. Shealy*, 660 F.2d 1007, 1013 (CA4 1981); *Stewart v. Lubbock Cty. Tex.*, 767 F.2d 153, 156-157 (CA5 1985); *Masters v. Crouch*, 872 F.2d 1248, 1255 (CA6 1989); *Mary Beth G.*, 723 F.2d, at 1266, 1273; *Edwards*, 770 F.2d, at 742; *Hill v. Bogans*,

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735 F. 2d 391, 394 (CA10 1984). But see 621 F. 3d, at 311 (case below); *Bull v. City and County of San Francisco*, 595 F. 3d 964, 975 (CA9 2010) (en banc); *Powell v. Barrett*, 541 F. 3d 1298, 1307 (CA11 2008) (en banc). Respondents have not presented convincing grounds to believe that administration of these legal standards has increased the smuggling of contraband into prison.

Indeed, neither the majority's opinion nor the briefs set forth any clear example of an instance in which contraband was smuggled into the general jail population during intake that could not have been discovered if the jail was employing a reasonable suspicion standard. The majority does cite general examples from Atlantic County and Washington State where contraband has been recovered in correctional facilities from inmates arrested for driving under the influence and disorderly conduct. *Ante*, at 15. Similarly, the majority refers to information, provided by San Francisco jail authorities, stating that they have found handcuff keys, syringes, crack pipes, drugs, and knives during body-cavity searches, including during searches of minor offenders, including a man arrested for illegally lodging (drugs), and a woman arrested for prostitution and public nuisance ("bindles of crack cocaine"). Brief for City and County of San Francisco et al. as *Amici Curiae* 7-13; *Bull, supra*, at 969; *ante*, at 15. And associated statistics indicate that the policy of conducting visual cavity searches of *all* those admitted to the general population in San Francisco may account for the discovery of contraband in approximately 15 instances per year. *Bull, supra*, at 969.

But neither San Francisco nor the respondents tell us *whether reasonable suspicion was present or absent* in any of the 15 instances. Nor is there any showing by the majority that the few unclear examples of contraband recovered in Atlantic County, Washington State, or anywhere else could not have been discovered through a policy

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that required reasonable suspicion for strip searches. And without some such indication, I am left without an example of any instance in which contraband was found on an individual through an inspection of their private parts or body cavities which could not have been found under a policy requiring reasonable suspicion. Hence, at a minimum these examples, including San Francisco's statistics, do not provide a significant counterweight to those presented in *Dodge and Shain*.

Nor do I find the majority's lack of examples surprising. After all, those arrested for minor offenses are often stopped and arrested unexpectedly. And they consequently will have had little opportunity to hide things in their body cavities. Thus, the widespread advocacy by prison experts and the widespread application in many States and federal circuits of "reasonable suspicion" requirements indicates an ability to apply such standards in practice without unduly interfering with the legitimate penal interest in preventing the smuggling of contraband.

The majority is left with the word of prison officials in support of its contrary proposition. And though that word is important, it cannot be sufficient. Cf. Dept. of Justice, National Institute of Corrections, W. Collins, *Jails and the Constitution: An Overview* 28-29 (2d ed. 2007) (Though prison officials often "passionately believed" similar requirements would lead to contraband-related security problems, once those requirements were imposed those "problems did not develop").

The majority also relies upon *Bell*, 441 U. S. 520, itself. *Ante*, at 5-6. In that case, the Court considered a prison policy requiring a strip search of *all* detainees after "contact visits" with unimprisoned visitors. 441 U. S., at 558. The Court found that policy justified. *Id.*, at 560. Contrary to the majority's suggestion, that case does not provide precedent for the proposition that the word of prison officials (accompanied by a "single instance" of empirical

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example) is sufficient to support a strip search policy. *Ante*, at 6. The majority correctly points out that there was but "one instance" in which the policy had led to the discovery of an effort to smuggle contraband. *Bell*, 441 U. S., at 558. But the Court understood that the prison had been open only four months. *Id.*, at 526. And the Court was also presented with other examples where inmates attempted to smuggle contraband during contact visits. *Id.*, at 559.

It is true that in *Bell* the Court found the prison justified in conducting postcontact searches even as to pre-trial detainees who had been brought before a magistrate, denied bail, and "committed to the detention facility only because no other less drastic means [could] reasonably assure [their] presence at trial." 441 U. S., at 546, n. 28. The Court recognized that those ordered detained by a magistrate were often those "charged with serious crimes, or who have prior records." *Ibid.* For that reason, those detainees posed at least the same security risk as convicted inmates, if not "a greater risk to jail security and order," and a "greater risk of escape." *Ibid.* And, of course, in *Bell*, both the inmates at issue and their visitors had the time to plan to smuggle contraband in that case, unlike those persons at issue here (imprisoned soon after an unexpected arrest).

The *Bell* Court had no occasion to focus upon those arrested for minor crimes, prior to a judicial officer's determination that they should be committed to prison. I share JUSTICE ALITO's intuition that the calculus may be different in such cases, given that "[m]ost of those arrested for minor offenses are not dangerous, and most are released from custody prior to or at the time of their initial appearance before a magistrate." *Ante*, at 2 (concurring opinion). As he notes, this case does not address, and "reserves judgment on," whether it is always reasonable "to strip search an arrestee before the arrestee's detention

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has been reviewed by a judicial officer." *Ante*, at 3. In my view, it is highly questionable that officials would be justified, for instance, in admitting to the dangerous world of the general jail population and subjecting to a strip search someone with no criminal background arrested for jaywalking or another similarly minor crime, *supra*, at 5. Indeed, that consideration likely underlies why the Federal Government and many States segregate such individuals even when admitted to jail, and several jurisdictions provide that such individuals be released without detention in the ordinary case. See, e.g., Cal. Penal Code Ann. §853.6 (West Supp. 2012).

In an appropriate case, therefore, it remains open for the Court to consider whether it would be reasonable to admit an arrestee for a minor offense to the general jail population, and to subject her to the "humiliation of a strip search," prior to any review by a judicial officer. *Ante*, at 2 (ALITO, J., concurring).

* * *

For the reasons set forth, I cannot find justification for the strip search policy at issue here—a policy that would subject those arrested for minor offenses to serious invasions of their personal privacy. I consequently dissent.

LAW & ORDERON THE JOB NEWS EYE ON EDUCATION DISCIPLINE SOCIAL NETWORKING **JUST RANDED DOWN**

Supreme Court Upholds Jail Ops "Strip Searches"

> By Pam McDonald and Randy Means



cludes that an invasive search of new inmates entering the general population of a jail (two jails in this case), is lawful because the search is "reasonably related to legitimate security interests."

The Facts of the Case

In a clearly "bad to worse" case for Mr. Florence, a New Jersey state trooper arrested him for an active bench warrant, arising from a "failure to appear" at a hearing to pay a fine, when in fact by the time of the arrest Florence had paid the fine (but after the court date). Florence was subjected to intrusive body searches at one jail, where he was held for six days, and then again when he was transferred to a second jail.

The in-processing at the first jail, the Burlington County Detention Center, required Florence and every incoming detainee to shower with a delousing agent, to be visually checked for scars, marks and gang tattoos, to lift his tongue and have his mouth examined, and finally to completely expose himself for inspection by holding out his arms, turning around and lifting his genitals. He remained at this facility for six days, and then he was transferred to the largest county jail in New Jersey, the Essex County Correctional Facility.

At the Essex County Correctional Facility, Florence was again subjected to invasive in-processing procedures. All newly arrived inmates were kept in a group holding cell until they could be thoroughly searched. When leaving the cell, each inmate was instructed to disrobe and was checked for body markings, wounds and contraband, and was required to expose his body openings for visual inspection. During this process, Florence was required to lift his genitals, turn around, and cough in a squatting position. Then there was a mandatory shower, while his clothes were inspected, and finally he was admitted to the facility.

He was released the next day when it was learned the charges against him had been dismissed. Unfortunately for Mr. Florence, the

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his is the case that wasn't. Media coverage indicated, some of it explicitly, that the new U.S. Supreme Court decision in *Florence v. Board of Chosen Freeholders of the County of Burlington* involved "police" strip-searching even those arrested for the most minor crimes, as if it were about ordinary searches incident to arrest by field law enforcement officers.

In fact, the Supreme Court addressed the question of whether it is lawful to conduct an intrusive bodily search – sometimes called a "strip search" – on all pre-trial detainees entering the general population of a jail, even when there is no particular reason to suspect the new inmate is concealing contraband.

It has always been pretty clear that detention officers could search inmates, new or old, when there is reason to think the inmate is concealing contraband. It was not completely clear, however, that detention officers are permitted to conduct invasive searches on all incoming inmates, including those arrested for very minor offenses, as a routine procedure. The answer is now clearly "yes, they are" at least in respect to those inmates who will be entering the general population of the facility.

After weighing the justifications offered by corrections officials in this case, the Court greatly defers to their experience and expertise and de-

Jails are responsible for identifying and minimizing threats inmates pose to themselves, to other inmates, and to the jails' personnel.

pending charges were not removed from the computer system until after he was processed into the second jail. With empathy, one can understand Mr. Florence's annoyance with the system.

Corrections Officers Convinces the Court
Florence (and other inmates who were charged with non-indictable offenses) sued the jails for allegedly violating their Fourth Amendment rights, claiming the practice of requiring all entering inmates to strip naked and be subjected to visual inspection, without reasonable suspicion that a particular inmate was carrying contraband, was an unreasonable search.

In its decision on appeal, the United States Supreme Court first explained that a jail regulation impinging on an inmate's constitutional rights must be upheld "if it is reasonably related to legitimate penological interests," citing *Turner v. Safley*, 482 U.S. 78 (1987). The Court then contemplated the corrections officials' list of justifications for requiring all entering inmates to be thoroughly searched, even without reasonable suspicion.

In the record of the case, corrections officials explained the problems they encounter dealing with the constantly revolving inmate population. The brief stays and the perpetual influx of new inmates give jail personnel little opportunity to accurately identify which inmates pose the greatest risks. They described the value of deterring entering inmates from bringing contraband into their facilities by thoroughly searching every entering inmate, as inmates would adapt and exploit the situation if there were any exceptions to the rule.

They reminded that jails are responsible for identifying and minimizing threats inmates pose to themselves, to other inmates, and to the jails' personnel. The jails' invasive searches of new inmates help officers identify medical concerns (wounds, injuries, lice, contagious infections). The thorough inspection of their bodies exposed gang affiliations, which affects lodging decisions and the safety of everyone in the jail.

They explicitly articulated the obvious dangers of inmates bringing concealed contraband (weapons, drugs, lighters, cigarettes) into the jail environment, but they also explained concerns beyond sneaking in contraband. In the end, the corrections officials' well-reasoned justifications were sufficient to link the jails' security needs to the practice of thoroughly searching all inmates being admitted to the general population.

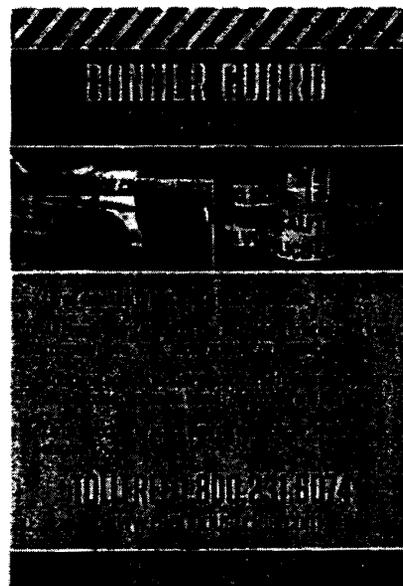
In this case, corrections officers provided legitimate justifications for their policies requiring thorough searches of entering inmates - and the Court accepted those justifications in regard to those entering the general population. However, the Court specifically left open the possibility that, in other situations, it may not be reasonable to subject all entering inmates to this level of thorough search, and Chief Justice Roberts specifically drew attention to this aspect of the Court's decision.

Jails that require such thorough searches of entering in-

mates have to justify the need for them in their specific situations. In some circumstances - for instance, if the inmate entering an individual holding cell is going to be under close supervision, is not going to have contact with other inmates, and is only going to stay a few hours - such an invasive search without particularized suspicion may not be justified.

In this case, though, the Court greatly defers to the experience and expertise of the corrections officials who defended the jails' regulations - and they helped themselves a lot by providing well-reasoned justifications for their particular policies. The case serves as a great reminder of the value, throughout law enforcement, of a strong articulation of justification, at the trial level of a case, by the official(s) handling a matter - even if that official might feel he / she is stating the obvious.

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Supreme Court: Strip searches in jail OK even for minor offenses

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Supreme Court: Strip searches in jail OK even for minor offenses

*By Pete Williams, NBC News chief justice correspondent
August 27, 2012, 1:37 pm*

NBCNews.com

WASHINGTON -- Siding with security needs over privacy rights, the Supreme Court ruled Monday that jailers may subject people arrested for minor offenses to invasive strip searches.

By a 5-4 vote, the court rejected a challenge from a New Jersey man who argued it's unconstitutional to force everyone to strip down for inspection. Albert Florence was arrested by a state trooper because of an error in the state's records that mistakenly said he was wanted on an outstanding warrant for an unpaid fine. Even if the warrant had been valid, failure to pay a fine is not a crime in New Jersey.

Florence was held for a week in two different jails before the charges were dropped. But at each jail, he was required to shower with delousing soap and undergo a strip search.

Florence's lawyers argued such searches are unconstitutional unless police have reason to believe the subject is carrying a weapon or drugs.

But the court's majority said it's difficult for jail officials to know who's dangerous and who isn't among the 13 million prisoners they process each year because criminal records are often not available at the time of intake. The majority opinion was written by Justice Anthony Kennedy.

The court also noted that Timothy McVeigh, the Oklahoma City bomber, was initially arrested for not having a license plate on his car and that one of the 9/11 terrorists was stopped and ticketed for speeding just two days before hijacking Flight 93. "People detained for minor offenses can turn out to be the most devious and dangerous criminals," the court said.

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968.255 Strip searches.

(1) In this section:

(a) "Detained" means any of the following:

1. Arrested for any felony.
2. Arrested for any misdemeanor under s. 167.30 (1), 940.19, 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.
3. Taken into custody under s. 938.19 and there are reasonable grounds to believe the juvenile has committed an act which if committed by an adult would be covered under subd. 1. or 2.

968.255(1)(a)4. Arrested for any misdemeanor not specified in subd. 2., any other violation of state law punishable by forfeiture or any local ordinance if there is probable cause to believe the person is concealing a weapon or a thing which may constitute evidence of the offense for which he or she is detained.

(b) "Strip search" means a search in which a detained person's genitals, pubic area, buttock or anus, or a detained female person's breast, is uncovered and either is exposed to view or is touched by a person conducting the search.

(2) No person may be the subject of a strip search unless he or she is a detained person and if:

(a) The person conducting the search is of the same sex as the person detained, unless the search is a body cavity search conducted under sub. (3);

(b) The detained person is not exposed to the view of any person not conducting the search;

(c) The search is not reproduced through a visual or sound recording;

(d) A person conducting the search has obtained the prior written permission of the chief, sheriff or law enforcement administrator of the jurisdiction where the person is detained, or his or her designee, unless there is probable cause to believe that the detained person is concealing a weapon; and

(e) A person conducting the search prepares a report identifying the person detained, all persons conducting the search, the time, date and place of the search and the written authorization required by par. (d), and provides a copy of the report to the person detained.

(3) No person other than a physician, physician assistant or registered nurse licensed to practice in this state may conduct a body cavity search.

(4) A person who intentionally violates this section may be fined not more than \$1,000 or imprisoned not more than 90 days or both.

(5) This section does not limit the rights of any person to civil damages or injunctive relief.

(6) A law enforcement agency, as defined in s. 165.83 (1) (b), may promulgate rules concerning strip searches which at least meet the minimum requirements of this section.

(7) This section does not apply to a search of any person who:

(a) Is serving a sentence, pursuant to a conviction, in a jail, state prison or house of correction.

(b) Is placed in or transferred to a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g).

(c) Is committed, transferred or admitted under ch. 51, 971 or 975.

(d) Is confined as a condition of probation under s. 973.09 (4).

History: 1979 c. 240; 1981 c. 297; 1987 a. 332; 1991 a. 17; 1993 a. 95, 105; 1995 a. 77, 154; 1997 a. 35; 1999 a. 9; 2001 a. 109; 2003 a. 344; 2011 a. 35.

A visual body cavity search is more intrusive than a strip search. It is not objectively reasonable for police to conclude that consent to a strip search includes consent to scrutiny of body cavities. *State v. Wallace*, 2002 WI App 61, 251 Wis. 2d 625, 642 N.W.2d 549, 00-3524.

Intrusive searches of the mouth, nose, or ears are not covered by sub. (3). However, searches of those body orifices should be conducted by medical personnel to comply with the 4th and 5th amendments. 71 Atty. Gen. 12.

**OUTAGAMIE COUNTY BOARD MEETING
FEBRUARY 26, 2013**

Resolution No. 127--2012-2013

ROLL CALL to adopt as amended. RESOLUTION NO. 127--2012-2013 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	NO	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL		33 N. AUSTIN	YES
16 B. LEMANSKI		34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 9 Passed (31 YES - 1 NO)			Maj

**OUTAGAMIE COUNTY BOARD MEETING
FEBRUARY 26, 2013**

Resolution No. 127--2012-2013

Supervisor Krueger moved, seconded by Supervisor Hofacker, strike the following wording: Line 1 "or a former law enforcement officer"; line 3 and 4 "or, in the case of a former law enforcement officer, employed"; lines 7 and 8 "and qualified former law enforcement officers"; line 9 "and qualified former law enforcement"; and line 15 "and qualified former law enforcement."

RESOLUTION NO. 127--2012-2013 IS AMENDED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	YES	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	YES
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 8 Passed (32 YES - 0 NO)			Maj

RESOLUTION NO.: 127--2012-13

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

Majority

1 Under current law, a law enforcement officer may carry a concealed weapon if he or she
2 has a license issued by the Department of Justice or if he or she carries photographic
3 identification issued by the law enforcement agency that employs him or her. Current
4 state law prohibits a licensee from carrying a firearm on school grounds and certain
5 posted private properties. A proposal has been drafted exempting law enforcement
6 officers who are acting in their official capacity, qualified law enforcement officers,
7 without regard to whether they are on duty, from these prohibitions. This resolution
8 supports exempting off-duty officers from this prohibition in such designated areas.
9

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12 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
13 adoption of the following resolution.

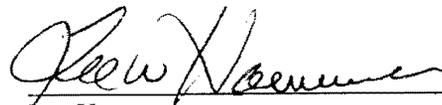
14 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support any proposal
15 exempting off-duty officers from current state law prohibiting a licensee from carrying a firearm on
16 school grounds and certain posted private properties, and

17 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
18 of this resolution to all Wisconsin counties, members of the Wisconsin Legislature, the Outagamie
19 County Lobbyist, the Outagamie County Sheriff and the Outagamie County Executive.

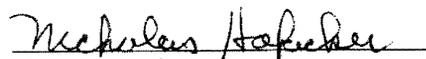
20 Dated this 26th day of February, 2013

21 Respectfully Submitted,
22 PUBLIC SAFETY COMMITTEE

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James Duncan


Lee Hammen

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Katrin Patience


Nicholas Hofacker

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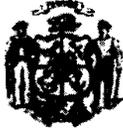
Tony Krueger
Tony Krueger

Duly and officially adopted by the County Board on: February 26, 2013

Signed: Judith A. Schutte Teri J. Brugh
Board Chairperson County Clerk

Approved: 2-28-13 Vetoed: _____

Signed: [Signature]
County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1229/1
CMB kjf/ph

2013 BILL

1 **AN ACT to renumber 943.13 (4m); to amend 948.605 (3) (b) 1., 948.605 (3) (b)**
2 **2. and 948.605 (3) (b) 3.; and to create 943.13 (4m) (bm), 948.605 (2) (b) 2d.,**
3 **948.605 (2) (b) 2f. and 2h. and 948.605 (3) (b) 5., 6. and 7. of the statutes;**
4 **relating to: law enforcement officers who are on duty, off-duty law**
5 **enforcement officers, and former law enforcement officers and going armed**
6 **with firearms.**

Analysis by the Legislative Reference Bureau

Under current law, a law enforcement officer or a former law enforcement officer may go armed with (carry) a concealed weapon if he or she has a license issued by the Department of Justice or if he or she carries a photographic identification issued by the law enforcement agency that employs or, in the case of a former law enforcement officer, employed, him or her and meets other qualifications such as meeting any standards established by the agency to carry a firearm, not being under the influence of an intoxicant, and not carrying a machine gun or a firearm silencer. Federal law explicitly preempts any state law prohibiting a qualified law enforcement officer or a qualified former law enforcement officer from carrying a concealed firearm, but federal law allows a state to permit private persons to prohibit the possession of concealed firearms on their property and to prohibit firearms on any state or local government property, installation, building, base, or park. Current state law prohibits a licensee from carrying a firearm on school grounds and on

**OUTAGAMIE COUNTY BOARD MEETING
FEBRUARY 26, 2013**

Resolution No. 128--2012-2013

Supervisor Duncan moved, seconded by Supervisor Hofacker, for adoption.

RESOLUTION NO. 128--2012-2013 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	NO	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL		33 N. AUSTIN	YES
16 B. LEMANSKI		34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 10 Passed (31 YES - 1 NO)			Maj

RESOLUTION NO.: 128--2012-13

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

Majority

1 Under current law, a county may seek reimbursement for certain expenses it incurs from a person
2 sentenced to a county jail or placed on probation and confined to jail, in relation to the crime for
3 which the person was sentenced to or confined in jail. Expenses include the daily cost of
4 maintaining the person in jail, costs incurred to investigate the person's financial status, and
5 other moneys the county spends in order to collect payment of those expenses from the person.
6 Current law allows the county 12 months after the person is released from jail to commence a
7 civil action in circuit court for reimbursement of expenses. A proposal has been drafted
8 extending that time from 12 months to 24 months. This resolution supports extending that time
9 period from 12 months to 24 months.

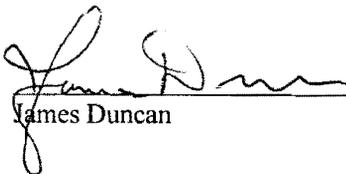
10
11 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
12 adoption of the following resolution.

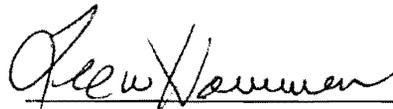
13 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support any proposal
14 extending the time period from 12 months to 24 months for a county to seek reimbursement for certain
15 expenses it incurs from a person sentenced to a county jail or placed on probation and confined to jail, in
16 relation to the crime for which the person was sentenced to or confined in jail, and

17 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
18 of this resolution to all Wisconsin counties, members of the Wisconsin Legislature, the Outagamie
19 County Lobbyist, the Outagamie County Sheriff and the Outagamie County Executive.

20 Dated this 24th day of February, 2013

21 Respectfully Submitted,
22 PUBLIC SAFETY COMMITTEE

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27 
James Duncan


Lee Hammen

1 Katrin Patience
2 Katrin Patience

Nicholas Hofacker
Nicholas Hofacker

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7 Tony Krueger
8 Tony Krueger

9 Duly and officially adopted by the County Board on: February 26, 2013

10 Signed: Judith Schutte Lois O'Brien
11 Board Chairperson County Clerk

12
13 Approved: 2-28-13 Vetoed: _____

14
15 Signed: [Signature]
16 County Executive
17



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0750/1
DATE

2013 BILL

1 **AN ACT to amend 302.372 (6) (a) of the statutes; relating to: extending the time**
2 **period for counties to seek reimbursement from prisoners for expenses**
3 **associated with confinement in jail.**

Analysis by the Legislative Reference Bureau

Under current law, a county may seek, from a person who is sentenced to a county jail or placed on probation and confined in jail, reimbursement for certain expenses it incurs in relation to the crime for which the person was sentenced to or confined in jail. These expenses include the daily cost of maintaining the person in jail, costs incurred to investigate the person's financial status, and other moneys the county spends in order to collect payment of those expenses from the person. Current law allows the county 12 months after the person is released from jail to commence a civil action in circuit court for reimbursement of the expenses.

This law extends, from 12 months to 24 months, the time in which a county may commence a civil action for reimbursement of its expenses from a person who is released from jail.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**OUTAGAMIE COUNTY BOARD MEETING
MARCH 12, 2013**

Resolution No. 136--2012-2013

Supervisor Nagler moved, seconded by Supervisor Groat, for adoption.

RESOLUTION NO. 136--2012-2013 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	NO
3 C. SCHMIDT	NO	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	YES
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 5 Passed (31 YES - 2 NO)			Maj

RESOLUTION NO.: 136--2012-13

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 2013 Assembly Bill 24 would permit board of canvassers conducting a recount to determine to
2 conduct the recount of a specific election by hand unless a court orders the recount to be
3 conducted by another method. Currently, with a limited exception, a board of canvassers must
4 use automatic tabulating equipment to conduct a recount of ballots that are in machine-readable
5 form. Automatic tabulating equipment has been certified by both the federal and state
6 government for use in Wisconsin elections. In addition, with each election the automatic
7 tabulating equipment must be publically tested, and prior to the recount being conducted, must
8 also be tested. Candidates and citizens, in the case of referendum, who request a recount of an
9 election deserve to have their recount be conducted as accurately as possible and similarly to
10 how the election was conducted. The current recount process also provides candidates and/or
11 citizens (referendum) an opportunity to challenge with the board of canvassers certain individual
12 ballots to be hand counted during the recount rather than have them automatically tabulated. In
13 Outagamie County, six municipalities are required to utilize automatic tabulating equipment. An
14 additional 18 municipalities in Outagamie County have voluntarily chosen to utilize automated
15 tabulating equipment because of its ease and accuracy in tabulating votes. Because elections are
16 often decided by a few votes, accuracy of a recount is essential for the outcome of the election.
17 As the current recount process has demonstrated to be fair and accurate in Outagamie County,
18 this resolution opposes allowing the board of canvassers conducting a recount to determine to
19 conduct the recount of a specific election by hand unless a court orders the recount to be
20 conducted by another method.

21
22
23 NOW THEREFORE, the undersigned members of the Finance Committee recommend adoption
24 of the following resolution.

25 BE IT RESOLVED, that the Outagamie County Board of Supervisors does oppose allowing the
26 board of canvassers conducting a recount to determine to conduct the recount of a specific election by
27 hand unless a court orders the recount to be conducted by another method, and

28 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
29 of this resolution to all Wisconsin Counties, the Outagamie County Lobbyist for distribution to the
30 legislature, and the Governor of the State of Wisconsin.

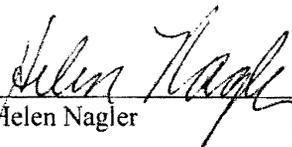
31 Dated this 12th day of March, 2013

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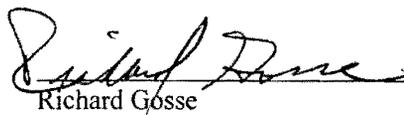
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Respectfully Submitted,
FINANCE COMMITTEE


Helen Nagler

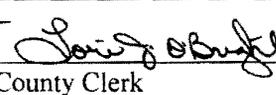

Kathy Groat


Richard Gosse


Norman Austin


Kevin Stum

Duly and officially adopted by the County Board on: March 12, 2013

Signed:  Board Chairperson
 County Clerk

Approved: 3-13-13 Vetoed: _____

Signed: 
County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0623/1
JK:ejs:jm

2013 BILL

1 **AN ACT to amend 5.90 (1) of the statutes; relating to:** the method of recounting
2 votes cast with automatic tabulating equipment.

Analysis by the Legislative Reference Bureau

Currently, with a limited exception, a board of canvassers must use automatic tabulating equipment to conduct a recount of ballots that are in machine-readable form. However, a candidate, or an elector if the recount is for a referendum question, may petition the circuit court for an order requiring ballots in machine-readable form to be recounted by hand or by another method approved by the court. To obtain such an order, the candidate or elector must show by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect results and there is a substantial probability that recounting the ballots by hand or by another method will produce a more correct result and change the outcome of the election.

This bill permits the board of canvassers conducting a recount to determine to conduct the recount of a specific election by hand unless a court orders the recount to be conducted by another method.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 5.90 (1) of the statutes is amended to read:

2013 - 2014 Legislature

- 2 -

LRB-0623/1

JK:cjs:jm

BILL

SECTION 1

1 5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast
2 on an electronic voting system shall be conducted in the manner prescribed in s. 9.01.
3 Except as provided in this subsection, sub. (2), and s. 9.01 (1) (b) 8s., if the ballots are
4 distributed to the electors, the board of canvassers shall recount the ballots with
5 automatic tabulating equipment. The board of canvassers shall test the automatic
6 tabulating equipment to be used prior to the recount as provided in s. 5.84, and then
7 the official ballots or the record of the votes cast shall be recounted on the automatic
8 tabulating equipment. In addition, the board of canvassers shall check the ballots
9 for the presence or absence of the initials and other distinguishing marks, shall
10 examine the ballots marked "Rejected", "Defective" and "Objected to" to determine
11 the propriety of such labels, and shall compare the "Duplicate Overvoted Ballots"
12 and "Duplicate Damaged Ballots" with their respective originals to determine the
13 correctness of the duplicates. Unless a court orders a recount to be conducted by
14 another method under sub. (2), the board of canvassers may determine to conduct the
15 recount of a specific election by hand. If electronic voting machines are used, the
16 board of canvassers shall perform the recount using the permanent paper record of
17 the votes cast by each elector, as generated by the machines.

18 **SECTION 2. Initial applicability.**

19 (1) This act first applies with respect to petitions for recounts at elections held
20 after the effective date of this subsection.

21

(END)

**OUTAGAMIE COUNTY BOARD MEETING
MARCH 12, 2013**

Resolution No. 138--2012-2013

ROLL CALL to adopt as amended. RESOLUTION NO. 138--2012-2013 IS ADOPTED AS AMENDED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	NO	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	YES
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN		31 R. THERN	YES
14 D. DE GROOT		32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 8 Passed (33 YES - 1 NO)			Maj

**OUTAGAMIE COUNTY BOARD MEETING
MARCH 12, 2013**

Resolution No. 138--2012-2013

Supervisor Iverson moved, seconded by Stueck, to amend Res. #138 in the first resolve to add that "If the department wants a disability rating code put on the driver's license, the veteran would have an option to not have that code listed on the license."

ROLL CALL to amend. AMENDMENT CARRIED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	YES
3 C. SCHMIDT	YES	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	YES
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	YES
13 L. VAN ASTEN		31 R. THERN	YES
14 D. DE GROOT		32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 7 Passed (33 YES - 0 NO)			Maj

RESOLUTION NO.: 138--2012-13

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 A legislative proposal has been submitted that would allow an individual to have their
2 status as a veteran designated on their state issued operator's license or identification
3 card. Veteran status listed on a driver's license or identification card will assist the
4 veteran and law enforcement personnel in case of an emergency and will diminish the
5 need for a veteran to carry his or her DD-214 which contains sensitive information. This
6 simple change to Wisconsin driver's licenses and state identification cards can make day
7 to day life a little easier for the men and women who have served our country. This
8 resolution supports allowing an individual to have their status as a veteran designated on
9 their state issued operator's license or identification card.

10
11 NOW THEREFORE, the undersigned members of the Health & Human Services Committee
12 recommend adoption of the following resolution.

13 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support indication of
14 veteran status on an operator's license or identification card. If the department wants a disability rating
15 code put on the driver's license, the veteran would have an option to not have that code listed on the
16 license, and

17 BE IT FINALLY RESOLVED, that the County Clerk be directed to forward this resolution to
18 the Outagamie County Veterans Service Officer, the Outagamie County Lobbyist for distribution to the
19 legislature, all Wisconsin counties and the Outagamie County Executive.

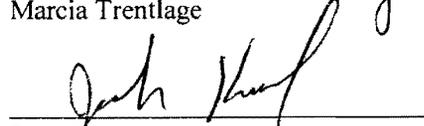
20 Dated this 12th day of March 2013.

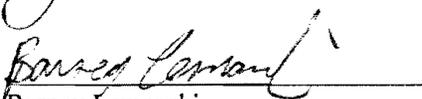
Respectfully Submitted,
HEALTH & HUMAN SERVICES COMMITTEE

21
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23
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25 Peter Stueck


Marcia Trentlage

26
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28 
29 Jerry Iverson


Josh Karl

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31
32 
33 Barney Lemanski
34

1 Duly and officially adopted by the County Board on: March 12, 2013
2

3
4 Signed: Judith Schuette Loni O'Bright
5 Board Chairperson County Clerk

6
7 Approved: 3 13 13 Vetoed: _____
8

9
10 Signed: [Signature]
11 County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0153/2
EVM:cjs:jf

2013 BILL

1 **AN ACT** *to renumber* 343.17 (6); *to amend* 343.50 (4); and *to create* 45.03 (13)
2 (o), 343.14 (2) (j), 343.17 (3) (a) 15., 343.17 (6) (b) and 343.50 (3) (am) of the
3 statutes; **relating to:** indication of veteran status on an operator's license or
4 identification card and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill allows an applicant for a motor vehicle operator's license or identification card issued by the Department of Transportation (DOT) to indicate whether he or she is a veteran and whether he or she wishes to have his or her veteran status indicated on the license or card. If an applicant indicates that he or she is a veteran who wishes to have his or her veteran status indicated on the license or card and provides verification from the Department of Veterans Affairs that the applicant is a veteran, DOT must provide an indication of the person's veteran status on the front side of the license or card.

This bill also allows DOT to promulgate rules establishing veteran disability rating codes to assist in identifying persons that are eligible for benefits programs and requiring that a license or identification card that contains a veteran indication also include a veteran disability rating code.



2013 - 2014 Legislature

- 2 -

LRB-0153/2
EVM:cjs:jf

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 45.03 (13) (o) of the statutes is created to read:

2 45.03 (13) (o) Provide verification to the department of transportation of the
3 information required under s. 343.14 (2) (j).

4 **SECTION 2.** 343.14 (2) (j) of the statutes is created to read:

5 343.14 (2) (j) A statement as to whether the applicant is a veteran, as defined
6 in s. 45.01 (12), and, if so, whether the applicant wishes to have his or her veteran
7 status indicated on the license or identification card. If the applicant has indicated
8 that he or she is a veteran and wishes to have his or her veteran status indicated on
9 the license or identification card, the applicant shall provide verification from the
10 department of veterans affairs that the applicant is a veteran.

11 **SECTION 3.** 343.17 (3) (a) 15. of the statutes is created to read:

12 343.17 (3) (a) 15. If the person is a veteran, has indicated that he or she wishes
13 to have his or her veteran status indicated on the license, and has provided the
14 verification required under s. 343.14 (2) (j), an indication that the person is a veteran.

15 **SECTION 4.** 343.17 (6) of the statutes is renumbered 343.17 (6) (a).

16 **SECTION 5.** 343.17 (6) (b) of the statutes is created to read:

17 343.17 (6) (b) The department may promulgate rules establishing veteran
18 disability rating codes to assist in identifying persons eligible for benefits programs
19 and requiring that a license document or identification card that contains a veteran
20 indication under sub. (3) (a) 15. or s. 343.50 (3) (a) include a veteran disability rating
21 code.

**OUTAGAMIE COUNTY BOARD MEETING
MARCH 12, 2013**

Resolution No. 139--2012-2013

Supervisor McDaniel moved, seconded by Supervisor Buchman, for adoption.

RESOLUTION NO. 139--2012-2013 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	NO
2 H. NAGLER	YES	20 M. THOMAS	NO
3 C. SCHMIDT	NO	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	NO	24 J. PLEUSS	NO
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	NO
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	NO	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	NO
13 L. VAN ASTEN		31 R. THERN	YES
14 D. DE GROOT		32 M. RAHMLow	NO
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 9 Passed (25 YES - 9 NO)			Maj

RESOLUTION NO.: 139--2012-13

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Under current law, a retail electric utility or cooperative (electric provider) is subject to
2 certain requirements for ensuring that, in a given year, a specified percentage of the
3 electricity that the electric provider sells to retail customers or members is derived from
4 renewable energy. The utilities and cooperatives were given a baseline percentage with
5 which to comply. In 2010, an electric provider was required to increase its percentage of
6 renewable energy sold to two percentage points above its baseline renewable percentage.
7 In 2011 to 2014, an electric provider is required to ensure that its percentage of renewable
8 energy sold does not decrease below the percentage required in 2010. In 2015, an
9 electric provider is required to increase its percentage of renewable energy sold to six
10 percentage points above its baseline renewable percentage. In 2016, and each year
11 thereafter, an electric provider is required to ensure that its percentage of renewable
12 energy sold does not decrease below the percentage required in 2015. A proposal has
13 been submitted which will freeze the renewable energy requirements at the 2011 levels.
14 This resolution opposes such a freeze. Outagamie County has committed to long-term
15 production of renewable energy from landfill gas, and current law supports such
16 renewable energy production.
17

18 NOW THEREFORE, the undersigned members of the Highway & Solid Waste Committee
19 recommend adoption of the following resolution.

20 BE IT RESOLVED, that the Outagamie County Board of Supervisors opposes freezing the
21 renewable energy requirements, and

22 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
23 of this resolution to all Wisconsin Counties, the Outagamie County Lobbyist for distribution to the
24 Legislature and the Outagamie County Executive.

25 Dated this 22nd day of March, 2013

26
27
28 Respectfully Submitted,
29 HIGHWAY & SOLID WASTE
30 COMMITTEE
31

1 Don DeGroot

James McDaniel
James McDaniel

2 Ralph Thern

Ralph Thern

Ken Vanden Heuvel
Ken Vanden Heuvel

3
4
5
6 Bob Buchman
7 Bob Buchman

Bob Buchman

8
9
10
11 Duly and officially adopted by the County Board on: March 12, 2013

12
13 Signed: Judith Schutte
14 Board Chairperson

Shirley O'Boyle
County Clerk

15
16 Approved: 3 13 13

Vetoed: _____

17
18 Signed: [Signature]
19 County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0984/1
MDK:jld:jf

2013 SENATE BILL 47

February 28, 2013 - Introduced by Senator GROTHMAN, cosponsored by Representatives LEMAHIEU, KESTELL, NASS, SCHRAA, BROOKS and T. LARSON. Referred to Energy, Consumer Protection, and Government Reform.

- 1 **AN ACT to repeal** 196.378 (2) (a) 2. d. and 196.378 (2) (a) 2. e.; and **to amend**
2 196.378 (2) (a) 2. c. of the statutes; **relating to:** renewable energy requirements
3 for retail electric utilities and cooperatives.

Analysis by the Legislative Reference Bureau

Under current law, a retail electric utility or cooperative (electric provider) is subject to certain requirements for ensuring that, in a given year, a specified percentage of the electricity that the electric provider sells to retail customers or members is derived from renewable energy. In 2006 to 2009, an electric provider was required to ensure that the percentage of renewable energy sold to its customers or members did not decrease below its baseline renewable percentage, which is defined as the average percentage of renewable energy sold in 2001 to 2003. In 2010, an electric provider was required to increase its percentage of renewable energy sold to 2 percentage points above its baseline renewable percentage. In 2011 to 2014, an electric provider is required to ensure that its percentage of renewable energy sold does not decrease below the percentage required for 2010. In 2015, an electric provider is required to increase its percentage of renewable energy sold to 6 percentage points above its baseline renewable percentage. In 2016 and each year thereafter, an electric provider is required to ensure that its percentage of renewable energy sold does not decrease below the percentage required in 2015.

This bill changes the above deadlines by requiring an electric provider to ensure that the percentage of renewable energy sold to its customers and members in 2011 and each year thereafter does not decrease below the percentage required under



Lakeshores Library System

Serving Racine & Walworth Counties Since 1983

725 Cornerstone Crossing, Suite C
Waterford, WI 53185

RECEIVED

Ms. Sue Cantrell, System Director
Mid Wisconsin Federated Library System
112 Clinton Street
Horicon, WI 53032

APR 1 2013

WALWORTH COUNTY ADMINISTRATION

March 27, 2013

Dear Ms. Cantrell,

The Lakeshores Library System Board met on January 16, March 19 and March 27, 2013. During these meetings the LLS Board has thoroughly discussed the inherent administrative issues surrounding SHARE. These issues include:

- Shared cost for intersystem delivery of SHARE material
- Employment, training, and structure of SHARE technical support staff
- SHARE policymaking structure

It is clear that SHARE is valued by member libraries, both system administrators, both system boards, and especially library patrons. Unfortunately, the items noted above present significant financial and personnel issues for LLS, which have become untenable. A detailed description of the issues follows with some recommendations for resolution.

Shared Costs for intersystem delivery of SHARE material

The current SHARE Agreement states that ***delivery between the systems, and similar associated costs are to be shared on a proportionate basis (60% MWFLS and 40% LLS).***

Both systems are equally dependent upon the inter-system route to deliver the materials their patrons have requested so it remains a critical part of the SHARE Agreement. LLS interprets the SHARE Agreement to mean that the cost of the "inter-system" link should be shared on a proportionate basis. This has not been happening.

Since the inception of SHARE, LLS has spent state aid and local library dollars totaling \$133,378 to move SHARE materials between the systems on the "inter-system" link. The detailed costs are:

Year	Cost
2007	\$18,200
2008	\$18,200
2009	\$18,796
2010	\$23,663
2011	\$29,674
2012	\$21,544
2013	\$3,300
Grand Total	\$133,378

LLS cannot continue to pay for the entire cost of delivery as LLS is, in essence, subsidizing SHARE delivery to populations for which they do not receive state aid dollars. LLS has been managing the "inter-system" link and proposes that this continue. LLS is requesting to be reimbursed by MWFLS for their portion of the costs incurred in 2013 and going forward.

Employment, training, and structure of SHARE technical support staff

In late 2010, MWFLS lost members of their IT staff. As the number of MWFLS IT staff decreased, the LLS IT staff took on more and more responsibility for maintaining SHARE-related hardware and software. MWFLS agreed to reimburse LLS for a portion of SHARE IT support, however the actual time spent greatly exceeded the budgeted amount. Here are some key items LLS staff have managed since the inception of SHARE:

- Implemented, maintained and upgraded all five servers that comprise SHARE
- Performed all SHARE server migrations
- Facilitated cooperation amongst SHARE libraries to work through system-wide projects.
 - Developed shared item types to facilitate inter-library borrowing – LLS Employees contacted each library to come up with a plan to move them to the new item types, wrote database scripts to make the conversion, and implemented system policy to accommodate the changes
 - Developed 'recommended practices' for SHARE member libraries – LLS staff scheduled meetings with each library to review practices and improve reports. They then made modifications to member library reporting to get the criteria to match up. This resolved a number of issues we had with patrons not getting notified or being notified multiple times. LLS Employees then encouraged libraries to submit helpdesk tickets when modifications were needed, so the integrity and function of the system could be preserved
- Have cultivated and maintained the relationship with SirsiDynix, the vendor of the shared system. They have done this by:
 - Attending and presenting at yearly user-group conferences.
 - Corresponding with ClientCare Support Representatives, Project Managers, Product Managers, Library Relations Managers and Sales personnel to diagnose product issues
 - Providing early feedback for product development and participating in pre-release product testing
 - Requesting and negotiating contract pricing

LLS IT staff have also devoted significant time to researching, developing & deploying new services designed to meet the evolving needs of public libraries and their service populations. Some examples include:

- Development of custom Purchase Alerts
- Development of custom Patron Time Management System software
- Creation of an unique inventory system for use by libraries
- Deployment of wireless authentication server & software
- Creation of a Text Messaging Notification system
- Implementation of a brief cataloging workflow & associated custom programs
- Development of a unique PayPal bill reconciliation process
- Development of a unique Lost Item Bill reconciliation process
- Writing over 45 other custom-coded reports to automate repetitive tasks

LLS Employees have facilitated cooperation amongst the SHARE libraries, participating in meetings, documenting concerns, and organizing projects to meet those concerns. They have worked hard to create and maintain positive relationships with member libraries across SHARE, often calling each one to explain and work through issues on system-wide projects or making trips to each library to inform and advise on local practice. As a result, they have positioned themselves to be able to make informed decisions on behalf of SHARE member libraries and to devise new workflows and processes that fit into the structure of current practice. LLS Employees have taken a leadership role in developing a well-functioning automation system that is efficient for staff not only in terms of the technology, but also through an interpersonal approach.

Both LLS and MWFLS are mutually benefitting from the expertise and commitment that LLS brings to the SHARE Consortium. Unfortunately, there is a substantial cost to LLS associated with this commitment. The cost is not only financial, but is the cost of positioning LLS member libraries toward the future.

LLS staff has the expertise to manage the SHARE system and would like to continue to fulfill that function. LLS is requesting to be reimbursed by MWFLS for their portion of the costs incurred in 2013 and going forward.

SHARE policymaking structure

LLS and MWFLS are two independent governing bodies presiding over a very complex automated system. There is not a consistent approach to the daily interaction with the system. LLS recommends that a SHARE Governance Committee be developed that will consist of members from both systems. This committee should be charged with creating a set of policies and procedures that each member library would agree to abide by. Representation on the committee should come from libraries, administrations, and potentially system boards.

Summary

The LLS Board is aware that SHARE has become a popular and relied upon service used for valuable resource sharing across five counties. In the spirit of collaboration and cooperation, the LLS Board is:

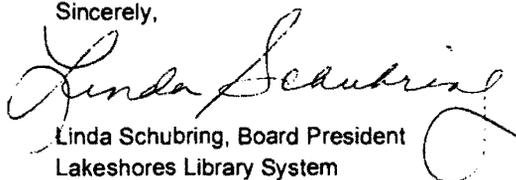
- Requesting to be reimbursed by MWFLS for their portion of the delivery and SHARE-related IT support costs incurred so far in 2013 and going forward.
- Requesting that a SHARE Governance Committee be developed that will consist of members from both systems.
- Requesting that a member of the LLS IT team be assigned to manage SHARE.

In order to facilitate resolution of these items, LLS accepts the invitation from MWFLS to meet and suggests possible meeting dates of April 8, 9, or 10 at the LLS Headquarters to discuss differences in the agreements. Kristen Hewitt can send out an online poll, which will help find a convenient meeting time for as many members as possible.

In the event that the MWFLS Board and Administration do not feel that this issue needs further work, the LLS Board will be in a difficult position. The current agreement for SHARE support and administration is not an equitable partnership for the Lakeshores Library System and it cannot continue as it is.

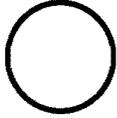
During the Lakeshores Library System Special Board meeting held on March 27, 2013, the LLS Board unanimously approved this letter and may consider terminating the existing *AGREEMENT BETWEEN the LAKESHORES LIBRARY SYSTEM AND MID-WISCONSIN FEDERATED LIBRARY SYSTEM FOR SHARED AUTOMATED LIBRARY SERVICES* at the regularly scheduled LLS board meeting on May 21, 2013 should an agreement not be reached. It is expected that the termination date would be December 1, 2013.

Sincerely,



Linda Schubring, Board President
Lakeshores Library System

Cc: Sue Cantrell, MWFLS Director
MWFLS Board Members
MWFLS Library Directors
LLS Board Members
LLS Library Directors
County Board Chairs of Dodge, Jefferson, Racine, Walworth and Washington Counties
Administrators of Dodge, Jefferson, and Walworth Counties
Racine County Executive
Administrative Coordinator of Washington County



RESOLUTION# 13-3-5

ITEM# 5-1

DATE March 19, 2013

Effective Date March 19, 2013

Introduced by Judicial & Legislative

Page 1 of 1

Committee

Motion:	Adopted:	<input checked="" type="checkbox"/>
1 st Wagner	Lost:	<input type="checkbox"/>
2 nd Clendenning	Tabled:	<input type="checkbox"/>
No: 0 Yes: 19 Absent: 0		
Number of votes required:		
<input checked="" type="checkbox"/> Majority	<input type="checkbox"/> Two-thirds	
Reviewed by: PAK, Corp Counsel		
Reviewed by: _____, Finance Dir.		

LAD

INTENT & SYNOPSIS: To request the state to enact legislation that prohibits an entity from foreclosing on property unless that entity itself has a recorded interest in the property. The goal of the legislation is to provide clarity to property owners and lien holders as to the rights and interests of any foreclosing party.

FISCAL NOTE: No fiscal impact to the county or state.

	NO	YES	A
1 Nelson, J		X	
2 Rozar, D		X	
3 Feirer, M		X	
4 Wagner, E		X	
5 Hendler, P		X	
6 Breu, A		X	
7 Ashbeck, R		X	
8 Miner, T		X	
9 Winch, W		X	
10 Henkel, H		X	
11 Curry, K		X	
12 Machon, D		X	
13 Hokamp, M		X	
14 Polach, D		X	
15 Clendenning, B		X	
16 Pliml, L		X	
17 Allworden, G		X	
18 Murphy, B		X	
19 Moody, R		X	

SOURCE OF MONEY: n/a

WHEREAS, the Wood County Board of Supervisors seeks 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, and

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

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

WHEREAS, the creation of the following section to Wisconsin Statute Ch. 843 Actions for possession of real property; damages for withholding, would accomplish the goals set forth herein:

843.025 Pre-complaint requirements. No action for the possession of or foreclosure on real property shall be commenced until 45 days after the legal interests upon which the complaint are based have been recorded in the Register of Deed's office.

NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES to seek legislation amending Wisconsin Statute Ch. 843 to add the following provision:

843.025 Pre-complaint requirements. No action for the possession of or foreclosure on real property shall be commenced until 45 days after the legal interests upon which the complaint are based have been recorded in the Register of Deed's office.

BE IT FURTHER RESOLVED that the Wood County Clerk shall forward a copy of this resolution to the Wood County legislative representatives, the Wisconsin Counties Association, and to all Wisconsin Counties.

{ }

_____	WILLIAM CLENDENNING (Chairman)
_____	GERALD NELSON
_____	GARY ALLWORDEN
_____	ED WAGNER
_____	WILLIAM MURPHY

Adopted by the County Board of Wood County, this 19th day of March 20 13 .

County Clerk

County Board Chairman

RECEIVED

March 22, 2013

MAR 25 2013

To: Lake Geneva City Council

Subject: TIF 4 (Tax Incremental Financing District #4) **WALWORTH COUNTY BOARD**

It is spring time 2013 and this is another reminder that this is the recommended season to begin preparing for the closure of TIF 4. Elected council members are responsible for the TIF program and have the authority and power to close it or to enable it to continue. Will it be yes or no for closure? It will be interesting to see if anyone really cares about how the intent and purpose of the TIF statute has been repeatedly manipulated and compromised.

History confirms that TIF 4 was rushed into life in 1995 to beat a statute revision. At that time the involved TIF consultants and bond counsel set the tone for things to come by giving their blessings to questionable procedures and projects. A mindset was established that in the TIF world, "anything goes". That mind set was then put to good use by big spenders, TIF proponents, and TIF administrative officials.

Space does not allow for a complete listing of the perceived statute violations. TIF statute is clear that when increment revenues exceed project costs, the TIF should be closed. That situation has happened many times. TIF 4 continues. Statute requires that when TIF funds are used to build revenue-producing projects that the developed revenues are to be applied back into the TIF fund to defray initial project expense. When considering the Beach House, gas pier, West End pier, and parking system- was it done? Check on it.

TIF 4 isn't all bad. There have been some noteworthy accomplishments. It has served its purpose. However, the expense to taxpayers has been huge. Someone should request the 17 year increment tax total. No doubt it would be a shocking figure. In that regard- will it be a yes or no for yet another nearly two-million dollar annual TIF4 tax levy for 2014? Some may remember that it was suggested last year to show that increment tax on the 2013 tax bills in the "Where does your tax dollar go" section. That effort was undertaken to show taxpayers that the TIF millions don't come from some mystical or hypothetical source; the millions come directly out of their property tax payments. The TIF experts apparently thought it best to not divulge the true source of TIF revenue. Consequently, the resultant 2013 tax bill "Where does your tax dollar go" statement became a misnomer, since the section listed several bogus numbers. Please find the attached official "County of Walworth, tax increment calculations, 2012 taxes payable 2013" worksheet. The highlighted listings show where the 2013 taxes go. Items 1-5 in column "A" show each levy for the listed taxing jurisdictions. Please note, as an example, that the levy amount listed for item 3 (City) is confirmed in the attached Lake Geneva Resolution 12-R73 2013 budget report. Then look back to the county sheet under column "F" (tax increment) and note that each levy from column "A" is increased to develop the statute required tax increment. Also, note that the nearly \$2 million increment figure is confirmed on the budget report sheet as a revenue/expenditure wash. So where do general property tax dollars really go? The major portion goes to each entity listed in column "A". The remaining balance (total of column "F"- tax increment) goes to TID No. 04 (TIF 4). It is clear- TIF increments are a tax!

It is important to list some of the reasoning for the continued effort to close TIF 4. TIF 4 can have a 27-year life span since it was created just prior to the 1995 statute 23-year life span revision. The TIF statute as written relies on the honor system for compliance on project selection and associated issues. The statute does not include oversight or policing authority for projects or expenditures. Madison is well aware of the creative interpretations applied to TIF statute use, but no one has authority to do anything about it. When requesting help, the usual response is, "it's a local issue!" Simply stated- no one is watching, and no one cares. TIF proponents at all levels seem to understand and take advantage of that statute omission. The "local issue" appears to be one of attitude and morality. The fact that no one is watching does not justify statute abuse. Questionable projects and expenditures continue to come forward and are included in the schedules. Just because you can get away with it, doesn't seem like an honorable way to conduct business. At times the TIF 4 fund seems to be used to satisfy non-budgeted expenses that just happen to pop-up. It gives credence to the "anything goes" philosophy. TIF revenues are exempt from any form of state levy cap. The door is open and temptations abound. It has been said that the city couldn't have done "this or that" without TIF 4. What is not known is how many "this or that's" did not embrace statute intents. The previously mentioned increment tax situation on the 2013 tax bills is an excellent example of how the TIF program has been managed through the years. It appears that administrations didn't want anyone to fully understand TIF. The vague and confusing explanations of how TIF works given by proponents and state literature have managed to prevent understanding. Even team players have difficulty giving accurate interpretations of the program. Like many issues- there are more questions than answers. The point is that TIF 4, after 17 years, has grown to be sizeable tax burden for Lake Geneva taxpayers. The best way to resolve that tax burden and the varied statute abuses is to close TIF 4 this year.

Every issue has two sides. The side that has the desire to keep TIF 4 active needs to be recognized. Lake Geneva TIF 4 is controlled and supported by a diverse group consisting of consultants, planners, administration officials, internal and external advisors, and the Joint Review Board. This group has been consistent in their support of TIF 4, its amendments and extensions. The diversity involved would indicate a diversity of reasons for support. Discretion will not permit listing the varied support reasons. We may never know the true reasons for support. What we do know is that we are dealing with a complicated, permissive system that each year allows nearly \$2 million of general property tax revenues to be put into a fund for seemingly privileged use. The controlling group has shown little concern for statute abuse or the burden on the taxpayer. They would probably like to forge ahead for 10 more years.

So how will the early 2013 council be judged by history? Will they be remembered for taxpayer relief by closing the maligned TIF 4 and for demanding responsible administration or will they opt to continue TIF 4 and enable proponents to conduct business as usual?

Thank you. Save our city.

Ed Yaeger

Cc: Clerk, Mayor, Media

TAX INCREMENT CALCULATIONS

County/Municipal Code

654246

City of Lake Geneva
COUNTY OF WALWORTH

TID No. 04

for 2012 Taxes Payable 2013

Equalized Value less TID Value Increment:	\$1,136,849,600
Equalized Value with TID Value Increment:	\$1,220,108,300

Taxing Jurisdiction	A Apportioned Levy	B Equalized Value (less TID Value Increment)	C Interim Rate	D Equalized Value (With TID Value Increment)	E Amount to be Levied	F E - A = Tax Increment
County	\$5,071,882.14	\$1,136,849,600	0.004461348	\$1,220,108,300	\$5,443,327.72	\$371,445.58
3. Tax District (city)	\$6,157,389.00	\$1,136,849,600	0.005416186	\$1,220,108,300	\$6,608,333.49	\$450,944.49
School District (s) 2885	\$8,473,099.31	\$1,136,515,090	0.007455334	\$1,219,773,790	\$9,093,821.01	\$620,721.70
School District (s) 2884	\$5,713,789.89	\$1,136,849,600	0.005025986	\$1,220,108,300	\$6,132,247.28	\$418,457.34
Technical College District	\$1,769,758.92	\$1,136,849,600	0.001556722	\$1,220,108,300	\$1,899,369.43	\$129,610.51
Total for Tax Increment	\$27,185,919.26	\$1,136,849,600	0.023913382	\$1,220,108,300	\$29,177,098.88	\$1,991,179.62
State	NOTE: USE COLUMN E TO CALCULATE MILL RATES FOR TAX ROLL				\$207,059.85	
Special, School, Tech. College District Not in a TIF District					\$1,353.92	
Total for Amount to be Levied					\$29,385,512.65	(G) SOT

Resolution 12-R73

WHEREAS, the Common Council of the City of Lake Geneva held a Public Hearing for the proposed 2013 Budget on November 19, 2012 pursuant to Chapter 65-90 of the Wisconsin State Statutes and,

WHEREAS, the Common Council has deliberated and discussed the 2013 expenditures and revenues,

BE IT THEREFORE RESOLVED, that the Common Council of the City of Lake Geneva hereby approve the 2013 Operating and Capital Budgets as follows:

	Description	Revenues	Expenditures
GENERAL FUND			
11	Taxes:		
	General Property Taxes	\$ 4,609,000	
	Other Taxes	722,000	
	Special Assessments	1,582	
	Intergovernmental Revenues	1,000,702	
	Licenses and Permits	376,198	
	Fines and Forfeitures	143,575	
	Public Charges for Services	193,725	
	Interest Earnings	5,500	
	Miscellaneous Revenues	8,740	
	Net Interfund Transfers	967,448	
	General Government		\$ 1,192,896
	Public Safety		3,568,431
	Public Works		1,467,717
	Health & Human Services		1,138,600
	Culture, Recreation & Education		500,698
	Conservation & Development		140,128
	Total General Fund	8,028,470	8,028,470
DEBT SERVICE			
20	Tax Levy	1,040,389	1,040,389
	Debt Service Fund Balance Applied		
	Total Debt Service Fund	1,040,389	1,040,389
LAKEFRONT			
40	Lakefront Operations	1,033,370	551,384
	Transfers		406,986
	Total Lakefront Fund	1,033,370	958,370
CAPITAL PROJECTS			
41	Tax Levy	90,000	
	Capital Fund Balance Applied	395,000	
	Capital Projects		485,000
	Total Capital Projects Fund	485,000	485,000
TIF #4			
34	Estimated Increment	1,991,180	1,991,180
	Prior Years Increment/Other revenues		
	Total TIF #4 Fund	1,991,180	1,991,180
PARKING LOTS & METERS			
42	Parking Lots & Meters Revenue	1,113,400	438,737
	Meter Fund Balance Applied		
	Transfers	-	560,462
	Total Parking Lots & Meters Fund	1,113,400	999,199
LIBRARY			
99	Levy/Expenditures	418,000	719,639
	Other Revenues	301,639	
	Library Fund Balance Applied		
	Total Library Fund	719,639	719,639

Adopted this 19th day of November, 2012.

ATTEST:

Michael D. Hawes, City Clerk

James R. Connors, Mayor

\$ 6,157,389.00



DAVID CRAIG **RECEIVED**
STATE REPRESENTATIVE

MAR 25 2013

March 21, 2013

WALWORTH COUNTY BOARD

Walworth County Board of Supervisors
100 West Walworth Street
P.O. Box 1001
Elkhorn, WI 53121

Ladies and Gentlemen:

Thank you for providing the County Board's resolution regarding same day voter registration. I appreciate hearing from you on this matter.

You can be certain that I will keep the Board's thoughts in mind should this matter come before the Assembly for legislative action.

Again, thank you for contacting me regarding this issue. If you should need additional information or assistance with this or any other matter relating to state government, please feel free to contact me at 888-534-0083 or email me at Rep.Craig@legis.wi.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David Craig", is written over a horizontal line.

Representative David Craig
83rd District
Wisconsin State Assembly

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: Barbara Letzow Date 3/20/2013
Address N 3179 Elm Ridge Road, Delavan, WI 53115
Phone 262-728-8450 email _____

Comments Regarding County Acquiring Property in Town of Lyons for County Park

I feel it is important to add to our county park system and this is a choice piece of property with many assets. I have experienced the Waukesha park system with friends. I would hope someday Walworth county could equal that system.

Do you support the County's acquisition of this parkland? Yes NO Uncertain

Have you visited a Walworth County Park YES / NO If yes which park Natureland, Price

What type of park use is important to you? Circle as many as apply trail walking

- camping
- picnicking
- bicycling
- horseback riding
- dog walking
- cross country skiing
- ATV
- water sports
- fishing
- hunting
- trapping
- canoe/kayaking
- nature programs
- other _____

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: Carole A. Atwood Date 3/18/2013
Address 459 Circle Drive, Williams Bay, WI 53191
Phone 262-245-5583 email none

Comments Regarding County Acquiring Property in Town of Lyons for County Park

I bicycle w/ my club on the white River trail. I kayak on the white River. I look forward to the purchase and completion of this Park land. What a wonderful opportunity I hope we don't squander it.

Do you support the County's acquisition of this parkland? Yes NO Uncertain

Have you visited a Walworth County Park YES / NO If yes which park _____

What type of park use is important to you? Circle as many as apply trail walking

- camping
- picnicking
- bicycling
- horseback riding
- dog walking
- cross country skiing
- ATV
- water sports
- fishing
- hunting
- trapping
- canoe/kayaking
- nature programs
- other _____

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: John Erbentraut Date 3/18/13

Address N 1453 Coll Geneva City

Phone 414-520-5603 email erbentraut@gmail.com

Comments Regarding County Acquiring Property in Town of Lyons for County Park

A park is nice but the cost is ridiculous! If this is all you have to do with your time I question whether your function in the county is needed. A fitness center - forget it!

Do you support the County's acquisition of this parkland? Yes NO Uncertain

Have you visited a Walworth County Park YES / NO If yes which park _____

What type of park use is important to you? Circle as many as apply trail walking
camping picnicking bicycling horseback riding dog walking
cross country skiing ATV water sports fishing hunting trapping
canoe/kayaking nature programs other _____

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: Judy Wildermuth Date 3-18-13

Address N 7701 Engel Road

Phone 262-473-2415 email jwildermuth25@yahoo.com

Comments Regarding County Acquiring Property in Town of Lyons for County Park

I totally support the possibility of adding this property to our county park system.

Do you support the County's acquisition of this parkland? Yes NO Uncertain

Have you visited a Walworth County Park YES / NO If yes which park Price v Naturdland

What type of park use is important to you? Circle as many as apply trail walking
camping picnicking bicycling horseback riding dog walking
cross country skiing ATV water sports fishing hunting trapping
canoe/kayaking nature programs other _____

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: PAUL ERICKSON Date 3-18-13

Address 346 EUGENE DR. LAKE GENEVA, WI

Phone 262-248-8115 email _____

Comments Regarding County Acquiring Property in Town of Lyons for County Park

Do you support the County's acquisition of this parkland? Yes NO Uncertain

Have you visited a Walworth County Park YES / NO If yes which park NATURE LAND

What type of park use is important to you? Circle as many as apply trail walking

- camping
- picnicking
- bicycling
- horseback riding
- dog walking
- cross country skiing
- ATV
- water sports
- fishing
- hunting
- trapping
- canoe/kayaking
- nature programs
- other _____

----- Forwarded by Kevin Brunner/WALCO on 03/22/2013 03:18 PM -----

From: Don Forbes <coyote@genevaonline.com>
To: kbrunner@co.walworth.wi.us
Date: 03/22/2013 02:59 PM
Subject: Fwd: I encourage the County to purchase the White River property.

"As the twig is bent, so's the tree inclined."

As article below states, I grew up in Kenosha where, in spite of being very blue collar, the county government purchased and maintained a number of great parks through thick and thin. Right now, with all those factories gone, the economy may be even worse there than here in Walworth County. Even so, the Kenosha County government is very busy developing a new county park on the west side of Hwy. KD across the road from the New Munster Public Hunting Grounds. The same arguments apply for purchasing and developing it as our proposed piece. It is about same size, with a 5-10 acre man-made lake in the center of the park. It will be terrific when it is finished. There are only a few special areas left in Kenosha County like that one. Actually, it is probably the last one. Anyway, that is the difference between Walworth and Kenosha counties.

Don't know if you range widely enough playing golf to have played Petrifying Springs just outside of Kenosha -- 27 beautiful, county-maintained holes and a huge wooded picnic area with several miles of great trails and a LIGHTED ball diamond. I don't know how long it has been lighted, but I played on it at night when my troop played other scout troops. Families of the two troops tailgated supper together. If darkness came before the game was over, one of the Scout leaders had the key to open the switch box and turn on the lights. That is how far ahead of Walworth County Kenosha County was and is. As I prefaced, "As the twig is bent, so's the tree inclined."

I am proud to have been raised in a city where the majority of its citizens was committed to planning and working for the common good -- not only for the good now, but for future generations.

You are right, it is marginal farmland. It is already perfect sledding hills planted in grass because the land is too steep to sensibly plant in corn or soybeans.

For several decades I owned and sold 5-acre parcels that were A2, mound-system quality but included lovely, wild, unbuildable wetlands for \$10,000 per acre. That is not quite true. I came down to maybe \$8,000 per acre for a friend. I also sold a 20-acre parcel to another friend for maybe \$6,000 per acre. Actually, I probably also sold Steve his five acres for less because only one acre was buildable. The rest was a deep wooded hillside with springs bubbling up and running down to a small creek.

The selling points on the unbuildable acres were: Being that steeply hilly and overlooking creeks, etc. also made them worth \$10,000 per acre as a perfect homesite. The hillside homesites overlooking the bottom land were panoramic and could never be built on, so the view would be permanent.

I am guessing your twig was bent by growing up as an isolated flatlander, more interested in the price of corn than the common good of the neighborhood.

From: Carol Berrier <parulawarb@yahoo.com>
To: kbrunner@co.walworth.wi.us
Date: 03/18/2013 04:06 PM
Subject: New County park

Dear Kevin Brunner, I was excited to move to Wisconsin one and a half years ago, planning to enjoy the natural beauty of the state and pursue my life-long interest in birding. I've been disappointed, however, with the lack of nearby natural areas where the public can connect with nature. I could drive to the Duane Clark property within half an hour from my home in Delavan, and walk along the lovely White River. Please don't let this purchase opportunity pass by without acting on it.! Sincerely, Carol Berrier, 3501 Westshire Circle, Delavan, W, 53115

From: "Joyce Ketchpaw" <jketchpaw@wi.rr.com>
To: "kim bushey" <kbushey@co.walworth.wi.us>
Date: 03/19/2013 08:05 AM
Subject: support for park

Kim,

I didn't get to fill out a card of support for the proposed new county park and would like to do so! Can you add my name to those who support the park acquisition?

Thanks.

Joyce Ketchpaw Reed

From: Roger Griffin <rsgswg@aol.com>
To: kbrunner@co.walworth.wi.us
Date: 03/19/2013 12:01 PM
Subject: Walworth County Parkland Acquisition

Dear Kevin, Roger S Griffin 3/19/2013 2186 South Road, Burlington, Wisconsin 53105
772-341-9142 My wife and I own the farm that touches the Clark property on the south east corner. We believe the Clark Farm would make an ideal park. What is important to us is that the land would be preserved in its natural state. We would be in favor of trail walking, camping, picnicking, bicycling, horseback riding, dog walking, cross country skiing, fishing, canoe/kayaking, nature programs etc **We would not favor ATV use, to much noise. Hunting and trapping would have to be very limited and tightly controlled. No hunting with rifles, only shotgun. It is important to us that the property have good fences. Sincerely yours, Roger Griffin**

From: Bonita Schauder <bschauder12@gmail.com>
To: vprice@co.walworth.wi.us
Date: 03/24/2013 04:22 PM
Subject: county park

I am unable to attend the meeting, but believe that Walworth county could certainly benefit from another family rec. area, if it is possible to finance such a proposal.

Bonita Schauder

Walworth County Resident

Dear Kevin,

I am writing in support of the county purchase of the land on Sheridan Springs Road for a new park. That is a beautiful area and it's wonderful to think that a portion of it can remain as a park for generations to enjoy. I have been a resident of Walworth county for 55 years having moved here from Illinois when I was a teenager.

I cherish the open spaces and farmland of our county. Whenever I return to Walworth county from visiting Illinois I start to relax and breathe easier as I cross the state line into Wisconsin. As urban sprawl continues to reach out from Chicago, it's important to preserve this area as a park.

Thank you for allowing me to express my support.

Sincerely,
Grace Hanny
140 Lake Vista Circle
Fontana, WI 53125

From: "pvk elknet.net" <pvk@elknet.net>
To: kbrunner@co.walworth.wi.us
Date: 03/19/2013 10:59 AM
Subject: New Park

I am writing in support of the proposed park, Clark property, on the White river. I have canoed that river many times and know the property. It should also include place to put in and take out canoes and kayaks since that river is used a lot by both.

Thank you

Peter Van Kampen
Elkhorn

From: theresa holford <tmholford@yahoo.com>
To: "kbrunner@co.walworth.wi.us" <kbrunner@co.walworth.wi.us>
Date: 03/21/2013 04:16 PM
Subject: Fw: proposed new park

Dear K. Brunner,

I understand that 195 acres of land off Sheridan Springs Rd and Short Road along the White River is being considered for use as a Walworth County Park. I think that this is a fantastic idea. It will preserve this beautiful land and its many diverse plant and animal species for future generations, as well as provide for recreation and enjoyment of this natural beauty for our present generation. Please consider this land for this noble and most worthwhile cause.

Theresa Holford

From: Don Forbes <coyote@genevaonline.com>
To: kbrunner@co.walworth.wi.us
Date: 03/21/2013 11:29 PM
Subject: Fwd: I encourage the County to purchase the White River property.

This is the edited copy I wrote about.

Begin forwarded message:

From: "Fred Noer" <frednoer@charter.net>
Date: March 21, 2013 8:38:10 PM CDT
To: "Don Forbes" <coyote@genevaonline.com>
Subject: Re: I encourage the County to purchase the White River property.
Don,

Thanks for asking me to copyedit your letter. Glad to do so. The modified version is below and is ready for presentation to whomever you deem appropriate and relevant. I hope your letter contributes to meeting the goal of having the land designated as a park.

Fred

Dear Mr. Brunner:

I attended the meeting last night, and it appeared to me the arguments offered about purchasing the property had more validity than the arguments against the purchase.

I was particularly pleased to hear the lady point out that the Walworth County Planned Development Committee she has been serving on for many years long ago recommended that the county look for and purchase land to meet the recognized need for another county park. The committee recommended back then that, ideally, the park should be on the White River and should be large enough to become a popular, multi-use destination. As you heard, the recommendation back then was for almost exactly what is being considered now.

I was born and raised in Kenosha and resided there until I accepted a position in Walworth County forty years ago. At that time, Kenosha was proud enough of its lakeshore that the city sacrificed to save most of the lakeshore for future generations. One large piece was way out of town. It was a wild and wooded lakeshore. Even so, it was

regularly and enthusiastically used for picnics, hiking, weddings, etc. and was considered increasingly more treasured over the years as the city expanded out to the lakeshore park.

Then it was spotted by an out-of-state college as an ideal spot to move the campus to. Carthage College would never have come to Kenosha if the city hadn't been farsighted enough to have saved Alford's Park from all the developers over the decades who wanted to build their subdivisions on lakefront property.

I consider myself lucky to have grown up in a city that saved its best lakefront for all when the city government could have sold the property to developers who would have put the parkland BACK on the tax rolls. But, that would have been at the future expense of the greater public good as park land. Decade after decade, the city officials rejected the offers and are still doing so in spite of the present dire economic conditions.

I am proud of the many city council members over (probably 100 years!) who argued for saving the parks for future generations. Alford's Park, Penoyer Park, Eichelman Park, Simmons Beach, and South Port Beach were all in place when my parents were children. Their families used these tax-supported (otherwise free) parks all their childhoods. Then the families shared the parks with my generation. And my generation then shared them often with our children -- who now share them with their GRANDCHILDREN!

This is why I am wondering: Whatever happened to working toward making it just as good for the next generations as we are making it for ourselves now? When did the "bottom-line dollar" now become more important than the public common good tomorrow?

Probably sooner than we think -- but for sure, eventually -- the free and open public land between the major cities in southern Wisconsin and northern Illinois will be irretrievably gone if measures aren't taken to preserve some of the best now. For this reason, I support those who believe that this particular parcel is the type that should be saved not only for us -- here and now -- but for all the generations that follow.

Sincerely,

Donald G. Forbes
50 Lake View Drive
Lake Geneva, WI 53147

From: "Sally Ward" <sward007@centurytel.net>
To: <kbrunner@co.walworth.wi.us>
Date: 03/18/2013 07:33 AM
Subject: Parkland Acquisition

Please encourage supervisors to vote **FOR** the acquisition to our park system. We have an opportunity to make an addition that fits in perfectly to county by location and price--a golden opportunity not to be missed. It is a lovely setting that will add valuable open space when added to the White River trail far beyond the size of area being acquired. I realize the price could be a burden to tax payers but with the use of grants and other sources of revenue the cost will be nearly covered. (In worse case, interest rates have never been lower) Of course there are no guarantees and this is a risk but one I would encourage taken to ensure open spaces for today's use and for future generations. It is very important to preserve useful open spaces whenever possible for later when desired they may not be available. We know this county faces enormous population growth challenges from Illinois and from the Milwaukee metro area boy

I hope to attend tonight's meeting but with the uncertainty of the weather not sure if I can come since I live on the north border of Walworth County --My road in the Wal-jJef. county line. I use many of our parks including Natureland, Lulu lake, Beulah Bog, Starin & Tripp Lake, Young Prairie for trail walking, horseback riding, dog walking, picnics, nature programs.--often just getting out to enjoy the wonderful area where I live.

Thank you in advance for your consideration and **YES** vote on the measure to add the Park

Sally Ward
W5397 Young Rd.
Eagle (La Grange Township)
263-495-8362

Proposed County Park

James Downey to: dbretl@co.walworth.wi.us

03/24/2013 10:46 PM

Cc: "kbrunner@co.walworth.wi.us", Sally Downey
Please respond to James Downey

Dear Mr. Bretl,

My wife, Sally, and I own the farm directly east of Duane Clark's farm on Sheridan Springs Rd in Lyons Township. We are unhappy with the plan to make Duane's farm into a county park. Unfortunately, we were out of town on March 18th when the proposal was discussed and could not attend the meeting.

Joe Schaefer, a member of the County Board, suggested we contact you to explain our objections.

We feel that the proposed park would greatly change the character of the neighborhood where we have lived since 1990. We love being in Lyons and are concerned about increased traffic, hunting, alcohol and drug use, excessive noise, and people coming onto our property. In prior years people in canoes and kayaks going down the White River have left garbage on our land, and opened gates in our fence through which cattle escaped.

A proposed walking and riding trail will be next to our fence line. We have horses and cattle that may well be disturbed by park users.

Duane Clark has been a good friend for 20 years. We respect him and his wish that his farm remains as he has kept it for more than 30 years. But we have grave doubts that this is possible. There are many questions as to how the park will be monitored, what activities will take place, and how many people will be there at a given time.

We would like to speak with you about this matter and are available by phone at home on Monday morning (262-763-6616), or on my cell (847-514-3042). We look forward to your call, and would be happy to meet you in person at your convenience.

Many thanks.

Sincerely yours,

Jim Downey

James L. Downey, M.D.
6275 Sheridan Springs Rd.
Burlington, WI 53105

Mr Brunner,

I am a homeowner at 3398 Sheridan Springs Road and am writing in support of the county purchasing the 195 acre parcel in Lyons. I can think of no better use of our monies than the purchase and development of a nature park. Currently the county is short of park land and it is my understanding that expanding park space has been a key objective of the counties long term strategic plan. This appears to be a perfect opportunity which we should act on now.

If possible i would like a list of those members who are opposed to this initiative and would be interested to understand why anyone would be against such a decision.

If there is anything i can do to support this further please feel free to contact me.

markpelletier@att.net.

Sincerely,

Mark Pelletier

3398 Sheridan Springs Road

Lake Geneva,, 53147

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: Mitchell & Patricia Smith Date 3/17/13

Address 400 Lakewood Drive, Williams Bay, WI 53191

Phone 262-245-5451 email masmith421@charter.net

Comments Regarding County Acquiring Property in Town of Lyons for County Park

We believe that this land would be an excellent park. It is an opportunity to acquire a real gem. The White River enhances the potential for many water activities and is a beautiful natural site.

Do you support the County's acquisition of this parkland? Yes NO Uncertain

Have you visited a Walworth County Park YES NO If yes which park White River Trail

What type of park use is important to you? Circle as many as apply trail walking camping picnicking

bicycling horseback riding dog walking cross country skiing ATV water sports fishing hunting

trapping canoe/kayaking nature programs other _____

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: CAROL PRCHAL Date 3/20/2013

Address W5558 BLUE JAY RD., ELKHORN

Phone 262-495-8502 email muttlover@centurytel.net

Comments Regarding County Acquiring Property in Town of Lyons for County Park

The county should definitely acquire this property. I regularly hike at our other two county parks and have seen a significant increase in number of users of these parks over the last 5 years. We need to look to the future - as our population increases, open space decreases. The river access is great! We need to get it now, while we can. LEAVE NO CHILD INSIDE.

Do you support the County's acquisition of this parkland? Yes [X] NO [] Uncertain []

Have you visited a Walworth County Park YES NO If yes which park Natureland & Price

What type of park use is important to you? Circle as many as apply trail walking

camping picnicking bicycling horseback riding dog walking

cross country skiing ATV water sports fishing hunting trapping

canoe/kayaking nature programs other A nature center & programs/education would be FANTASTIC - Our young people are losing touch with nature

From: "JoEllen Getka" <getkas4@hotmail.com>
To: <vprice@co.walworth.wi.us>, <dbretl@co.walworth.wi.us>
Date: 03/18/2013 11:00 PM
Subject: county park

I think this can be done in other ways. One option would to sell off some of the county farm ground to help pay for this land.

Also isn't there some DNR acreage in that area that is on the white river that can be developed into a hiking trail and nature area at a far less cost?

Can't we put a wider shoulder on the road where the river crosses to park cars to launch canoes there? It is done in other parts of the county

Can the parcel be split? just buy the wooded area and LEAVE THE FARMLAND , we need to grow food!!!!

I also think that there are too many hidden costs to running this parcel that were not in the proposal, such as liability and police costs,

start up costs were not addressed, maintenance costs I feel were far too low

Also how will hunting and trapping work together with hikers and swimmers? That could become a very sensitive problem !!

While this would be a nice place, it is WAY TO EXPENSIVE

We have many more issues that need to be addressed with that kind of money , that benefit a lot more people per dollar spent

I would like to hear your thoughts

Thank You,
Richard Getka
Sharon, WI

From: "Don Skalla" <bogey5@charter.net>
To: <vprice@co.walworth.wi.us>
Date: 03/18/2013 05:12 PM
Subject: Proposed purchase of Clark property in Lyons Township

Walworth County Park Committee
Public Works Department
Elkhorn, WI 53121

Donald Skalla
266 Frost Circle
Williams Bay, WI 53191
(262) 245-6188
(262) 903-5291
bogey5@charter.net

I am writing to express my full support in acquiring Duane Clark's property in Lyons Township. I once lived in Lyons township and am familiar with this property. Some ten/thirteen years ago or so, while living in Lyons Township, I filled-out a questionnaire put together by, I believe, the Southeast Wisconsin Planning Commission to help the township complete their master plan. I remember the results of the survey indicating that an overwhelming portion of the respondents supported the preserving of land in the area, especially along the White River corridor.

This is an incredible opportunity to begin this process.

The DNR already has some public hunting property along the White River just west of the Clark property, and the city of Lake Geneva has expressed a desire to preserve areas around the White River. The acquisition of the Clark property could create momentum and spark continued interest in preserving more of this White River corridor. To have a property owner willing to sell to the county for preservation rather than development is often a rare case. So many other government entities have had to struggle to convince property owners to sell them their property. We should not squander this opportunity.

I support hiking, canoeing, kayaking, cross country skiing, hunting, trapping and general naturalist programs and habitat restoration.

Thank you for the opportunity to express my opinion.

Donald Skalla
Board member, Kishwaukee Nature Conservancy, Williams Bay WI

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: Michael and Lana Peters Date 3-24-2013

Address N330 COUNTY ROAD K SHARON WI 53585

Phone 262 736 4515 email MLPETERS@SHARON TELEPHONE

Comments Regarding County Acquiring Property in Town of Lyons for County Park

We strongly support acquiring property in town of Lyons for a park. Park visits were extremely beneficial to our children when they were growing up and we still continue to visit parks now for trailwalking, etc.

Do you support the County's acquisition of this parkland? Yes NO Uncertain

Have you visited a Walworth County Park YES / NO If yes which park Natureland, Price, Bigfoot, Kettle Moraine

What type of park use is important to you? Circle as many as apply
bicycling horseback riding dog walking cross country skiing trail walking camping picnicking
trapping canoe/kayaking nature programs other _____
ATV water sports fishing hunting

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: PETER SCHERRER Date 3/30/13

Address 5054 RUEDEBUSCH RD, BURLINGTON, WI. 53105 (Town of Lyons)

Phone 763-8790 email pjscherrer@gmail.com

Comments Regarding County Acquiring Property in Town of Lyons for County Park

THIS IS AN EXCELLENT OPPORTUNITY TO ACQUIRE AN EXCEPTIONAL PIECE OF PROPERTY TO FULFILL THE COUNTY'S COMMITMENT TO GROWING OUR PARK INVENTORY FOR OUR RESIDENTS.

Do you support the County's acquisition of this parkland? Yes NO Uncertain

Have you visited a Walworth County Park YES / NO If yes which park _____

What type of park use is important to you? Circle as many as apply

<input checked="" type="checkbox"/> trail walking	<input type="checkbox"/> camping	<input type="checkbox"/> picnicking
<input checked="" type="checkbox"/> bicycling	<input type="checkbox"/> horseback riding	<input type="checkbox"/> dog walking
<input type="checkbox"/> cross country skiing	<input type="checkbox"/> ATV	<input type="checkbox"/> water sports
<input type="checkbox"/> fishing	<input type="checkbox"/> hunting	<input type="checkbox"/> trapping
<input checked="" type="checkbox"/> canoe/kayaking	<input type="checkbox"/> nature programs	<input type="checkbox"/> other _____

From: Linda Darnstadt <lindadarnstadt@lyonspinner.com>
To: "vprice@co.walworth.wi.us" <vprice@co.walworth.wi.us>
Date: 03/29/2013 04:01 PM
Subject: Comment card

I was contacted to sign a petition supporting a PASSIVE PARK for County purchase consideration soon. I reiterate that the information provided to both my husband and myself at that time was that the Clarke property would not be for recreational purposes and only passive use.

I supported the petition based on the facts presented to us at that time. Unfortunately, I now learn that I was duped and there is no intention by the County Board not to develop this amazing property into a full-blown recreational facility.

Therefore, at this time, I am going on record to state that I no longer support the County purchasing the Clarke property for usage of a recreational park.

Sincerely,
Linda F. Darnstadt
2772 South Road
Lyons, Wisconsin.

Sent from my iPad

From: <hlaron@wi.rr.com>
To: <kbrunner@co.walworth.wi.us>
Date: 03/28/2013 11:42 AM
Subject: potential acquisiton of parkland along White River

Hi,

Lois And Harvey Larson of 501 Garrison Drive in Lake Geneva are very much in favor of acquiring this potential parkland.

Sincerely,

Harvey Larson

March 30, 2013

To Walworth County Board Supervisors:

I am writing because of the pending purchase of the Clark property.

Enclosed is a report from the DNR of Land Transactions through Nov. 27, 2012.

From reading this report I found that the average price paid by the DNR was \$3,903.00. The lowest price an acre was \$462.00 and the highest price an acre paid was \$17,302.00

As a resident of Walworth County who farms for a living, and has bought several pieces of property over the last 5 years I feel

the suggested price of \$10,000. an acre is extremely high.

As a taxpayer I hope you will reconsider the price for the Clark property.

25 properties

Terry Papcke
Terry Papcke

262 742-3338

*Walworth County Board Chair, Nancy Russell has the DNR report.

received Mar 1-13 8:30 AM TMS

Walworth County Parkland Acquisition Public Meeting Comment Card 3/18/13

NAME: RICHARD HOUCK Date 3/28/13

Address 1182 BROOK ROAD BURLINGTON, WI 53106

Phone 262 763 2764 email

Comments Regarding County Acquiring Property in Town of Lyons for County Park I am opposed to acquisition because of cost, and the fact that there is a park in Lyons that provides all the same things and has access to the White River and there is a trail from Elkbaron to Lyons that provides all activities that are proposed

Do you support the County's acquisition of this parkland? Yes [] NO [x] Uncertain []

Have you visited a Walworth County Park YES [x] NO [] If yes which park White River trail firemans park Lyons

What type of park use is important to you? Circle as many as apply trail walking camping picnicking bicycling horseback riding dog walking cross country skiing ATV water sports fishing hunting trapping canoe/kayaking nature programs other

In addition to above: - the White River Trail and the Park in Lyons are just a few miles from this proposed park. It is not necessary for another park at the cost of \$1.9 million even if state pays for half. This is a waste of our taxpayers money is my money

ED CITY CLERK

2013 APR -2 AM 9:39

RECEIVED

Walworth County Board of Supervisors
P.O. Box 1001
Elkhorn, WI 53121

MAR 12 2013

WALWORTH COUNTY BOARD
March 6, 2013

Subject: The 195 Acre Clark Property

Dear Ladies and Gentlemen of the board,

My travels around the 10 states of my licensure found an unfortunate but common happening in the various towns and villages. Most communities have their start around the "village square" this central open space provided the communities "living room" where the citizens could enjoy sporting events, musical programs, carnivals and just enjoy the ability to interface.

A need for a fire station soon occupied one corner and then a library was built on another corner and a few other buildings on this "cost free" land soon eliminated this important community treasure.

My experience as a land planner developing large residential projects in various parts of our nation lead me to insist that any development devote at least 50% of the property to "open space" (parks, hiking paths, riding trails etc.) Open space is truly the measure of a quality new community.

We welcome the growth of our communities but too often then find only residential, commercial and industrial areas and no open space!

The 195 Acre Clark Property seems to have all the "bells and whistles" for an exciting new park for our citizenry.

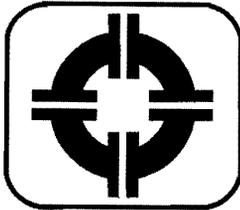
Please, let us not lose this wonderful opportunity!

Sincerely,



D. Thomas Kincaid and Associates
Architects, AIA, NCARB
Lake Geneva, WI 53147
Tel: (262) 249-0577
Web: www.dtkaia.com
Email: dtkaia@att.net

d. thomas kincaid
and associates



architects a.i.a.
and landplanners

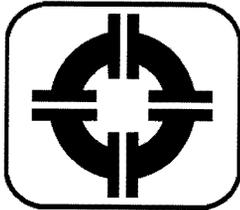
■
N-1545 LINN PIER ROAD
LAKE GENEVA, WI 53147
TELEPHONE: 262/249-0577
FACSIMILE: 262/249-0657
E MAIL: dtkaia@att.net
WEBSITE: www.dtkaia.com

Tim Schiefelbein, Chair
Walworth County Park Committee
Walworth County Offices
Elkhorn, WI 53121

March 27, 2013

Subject: Renovation of the existing barn structure on the proposed Clark park site.

d. thomas kincaid
and associates



architects a.i.a.
and landplanners

Dear Chairman Schiefelbein,

The design and construction of barns has remained my favorite for of architecture!

I became a joint venture partner in acquiring a 200 acre property on Highway 41 between Sarasota and Venice some years ago.

We planned a 40 to 50 barned "turn of the century" shopping village accessed and egressed through re-located covered bridges.

I traveled to many states negotiating for suitable barns and developing a system of marking a barn for disassembly and reconstruction. We also developed concepts for concealing HVAC and lighting systems as to not affect the antiquity in each barn.

This very exciting project never came into fruition over a two year period as antiquated farm structures were not deemed permissible along a commercial corridor?

I would like to reiterate my expression of interest in being considered to conserve and re-purpose the existing barn on the Clark property.

Yes, please do keep up the effort acquiring open park lands for the enjoyment of many future generations.

Cordially,

A handwritten signature in black ink, appearing to read "D. Thomas Kincaid". The signature is fluid and cursive, with a large, sweeping flourish at the end.

D. Thomas Kincaid and Associates
Architects, AIA, NCARB
Lake Geneva, WI 53147
Tel: (262) 249-0577
Web: www.dtkaia.com
Email: dtkaia@att.net

■
N-1545 LINN PIER ROAD
LAKE GENEVA, WI 53147
TELEPHONE: 262/249-0577
FACSIMILE: 262/249-0657
E MAIL: dtkaia@att.net
WEBSITE: www.dtkaia.com

c.c. Nancy Russell, Chair
Walworth County Board of Supervisors

P.S. The "Age of Barns" by author Eric Sloan remains my favorite book on architecture! Eric became my chief resource on barns and over many telephone conversations; a good friend.

I have attached copies of just a few of the pages of this great book and suggest it to all who may be interested in this important history of our nations farmer/craftsmen.

Enjoy!

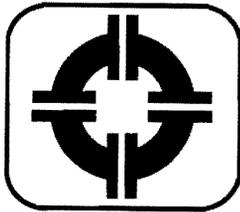
Tim Schiefelbein, Chair
Walworth County Park Committee
Walworth County Offices
Elkhorn, WI 53121

March 27, 2013

Subject: Clark property potential new County Park

Dear Chairman Schiefelbein and members of your committee,

d. thomas kincaid
and associates



architects a.i.a.
and landplanners

First of all, I really appreciate the work that you and your committee have done on our behalf over the years! I was very impressed with your presentation and quite pleased with the “standing room only” crowd at the March 18, 2013 meeting.

My various trips around the U.S., Europe and Asia, whether working or vacationing with my family, always found me interested in spending time at a local park. We generally found a visitors or nature center at these parks and even as an architect, I regretted seeing the infusion and interruption of a “man-made” building into the natural environment of a park!

The education of our children is certainly of the utmost importance. The fact that we are an integral part of nature and must learn the importance of our role can and should be amplified beyond, “outdoor education” in our schools.

What better place to teach our children the importance of “resource conservation” than in the midst of a beautiful park!

May I suggest that a “nature center” be considered, trusting the wisdom of our county board of supervisors leads to a successful acquisition of the Clark property.

A “nature center” structure would certainly complete the mission on the Clark property. But should be a non-building and not be in conflict with the park itself.

We have included several projects of Earth-covered monolithic thin shell concrete structures that would suffice as a, “non-building” nature center.

An Earth-covered thin shell concrete nature center could easily be a “net zero” energy building and be a recipient of energy income.

A domed nature center would also receive a gold LEED certification and be a real, “feather in the cap,” for Walworth County as well as the state of Wisconsin. We would also express our interest in working with your board on preserving the barn and land-planning entries and parking areas.

■
N-1545 LINN PIER ROAD
LAKE GENEVA, WI 53147
TELEPHONE: 262/249-0577
FACSIMILE: 262/249-0657
E MAIL: dtkaida@atf.net
WEBSITE: www.dtkaida.com

Please, keep up this important mission for our citizenry.

Cordially,

A handwritten signature in black ink, appearing to read "D. Kincaid". The signature is fluid and cursive, with a large loop at the end.

D. Thomas Kincaid and Associates
Architects, AIA, NCARB
Lake Geneva, WI 53147
Tel: (262) 249-0577
Web: www.dtkaia.com
Email: dtkaia@att.net

c.c. Nancy Russell, Chair
Walworth County Board of Supervisors



County Clerk

Kimberly S. Bushey
County Clerk

April 16, 2013 – Walworth County Board Meeting

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

- Brown County Resolution Opposing the State Legislature's Ability to Dictate the Amount of Local Property Tax Dollars Spent on a Specific County Department (This item was previously referred to the Executive Committee)
- Grant County Resolution #25-12 Supporting Same Day Voter Registration (This item was previously referred to the Executive Committee)
- Outagamie County Resolution No. 137--2012-13 Supporting Same Day Voter Registration (This item was previously referred to the Executive Committee)

**COPY FOR YOUR INFORMATION
FROM
BROWN COUNTY CLERK
SANDRA L. JUNO**

March 20, 2013

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

Ladies & Gentlemen:

**RESOLUTION OPPOSING THE STATE LEGISLATURE'S ABILITY TO DICTATE THE
AMOUNT OF LOCAL PROPERTY TAX DOLLARS SPENT ON A SPECIFIC COUNTY
DEPARTMENT**

WHEREAS, the Wisconsin State Legislature is proposing a bill that would require counties with a population of greater than 500,000 to hold a referendum on the April 2013 ballot which, if adopted by the electorate, would limit both the pay of Supervisors to \$15,000, and the size of the Milwaukee County Board operating budget to 0.4% of the County property tax levy; and

WHEREAS, it is unprecedented that the Legislature would dictate the amount of local property tax dollars spent on a specific County department; and

WHEREAS, this resolution opposes any proposal which gives the State Legislature the ability to dictate the amount of local property tax dollars spent on a specific County department.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the members of the Executive Committee recommend adoption of the following resolution.

BE IT FURTHER RESOLVED, that the Brown County Board of Supervisors does oppose any proposal which gives the State Legislature the ability to dictate the amount of local property tax dollars spent on a specific County department; and

BE IT FURTHER RESOLVED, that the County Clerk be directed to forward this resolution to all Wisconsin counties and all members of the Wisconsin Legislature, Governor Walker and the Brown County Executive.

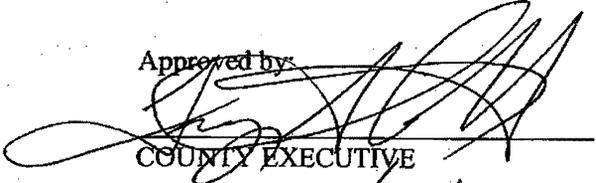
10e

Respectfully submitted,

EXECUTIVE COMMITTEE

Fiscal Note: This Resolution does not require an appropriation from the General Fund.

Approved by:


COUNTY EXECUTIVE

Date signed: 3/25/13

Drafted by Corporation Counsel

Final Draft Approved by Corporation Counsel

BOARD OF SUPERVISORS ROLL CALL # _____

Motion made by Supervisor Williams

Seconded by Supervisor Hopp

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
SIEBER	1	}		
DE WANE	2			
NICHOLSON	3			
HOYER	4			
HOPP	5			
HAEFS	6	EXCUSED		
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	EXCUSED		
WILLIAMS	15	}		
KASTER	16			
VAN DYCK	17			
JAMIR	18			
ROBINSON	19			
CLANCY	20			
CAMPBELL	21			
MOYNIHAN, JR	22			
STEFFEN	23			
CARPENTER	24			
LUND	25			
FEWELL	26			

Total Votes Cast 24

Motion: Adopted Defeated Tabled

10e

RESOLUTION # 25-12
SUPPORTING SAME DAY VOTER REGISTRATION

TO THE GRANT COUNTY BOARD OF SUPERVISORS:

WHEREAS, it is a self-evident truth that more, rather than less voter participation is intrinsically desirable in a democracy and that a healthy democracy requires a high level of public participation; and

WHEREAS, for more than a century the State of Wisconsin has cultivated a proud tradition favoring public participation in the electoral process, as demonstrated by the fact that Wisconsin's voter turnout was third in the nation in the last six general elections; and

WHEREAS, states with same day voter registration have significantly higher voter participation rates than states that do not, as evidenced by studies showing 7-14% greater turnout in states with same day registration; and

WHEREAS, Wisconsin is one of the most politically active states in the union and its citizens consider it a civic duty to express our opinions at the ballot box and regard the right to vote as a sacred trust; and

WHEREAS, voter registration is required for every citizen who is a new voter, has moved, or has had a name change; and

WHEREAS, municipal clerks, many of whom are part-time, find that same day voter registration contributes to a more efficient voter registration system, and election inspectors do not find same day registration to be burdensome and take pride in seeing that every qualified elector's voice is heard at the ballot box; and

NOW, THEREFORE, BE IT RESOLVED that the Administrative Committee expresses its support for same day registration and recommends to the Grant County Board of Supervisors its support for same day voter registration; and

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the Speaker of the Wisconsin Assembly, each legislator in the Wisconsin Senate and Assembly who represents constituents from Grant County, the Wisconsin Counties Association, and to all Wisconsin Counties.

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. lkj

Dated this 6 day of March 2013.

Respectfully submitted by the
Administrative Committee

Larry Wolf Larry Wolf Chair

John Patcle John Patcle Vice Chair

Mark Stead Mark Stead Secretary

John Beinborn John Beinborn

Robert Scallon Robert Scallon

Lester Jantzen Lester Jantzen

Vincent Loeffelholz Vincent Loeffelholz

NOW, THEREFORE, BE IT RESOLVED that the Grant County Board of Supervisors expresses its support for same day voter registration; and

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the Speaker of the Wisconsin Assembly, each legislator in the Wisconsin Senate and Assembly who represents constituents from Grant County, the Wisconsin Counties Association, and to all Wisconsin Counties.

Dated this 19 day of March 2013.

Respectfully submitted by the
Grant County Board of Supervisors

Larry Wolf Larry Wolf, Chair Linda K. Gebhard Linda K. Gebhard County Clerk

ATTEST: I Linda K. Gebhard, Grant County Clerk, do certify that this resolution was adopted by the Grant County Board of Supervisors at a meeting held on this 19th day, March, 2013.

/s/ Linda K. Gebhard, County Clerk

Linda K. Gebhard

**OUTAGAMIE COUNTY BOARD MEETING
MARCH 12, 2013**

Resolution No. 137--2012-2013

Supervisor Nagler moved, seconded by Supervisor Groat, for adoption.

RESOLUTION NO. 137--2012-2013 IS ADOPTED.

1 T. RABEC	YES	19 P. STUECK	YES
2 H. NAGLER	YES	20 M. THOMAS	NO
3 C. SCHMIDT	NO	21 T. THYSSEN	YES
4 K. PATIENCE	YES	22 J. HAGEN	YES
5 J. IVERSON	YES	23 N. HOFACKER	YES
6 J. MAHAN	YES	24 J. PLEUSS	YES
7 L. HAMMEN	YES	25 J. NOOYEN	YES
8 T. KRUEGER	YES	26 J. DUNCAN	YES
9 M. TRENTLAGE	YES	27 D. CULBERTSON	YES
10 J. KARL	YES	28 K. STURN	YES
11 L. DeGROOT	YES	29 B. BUCHMAN	YES
12 J. Mc DANIEL	YES	30 S. GRIESBACH	NO
13 L. VAN ASTEN	YES	31 R. THERN	YES
14 D. DE GROOT	YES	32 M. RAHMLow	YES
15 VANDENHEUVEL	YES	33 N. AUSTIN	YES
16 B. LEMANSKI	YES	34 D. RETTLER	YES
17 K. GROAT	YES	35 J. SCHUETTE	YES
18 R. GOSSE	YES	36 C. ANTHONY	YES
Item 6 Passed (31 YES - 3 NO)			Maj

RESOLUTION NO.: 137--2012-13

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Currently, the deadline for late voter registration for an election in person at the office of
2 a municipal clerk or board of election commissioners is 5:00 P.M. or the close of
3 business, whichever is later, on the day before the election. The deadline for absentee
4 voting in person at the office of a municipal clerk or board of election commissioners is
5 5:00 P.M. on the day before an election. Voters in Wisconsin have the opportunity to
6 register to vote at their polling place on Election Day, a process otherwise known as
7 Election Day Registration. A proposal has been submitted that would change the
8 deadline for late voter registration in person to 5:00 P.M. or the close of business,
9 whichever is later on the Friday before the election and the deadline for voting an
10 absentee ballot in person to 5:00 P.M. on the Friday before the election and would
11 eliminate Election Day Registration. Municipal clerks find that same day voter
12 registration contributes to a more efficient voter registration system and higher voter
13 participation. This resolution supports same day voter registration.
14

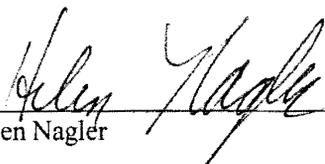
15 NOW THEREFORE, the undersigned members of the Finance Committee recommend adoption
16 of the following resolution.

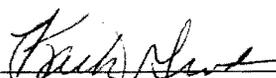
17 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support same day
18 voter registration, and

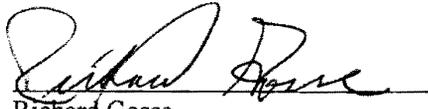
19 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
20 of this resolution to all Wisconsin Counties, the Outagamie County Lobbyist for distribution to the
21 legislature, and the Governor of the State of Wisconsin.

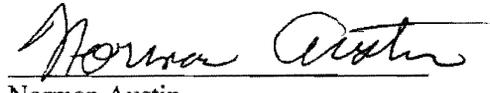
22 Dated this 22nd day of March, 2013

23 Respectfully Submitted,
24 FINANCE COMMITTEE

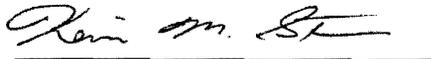
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26
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29 
Helen Nagler


Kathy Groat


Richard Gosse


Norman Austin

1



Kevin Sturn

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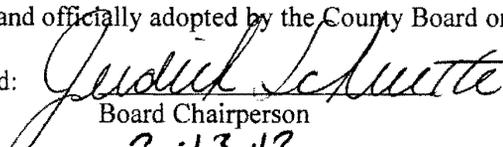
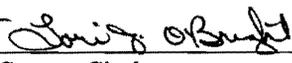
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Duly and officially adopted by the County Board on: March 12, 2013

6

7

Signed:  
Board Chairperson County Clerk

8

9

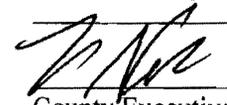
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Approved: 3-13-13

Vetoed: _____

11

12

Signed: 
County Executive

13

14



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1681/1
JTK kjf ph

2011 BILL

1 AN ACT *to amend* 6.29 (2) (a) and 6.86 (1) (b); and *to create* 6.33 (3) of the
2 statutes; **relating to:** late voter registration, absentee voting in person, and
3 implementation of a voter identification requirement at elections.

Analysis by the Legislative Reference Bureau

Currently, the deadline for late registration for an election in person at the office of a municipal clerk or board of election commissioners is 5 p.m. or the close of business, whichever is later, on the day before the election. The deadline for absentee voting in person at the office of a municipal clerk or board of election commissioners is 5 p.m. on the day before the election. This bill changes the deadline for late registration in person to 5 p.m. or the close of business, whichever is later, on the Friday before the election and the deadline for voting an absentee ballot in person to 5 p.m. on the Friday before the election. The change is effective for elections held on or after July 1, 2011, but the bill directs each municipal clerk and board of election commissioners to provide electors who register or vote by absentee ballot in person at the office of the clerk or board at elections held prior to July 1, 2011, with written or posted information concerning the change. The bill directs the Government Accountability Board (GAB) to prescribe information to be provided to electors briefly describing the deadline changes.

The bill also provides that any elector who votes at an election held prior to the date of the 2012 spring primary shall be requested by the election officials to present proof of identification in the same manner as provided for in 2011 Senate Bill 6, in accordance with the text of the bill as affected by any legislative action on the day

2011 - 2012 Legislature

- 2 -

LRB-1681/1
JTK:kjf:ph

BILL

this bill becomes law. If an elector does not present proof of identification, the elector is still permitted to vote, but is given information either in writing or posted at the polling place or office of the clerk or board of election commissioners prescribed by the GAB briefly describing the identification requirement for future reference.

Currently, GAB prescribes the format of voter registration forms in accordance with statutory requirements. This bill directs GAB to provide to each municipal clerk and board of election commissioners an interactive electronic registration form that may be used by an elector to enter the information that is required to be provided by the elector electronically and to print the completed form for delivery to the clerk or board of election commissioners.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 6.29 (2) (a) of the statutes is amended to read:
2 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed
3 a registration form or whose name does not appear on the registration list of the
4 municipality may register after the close of registration but not later than 5 p.m. or
5 the close of business, whichever is later, on the day Friday before an election at the
6 office of the municipal clerk and at the office of the clerk's agent if the clerk delegates
7 responsibility for electronic maintenance of the registration list to an agent under
8 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),
9 a registration form containing all information required under s. 6.33 (1). The
10 registration form shall also contain the following certification: "I,, hereby certify
11 that, to the best of my knowledge, I am a qualified elector, having resided at ... for
12 at least 10 days immediately preceding this election, and I have not voted at this
13 election". The elector shall also provide proof of residence under s. 6.34.
14 Alternatively, if the elector is unable to provide proof of residence under s. 6.34, the
15 information contained in the registration form shall be corroborated in a statement

2011 - 2012 Legislature

- 3 -

LRB--1681/1
JTK:kjt:ph
SECTION 1

BILL

1 that is signed by any other elector of the municipality and that contains the current
2 street address of the corroborating elector. The corroborating elector shall then
3 provide proof of residence under s. 6.34. If the elector is registering after the close
4 of registration for the general election and the elector presents a valid driver's license
5 issued by another state, the municipal clerk or agent shall record on a separate list
6 the name and address of the elector, the name of the state, and the license number
7 and expiration date of the license.

8 **SECTION 2.** 6.33 (3) of the statutes is created to read:

9 **6.33 (3)** The board shall provide to each municipal clerk and board of election
10 commissioners a voter registration form under sub. (1) in an interactive electronic
11 format that permits an elector to enter the information that is required to be provided
12 by the elector electronically and to print the completed form for delivery to the clerk
13 or board of election commissioners.

14 **SECTION 3.** 6.86 (1) (b) of the statutes is amended to read:

15 **6.86 (1) (b)** Except as provided in this section, if application is made by mail,
16 the application, signed by the elector, shall be received no later than 5 p.m. on the
17 5th day immediately preceding the election. If application is made in person, the
18 application shall be made no later than 5 p.m. on the day ~~day~~ Friday preceding the
19 election. If the elector is making written application for an absentee ballot at the
20 September primary or general election and the application indicates that the elector
21 is a military elector, as defined in s. 6.36 (2) (c), the application shall be received by
22 the municipal clerk no later than 5 p.m. on election day. If the application indicates
23 that the reason for requesting an absentee ballot is that the elector is a sequestered
24 juror, the application shall be received no later than 5 p.m. on election day. If the
25 application is received after 5 p.m. on the Friday immediately preceding the election,

2011 - 2012 Legislature

- 4 -

LRB-1681/1

JTK:kjf:ph

BILL

SECTION 3

1 the municipal clerk or the clerk's agent shall immediately take the ballot to the court
2 in which the elector is serving as a juror and deposit it with the judge. The judge shall
3 recess court, as soon as convenient, and give the elector the ballot. The judge shall
4 then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot
5 to the clerk or agent of the clerk who shall deliver it to the polling place or, in
6 municipalities where absentee ballots are canvassed under s. 7.52, to the municipal
7 clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the
8 application may be received no later than 5 p.m. on the Friday immediately
9 preceding the election.

10 **SECTION 4. Nonstatutory provisions.**

11 (1) IMPLEMENTATION OF IN-PERSON LATE REGISTRATION AND ABSENTEE VOTING
12 DEADLINE CHANGE If an elector registers to vote or casts an absentee ballot in person
13 at the office of a municipal clerk or board of election commissioners under section
14 6.29 (2) or 6.86 (1) of the statutes at any election held during the period beginning
15 on the effective date of this subsection and ending on June 30, 2011, the municipal
16 clerk, executive director of the board of election commissioners, or any deputy who
17 registers the elector to vote shall inform the elector that beginning with elections
18 held on July 1, 2011, if the elector wishes to register to vote or to cast an absentee
19 ballot in person at the office of the municipal clerk or board of election
20 commissioners, the elector will be required to register to vote in the election no later
21 than 5 p.m. or the close of business, whichever is later, on the Friday before the
22 election and will be required to cast his or her absentee ballot in the election no later
23 than 5 p.m. on the Friday before the election. The information shall be prescribed
24 by the government accountability board and shall be provided either in writing or by

2011 - 2012 Legislature

- 5 -

LRB-1681/1
JTK:kjf:ph
SECTION 4

BILL

1 referring the elector to information posted at the office of the clerk or board of election
2 commissioners.

3 (2) IMPLEMENTATION OF VOTER IDENTIFICATION REQUIREMENTS. Each elector who
4 votes at a polling place or at the office of a municipal clerk or board of election
5 commissioners at an election held prior to the 2012 spring primary shall be requested
6 by the election officials to present proof of identification in the manner provided for
7 in 2011 Senate Bill 6, as amended, in accordance with the text of that bill as affected
8 by any legislative action on the effective date of this subsection. If the elector does
9 not present proof of identification, and the elector is otherwise qualified, the elector's
10 ballot shall be counted without the necessity of presenting proof of identification and
11 without the necessity of casting a provisional ballot. If any elector who votes at a
12 polling place or at the office of a municipal clerk or board of election commissioners
13 at such an election does not present proof of identification and would be required to
14 present proof of identification under the text of that bill, the election official who
15 provides the elector with a ballot shall either provide to the elector written
16 information or direct the elector to information posted at the polling place or office
17 briefly describing the voter identification requirement created by that bill and
18 informing the elector that beginning upon enactment of that bill or the date that the
19 2012 spring primary is held, whichever is later, the elector will be required to comply
20 with the identification requirement in that bill unless an exemption applies. The
21 text of the information provided to electors under this subsection shall be prescribed
22 by the government accountability board.

23 **SECTION 5. Initial applicability.**

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
West Rod Cottage Industries (Carla Giorgi – owner)	East Troy Township Tax Parcel P ET-18-6A	Rezone approx. .41 acres of C-4 Lowland Resource Conservation District (shoreland wetland) to C-2 Upland Resource Conservation District.	April 16, 2013
Walworth County as mandated by the Wisconsin Department of Natural Resources	Lyons Township Tax Parcels N LY-14-1&2	Rezone approx. 2.85 acres of C-4 Lowland Resource Conservation District (shoreland wetland) to C-1 Lowland Resource Conservation District (non-shoreland wetland).	April 16, 2013

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 _____, 2013.

County Clerk

Cc: County Supervisor Rick Stacey
County Supervisor Joe Schaefer

Resolution No. 07-04/13
Supporting and Authorizing Walworth County to Host 2016 Farm Technology Days

1 Moved/Sponsored by: Ag-Ext Committee

2

3 **WHEREAS**, Wisconsin Farm Technology Days is a jointly supported and planned effort by
4 Wisconsin Farm Technology Days, Inc. and a host county's University of Wisconsin Extension
5 Office; and,

6

7 **WHEREAS**, one of the selection criteria used to select a host county is the support of the Board
8 of Supervisors; and,

9

10 **WHEREAS**, Walworth County has never hosted this event, and a number of Walworth County
11 businesses and agricultural leaders have expressed interest in hosting the event for 2016; and,

12

13 **WHEREAS**, the Walworth County Extension Committee believes that Wisconsin Farm
14 Technology Days is an excellent way to showcase the County, develop volunteerism and
15 leadership roles and promote Walworth County agriculture; and,

16

17 **WHEREAS**, Walworth County businesses would receive significant economic benefits. A UW-
18 River Falls study found that the total economic impact of hosting Wisconsin Farm Technology
19 Days was \$1.86 million, creation of 33 jobs, and generation of \$191,000 in additional taxes; and,

20

21 **WHEREAS**, costs incurred by the host county can be reimbursed, assuming the event generates
22 sufficient revenues.

23

24 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
25 does support and authorize Walworth County's participation in hosting Farm Technology Days
26 in 2016 if so selected by Farm Technology Days, Inc.

27

28 **BE IT FURTHER RESOLVED** that the Walworth County Board of Supervisors does hereby
29 commit to include the sum of Twenty Thousand Dollars (\$20,000.00) in the 2014 budget to be
30 used prior to and/or during the 2016 Wisconsin Farm Technology Days event to support advance
31 or ongoing activities and functions involved with the event, with the further direction that
32 County staff take all steps to obtain reimbursement for this expense; and,

33

34 **BE IT FURTHER RESOLVED** that the Walworth County Board of Supervisors recognizes the
35 need for staff support to assist County employees and volunteers in planning and conducting
36 Wisconsin Farm Technology Days and, therefore, commits up to Twenty-five Thousand Dollars
37 (\$25,000.00) to fund a limited-term Wisconsin Farm Technology Days, Inc. employee to work
38 during 2015 and 2016, with the further direction that County staff take all steps to obtain
39 reimbursement for this expense; and,

40

41 **BE IT FURTHER RESOLVED** that the Walworth County Board of Supervisors does authorize
42 the Walworth County UW-Extension Department Head to enter into a contract, after review by

1 the Walworth County Corporation Counsel, for services, as may be necessary, to host Wisconsin
2 Farm Technology Days in Walworth County in 2016; and,
3

4 **BE IT FURTHER RESOLVED** that the Walworth County Extension Committee and the Farm
5 Technology Days Secretary will serve as direct liaisons to the Walworth County Board of
6 Supervisors and its standing Committees.
7

8
9

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11

12

13 _____
14 Nancy Russell
15 County Board Chair

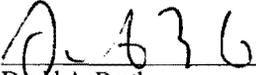
16 _____
17 Kimberly S. Bushey
18 County Clerk

19 County Board Meeting Date: April 16, 2013

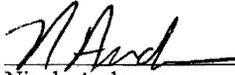
Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 4/5/2013

Date
David A. Bretl
County Administrator/Corporation Counsel

 4/8/13

Date
Nicole Andersen
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 07-04/13

- I. Title:** Supporting and Authorizing Walworth County to Host 2016 Farm Technology Days
- II. Purpose and Policy Impact Statement:** Wisconsin Farm Technology Days is a jointly supported and planned effort by Wisconsin Farm Technology Days, Inc. and Walworth County's University of Wisconsin Extension Office. The purpose of the event is to showcase the County, develop volunteerism and leadership roles, and to promote Walworth County's diverse agriculture. The event normally benefits the host county through significant economic gain, job creation, and additional tax revenue as well as providing a strong educational component for the agricultural industry.
- III. Budget and Fiscal Impact:** Passage of this resolution would commit the Board to budget \$20,000 in the 2014 budget with an additional \$25,000 to be budgeted and expended in 2015 and 2016 to support a limited-term exhibitor coordinator. It is anticipated that the County will be reimbursed for these expenditures.
- IV. Referred to the following standing committees for consideration and date of referral:**

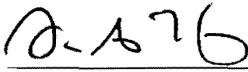
Committee: Ag-Ext Committee

Meeting Date: April 1, 2013

Vote: 6 – 0

County Board Meeting Date: April 16, 2013

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.

 4/15/2013

Date
David A. Bretl
County Administrator/Corporation Counsel

 4/8/13

Date
Nicole Andersen
Deputy County Administrator – Finance

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

March 21, 2013
March 21, 2013 - expanded

Please include the following County Zoning Agency items on the April 16, 2013, County Board agenda:

Rezones:

1. Robert A. Pearce Farms Inc. / Walworth Township. Rezone 4.82 acres from A-1 Prime Agricultural Land District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District to allow for conditional use approval. Part of Tax Parcel E W 300001.

Approved 6 – 0 at the March 21, 2013, Zoning Agency public hearing.

Conformance with County Land Use Plan: The County 2035 Land Use Plan identifies this area as the Prime Agricultural Land Use Category. The County Land Use Plan allows A-4 zoning in the Prime Agricultural Land Use Category area for farm marketing purposes.

2. Scott Smith – Kevin Remer, Applicant / Spring Prairie Township. Rezone 10.24 acres of A-1 Prime Agricultural Land District to A-4 Agricultural Related Manufacturing Warehousing and Marketing District to allow for conditional use approval. Part of Tax Parcel O SP3500001.

Approved 6 – 0 at the March 21, 2013, Zoning Agency public hearing.

Conformance with County Land Use Plan: The County 2035 Land Use Plan identifies this area as the Prime Agricultural Land Use category. The A-4 zone district is allowed in the Prime Agricultural land use category area so long as the proposed use is agricultural marketing related.

3. Town of Spring Prairie – Chairman Don Henningfeld, Applicant / Spring Prairie Township. Rezone specified units within The Highlands of Paradise Valley and Phase Two of The Highlands of Paradise Valley Subdivisions from B-5 Planned Commercial Recreation Business District to R-1 Single-Family Residence District (unsewered). Tax Parcels O SP1500001K1 and OH 00001 through OH 00007 plus OH 00014 and OH2 00008 through OH2 00010 and OH2 00012 through OH2 00028.

Approved 6 – 0 at the March 21, 2013, Zoning Agency public hearing.

Conformance with County Land Use Plan: The County 2035 Land Use Plan identifies this area as (RU) Urban Density Residential (Less than 5 acres per

dwelling) and a small backyard portion of (PEC) Primary Environmental Corridor on seven of the units.

Resolution No. 01-04/13
**Proclaiming April 21 - 27, 2013 Volunteer Week in Walworth County and Recognizing
Walworth County Volunteers**

1 Moved/Sponsored by: Executive Committee

2
3 **WHEREAS**, the week of April 21-27, 2013 is National Volunteer Week; and,

4
5 **WHEREAS**, the National Volunteer Week theme is “Celebrating People in Action;” and,

6
7 **WHEREAS**, Walworth County government is fortunate to work with more than 600 volunteers
8 who generously give of their time and talent to make our communities better places to live; and,

9
10 **WHEREAS**, hundreds of volunteers from a variety of ages, with diverse ethnic backgrounds and a
11 multitude of skills, donated a total of 31,445 hours during 2012 in service to Walworth County and
12 its residents; and,

13
14 **WHEREAS**, the work of volunteers can inspire and effect positive change in our nation and the
15 world; and,

16
17 **WHEREAS**, volunteers in Walworth County are vital to our communities and the future of our
18 county as well as our nation.

19
20 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
21 hereby proclaims the week of April 21-27, 2013 Volunteer Week in Walworth County.

22
23 **BE IT FURTHER RESOLVED** that the Board recognizes the following Walworth County
24 volunteers for their outstanding service to the county:

25		
26	Lesley Barg	Health and Human Services ADRC - Low Vision Support Group
27	Tom Gentilli	Sheriff's Office - Jail Library
28	John T. Griebel	Health and Human Services - Guardian
29	Allisa Sikes	Health and Human Services - Guardian
30	Chuck Statz	Lakeland Health Care Center - Recreation Volunteer
31	Lanigan Elvin	Lakeland Health Care Center - Recreation Volunteer
32	Margaret “Margi” Kolar	Health and Human Services - Elder Benefits Specialist Program
33	Leslie Aronovitz	Health and Human Services - Elder Benefits Specialist Program
34	Joyce Rogan	Health and Human Services - Elder Benefits Specialist Program
35	Duane Warrenburg	Health and Human Services - Meals on Wheels
36	Terri Kropetz	Health and Human Services - Meals on Wheels

1 **BE IT FURTHER RESOLVED** that the Board urges Walworth County citizens to volunteer in
2 their communities and become part of more than sixty-four million people in our nation who are
3 making a difference in their communities.
4

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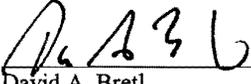
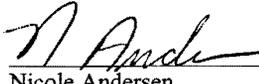
7 _____
8 Nancy Russell
9 County Board Chair

Kimberly S. Bushey
County Clerk

10 County Board Meeting Date: April 16, 2013

11
12 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:

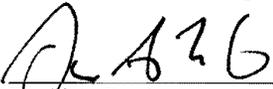
 _____ David A. Bretl County Administrator/Corporation Counsel	<u>4/18/13</u> Date	 _____ Nicole Andersen Deputy County Administrator - Finance	<u>4/19/13</u> Date
--	------------------------	---	------------------------

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

Policy and Fiscal Note
Resolution No. 01-04/13

- I. **Title:** Proclaiming April 21-27, 2013 Volunteer Week in Walworth County and Recognizing Walworth County Volunteers
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to proclaim the week of April 21-27, 2013 Volunteer Week in Walworth County and to recognize Walworth County volunteers.
- III. **Budget and Fiscal Impact:** Passage of this resolution will have no fiscal impact on the County budget.
- IV. **Referred to the following standing committees for consideration and date of referral:**
- Committee: Executive Meeting Date: March 18, 2013
- Vote: 5 – 0
- County Board Meeting Date: April 16, 2013

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.

 4/18/13

David A. Bretl Date
County Administrator/Corporation Counsel

 4/19/13

Nicole Andersen Date
Deputy County Administrator - Finance

Resolution No. 05-04/13
**Requesting State Officials and Governor Walker to Re-Examine the Policies
That Have Resulted in Historically High Incarceration Rates in Wisconsin**

1 Moved/Sponsored by: Executive Committee

2

3 **WHEREAS**, the rate of incarceration and cost of corrections in Wisconsin has risen dramatically
4 from under \$200 million per year in 1990 to more than \$1.3 billion in 2011; and,

5

6 **WHEREAS**, modifications to the state's current correctional model that would return to 1995
7 incarceration levels could yield substantial costs savings and incarceration rates similar to
8 neighboring states; and,

9

10 **WHEREAS**, the Walworth County Board of Supervisors and the county's Criminal Justice
11 Coordinating Committee have implemented programs, including OWI treatment courts, which are
12 designed to reduce recidivism and improve public safety with the expenditure of fewer tax dollars.

13

14 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
15 requests State Legislators and Governor Walker to re-examine the state's policies that have
16 resulted in high incarceration rates in Wisconsin.

17

18 **BE IT FURTHER RESOLVED** that the County Board requests State Legislators and the
19 Governor to make changes that will result in a substantial reduction in the number that are jailed in
20 Wisconsin and to offer incarceration alternatives for the low-risk population and those with mental
21 illness and chemical dependency.

22

23 **BE IT FURTHER RESOLVED** that changes should include significant financial incentives for
24 counties to send fewer people to state prisons and a redeployment of \$75 million or more in
25 dedicated State funding to counties to enable significant growth in cost-effective, innovative and
26 proven local alternatives for non-violent and low-risk offenders.

27

28 **BE IT FURTHER RESOLVED** that the County Clerk be directed to forward a copy of this
29 resolution to Governor Walker and all legislators representing Walworth County.

30

31

32

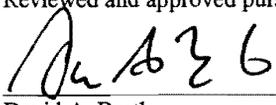
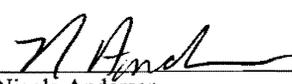
33 _____
34 Nancy Russell
35 County Board Chair

Kimberly S. Bushey
County Clerk

36 County Board Meeting Date: April 16, 2013

37

38 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
4/8/13 Date	4/8/13 Date
If unsigned, exceptions shall be so noted by the County Administrator.	

ORDINANCE NO. 769 – 04/13

AMENDING SECTION 30-156 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO ACCEPTANCE AND USE OF DONATIONS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That Section 30-156 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. 30-156. Acceptance and use of donations.**

6
7 (d) Programs and projects set forth in the following schedule are hereby authorized to accept the
8 receipt of customary and usual donations less than \$5,000.00 restricted by the donor for the
9 specific program or project and in accordance with procedures authorized by the county
10 administrator.

11
12 (6) Parks:

13 Parkland acquisition
14 White River trail
15 Parkland development

16
17 (7) Public Works:

18 Solid waste programs

19
20 ~~(7)~~(8) Sheriff's Office:

21 Crime prevention/public awareness
22 DARE program
23 Dive and rescue operations
24 Gang intelligence/gang task force
25 General training
26 K-9 unit

27
28 ~~(8)~~(9) UW-Extension:

29 Camp
30 International exchange program
31 Shooting sports
32 Youth literacy/teen mentoring project
33 Barn quilt project

34
35 **PART II: The ordinance shall be effective upon passage and publication.**

36
37 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 16th day of April
38 2013.

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Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: April 16, 2013

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:

	<u>4/2/2013</u>		<u>4/2/13</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator - Finance	

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

ORDINANCE NO. 770-04/13

AMENDING SECTION 30-286 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATIVE TO PARK DAMAGE AND CLEAN UP DEPOSITS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That Section 30-286 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. 30-286. Consolidated fee schedule.**
 6

Description	Fee	Effective Date	Authority
Public Works			
<u>Park Damage and Clean Up Deposit</u>	<u>\$100.00 deposit fee, for damage/cleanup, is required upon submission of Application and Reservation for Use of a Recreational Facility. Within 30 days subsequent to the rental, if there has been no damage and the area has been cleaned in satisfactory condition and litter is removed from the park, the deposit will be refunded.</u>	Jan 1, 2013	Wis. Stats. 27.075(1)

7
 8 **PART II: This Ordinance shall be effective retroactively to January 1, 2013.**
 9

10 **PASSED and ADOPTED** by the Board of Supervisors of Walworth County Wisconsin this 16th
 11 day of April, 2013.
 12

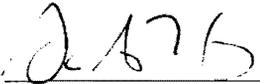
13 County Board Meeting Date: April 16, 2013

14 Action Required: Majority Vote X Two-thirds Vote _____ Other _____
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20 _____
 21 Nancy Russell
 22 County Board Chair

 Kimberly S. Bushey
 County Clerk

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

 4/3/2013
 David A. Bretl Date
 County Administrator/Corporation Counsel

 4/4/13
 Nicole Andersen Date
 Deputy County Administrator-Finance

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

Policy and Fiscal Note
Ordinance No. 770-04/13

- I. Title:** Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Park Damage and Clean Up Deposits
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance is to amend the fee schedule to include a refundable damage and clean up deposit fee for park rentals. A deposit is required, with the park reservation application, for damage/cleanup. If there has been no damage and the area has been cleaned in satisfactory condition and the litter removed from the park, after the rental, the deposit will be refunded.
- III. Is this a budgeted item and what is its fiscal impact?** Passage of this ordinance shall have no significant budgetary impact. Deposits retained are offset by costs to repair damages or clean up.
- IV. Referred to the following standing committees for consideration and date of referral:**

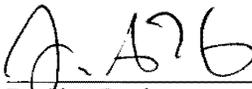
Committee: Finance Committee

Date: March 21, 2013

Vote: 4 - 0

County Board Meeting Date: April 16, 2013

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

 4/3/2013
Date
David A. Bretl
County Administrator/Corporation Counsel

 4/4/13
Date
Nicole Andersen
Deputy County Administrator-Finance

ORDINANCE NO. 771 – 04/13

AMENDING SECTION 30-181 OF THE WALWORTH COUNTY CODE OF ORDINANCES ESTABLISHING A NET ASSETS INTERNAL DESIGNATION FOR FUTURE BUILDING COSTS IN THE LAKELAND HEALTH CARE CENTER

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

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PART I: That Section 30-181 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions shown by underline; deletions shown by strike-through):

“Sec. 30-181. Enterprise funds.

An enterprise fund refers to a proprietary fund type used to report an activity for which a fee is charged to external users for goods or services. The county has established the following enterprise funds and guidelines governing these funds.

(1) The Lakeland Health Care Center enterprise fund shall be established to account for financial resources to be used for the administration and services provided by the Lakeland Health Care Center.

c. *Unrestricted net assets-internal allowances.* The following internal allowances shall be maintained within the county's Lakeland Health Care Center fund. These amounts do not appear on the financial statements, but exist for internal purposes only.

1. An equipment allowance shall be maintained to address major replacements or repairs of equipment. The annual contribution amount, if any, shall not exceed 100 percent of annual depreciation on currently owned equipment. Equipment purchases will be deducted from this reserve. Interest on the remaining reserve funds shall be calculated and allocated each month utilizing the local government investment pool rate.

2. A building allowance shall be maintained to address major building related projects. The annual contribution amount, if any, shall not exceed 100 percent of annual depreciation on current owned buildings. Building-related purchases will be deducted from this reserve. Interest on the remaining reserve funds shall be calculated and allocated each month utilizing the local government investment pool rate.

23. An encumbrance allowance designated by a purchase order for a specific good or service to be carried forward into the next year's budget. Amounts not spent for the assigned good or service will lapse and not be included in the next year's budget for future spending purposes.

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- 34. A subsequent year budget allowance established during the adoption of the budget for subsequent year expenditures in accordance with Walworth County Ordinance 30-36
- 45. A carry forward allowance for capital projects and grants that have not been completed.
- 56. A debt service allowance may be used to set aside funds to decrease future debt service tax levy or to call debt service principal.
- 67. Donations and fund-raising activities not specifically restricted by a third party shall be considered committed. These donations may be used for non-operating or recreational purposes by the department head or elected official of the department where the donations are received. Funds may be used within the confines of the budgetary processes.
- 78. Other post employment benefit assets allowance. An expense and subsequent decrease in net assets will occur when the other post employment benefit asset is drawn down. This allowance ensures that adequate net assets are available to absorb this asset reduction. This allowance will be equal to the fund's OPEB asset at yearend."

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

PASSED and ADOPTED by the Walworth County Board of Supervisors this 16th day of April, 2013.

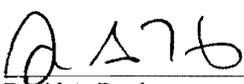
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: April 16, 2013

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:

	
4/3/2013 Date	4/4/13 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. 03-04/13
Authorizing the Closing of CTH D Roadwork Project Account and
Transferring Remaining Funds to the Road Construction Committed Fund Balance Account

1 Moved/Sponsored by: Public Works and Finance Committees

2
3 **WHEREAS**, the County Trunk Highway (CTH) D roadwork project was funded by bond funds,
4 undesignated funds, tax levy and state funds; and,

5
6 **WHEREAS**, the total budget for this project was \$3,373,349; and,

7
8 **WHEREAS**, on February 18, 2013, the Public Works Committee authorized final payment to
9 the general contractor, with expenditures on the project totaling \$3,050,021; and,

10
11 **WHEREAS**, all bond funds have been expended; and,

12
13 **WHEREAS**, the Walworth County Department of Public Works requests to transfer the
14 remaining project funds of \$323,328 from the 2012 road project to the road construction
15 committed fund balance account.

16
17 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
18 authorizes the closure of the CTH D project account and approves the transfer of the remaining
19 project funds to the road construction committed fund balance account.

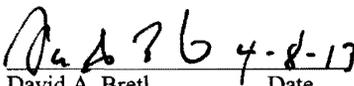
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24 _____
25 Nancy Russell
26 County Board Chair

Kimberly S. Bushey
County Clerk

27
28
29 County Board Meeting Date: April 16, 2013

30
31 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 Date
County Administrator/Corporation Counsel


Nicole Andersen Date
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 03-04/13

- I. Title:** Authorizing the Closing of CTH D Roadwork Project Account and Transferring Remaining Funds to the Road Construction Committed Fund Balance Account
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is to authorize the closing of the 2012 Roadwork Project Account and to transfer remaining funding to the road construction committed fund balance account.
- III. Budget and Fiscal Impact:** The construction on the Walworth County Trunk Highway (CTH) D roadwork project was complete in 2012. Project costs were less than budgeted by \$323,328. The projects were funded by bond funds, undesignated funds, tax levy and state funds.

This resolution authorizes closing the CTH D roadwork project and transferring the funds remaining to the road construction committed fund balance account.

The December 31, 2012 preliminary balance of excess funds committed for future road construction is \$3,075,168.

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

Committee: Public Works Meeting Date: March 18, 2013

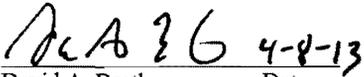
Vote: 5 – 0

Committee: Finance Meeting Date: March 21, 2013

Vote: 4 – 0

County Board Meeting Date: April 16, 2013

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


David A. Bretl Date
County Administrator/Corporation Counsel


Nicole Andersen Date
Deputy County Administrator - Finance

Resolution No. 04-04/13

Recognizing Deb McDaniel for Receiving the State of Wisconsin "Caring for Kids" Award

1 Moved/Sponsored by: Health and Human Services Board

2

3 **WHEREAS**, Ms. Deb McDaniel is a Human Service Specialist I who has been an employee of
4 Walworth County Health and Human Services since 2002; and,

5

6 **WHEREAS**, Ms. McDaniel was nominated for the Wisconsin "Caring for Kids" Award
7 sponsored by the Wisconsin Department of Children and Families for her work on preventing
8 shaken baby syndrome and her work with teen parent groups; and,

9

10 **WHEREAS**, those submitting nominations for the award had to provide specific examples of a
11 situation in which the nominee demonstrated his or her commitment to improving the lives of
12 children and families; and,

13

14 **WHEREAS**, Ms. McDaniel was selected as the recipient of the award for her excellence in child
15 welfare; and,

16

17 **WHEREAS**, on March 4, 2013, Ms. McDaniel was presented with this award at the State
18 Capitol Building in Madison in the Governor's Conference Room.

19

20 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
21 Walworth County congratulates Deb McDaniel for her outstanding accomplishments in child
22 welfare services and thanks her for her commitment to the citizens of Walworth County.

23

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27 _____
Nancy Russell
28 County Board Chair

Kimberly S. Bushey
County Clerk

29

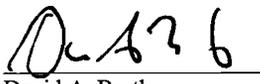
30 Action Required: Majority X Two-thirds _____ Other _____

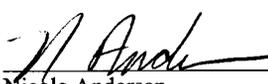
31

32 County Board Meeting Date: April 16, 2013

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 4/8/13
David A. Bretl Date
County Administrator/Corporation Counsel

 4/9/13
Nicole Andersen Date
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 04-04/13

- I. Title:** Recognizing Deb McDaniel for Receiving the State of Wisconsin “Caring for Kids” Award
- II. Purpose and Policy Impact Statement:** This resolution shall recognize Walworth County Health and Human Services employee, Deb McDaniel, for receiving the 2013 Wisconsin Department of Children and Families “Caring for Kids” Award.
- III. Budget and Fiscal Impact:** Passage of this resolution will have no fiscal impact on the county budget.
- IV. Referred to the following standing committees for consideration and date of referral:**

Committee: Health and Human Services Meeting Date: March 20, 2013

Vote: 8 – 0

County Board Meeting Date: April 16, 2013

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.	
 4/8/13	 4/9/13
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator - Finance

ORDINANCE NO. 772 - 04/13

AMENDING SECTIONS 15-6 AND 15-1515 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO AT-WILL EMPLOYMENT AND TITLE/UNIT CHANGES IN HEALTH AND HUMAN SERVICES

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That Section 15-6 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. 15-6. At-will employment.**

6
7 (f) The county administrator shall ensure that employment contracts are prepared and
8 executed for any department head hired or promoted after January 8, 2002 (excluding an elected
9 official), the Labor/employee relations director, and anyone hired through competitive means
10 pursuant to 15-316 (b) and 15-335 (a) after the date indicated into the positions identified below.
11

Position	Department	Effective Date:
<u>HR Generalist</u>	<u>Administration</u>	<u>January 1, 2013</u>
HR Specialist	Administration	December 11, 2007
HS Manager – <u>Mental Behavioral</u> <u>Health/AODA Services</u>	Health and Human Services	January 1, 2011
HS Manager - Community Support <u>Programs Services</u>	Health and Human Services	April 21, 2009

12
13 **PART II: That Section 15-1515 of the Walworth County Code of Ordinances is hereby**
14 **amended to read as follows (additions shown by underline; deletions shown by strike-**
15 **through):**

16
17 **“Sec. 15-1515. AODA subspecialty certification – LPC/LCSW.**

18
19 A master’s level licensed professional counselor (LPC) or a licensed clinical social
20 worker (LCSW) in the mental behavioral health outpatient services, community support
21 program, comprehensive community services and crisis units holding the AODA subspecialty or
22 substance abuse counselor (SAC/CSAC) certification is eligible to receive a payment of \$100 per
23 month for said subspecialty credentials by providing their certification to the department.
24 Requalification will be contingent upon the employee to provide current credentials after initial
25 expiration.”
26

27 **PART III: The ordinance shall be effective upon passage and publication.**

28
29 **PASSED and ADOPTED by the Walworth County Board of Supervisors this 16th day of**
30 **April 2013.**

ORDINANCE NO. 773 – 04/13

AMENDING SECTION 15-517(e) OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO THE SCHEDULING OF ACCRUED BENEFITS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That Section 15-517(e) 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. 15-517. Scheduling of accrued benefits.**

6
7 (e) *Substitution.* ~~When an employee is on a scheduled vacation, sick leave shall not~~
8 ~~be substituted during the vacation period. Any holiday that falls during a vacation period shall be~~
9 ~~charged to the holiday benefit and vacation shall not apply to the holiday. An employee on~~
10 ~~approved sick leave may request, in lieu of using sick leave, the use of vacation, holiday or~~
11 ~~compensatory time for all or part of the sick leave. Accrued benefit time is subject to the~~
12 ~~following substitution rules:~~

13
14 (1) Sick Leave.

- 15
16 a. When an employee is off on a scheduled vacation, compensatory, or
17 holiday bank used day, sick leave shall not be substituted for the vacation,
18 compensatory or holiday bank used time.
19
20 b. An employee on approved sick leave may request, in lieu of using sick
21 leave, the use of vacation, holiday or compensatory time for all or part of
22 the sick leave.
23
24 c. An employee calling in sick on their scheduled day, when it is an observed
25 county holiday, shall have the day charged to the holiday benefit, and sick
26 leave shall not apply to the holiday. If employee’s scheduled work day is
27 longer than the allotted holiday benefit, employee may use sick leave for
28 the remaining work hours in the workday if the absence qualifies for sick
29 leave. Days under this provision remain subject to departmental
30 attendance policies and will be deemed a sick day for attendance purposes.

31
32 (2) Holidays.

- 33
34 a. Any holiday that falls during a vacation or compensatory day off shall be
35 charged to the holiday benefit, and vacation or compensatory time shall
36 not apply to the holiday.”
37

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

1 **PASSED and ADOPTED by the Walworth County Board of Supervisors this 16th day of**
2 **April 2013.**

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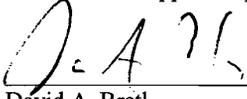
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

10 County Board Meeting Date: April 16, 2013

11 Action Required: Majority Vote X Two-thirds Vote _____ Other _____

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

	<u>4/15/13</u>		<u>4/8/13</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator - Finance	

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

Ordinance No. 773 - 04/13
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Section 15-517(e) of the Walworth County Code of Ordinances Relating to the Scheduling of Accrued Benefits
- II. **Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to clarify the procedure with respect to substitution of accrued benefits in certain circumstances.
- III. **Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will have no fiscal impact on the county budget.
- IV. **Referred to the following standing committee(s) for consideration and date of referral:**

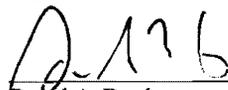
Committee: Human Resources Committee

Date: March 20, 2013

Vote: 5 - 0

County Board Meeting Date: April 16, 2013

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.


David A. Bret
County Administrator/Corporation Counsel

4/15/13
Date


Nicole Andersen
Deputy County Administrator-Finance

4/17/13
Date

ORDINANCE NO. 774 – 04/13

AMENDING SECTION 15-17 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATING TO POSITION CHANGES AT LAKELAND HEALTH
CARE CENTER AND PUBLIC WORKS

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

3
4 PART I: That Section 15-17 in Division 2 of Article I of Chapter 15 of the Walworth
5 County Code of Ordinances is hereby amended to read as follows:

6
7 “Sec. 15-17. Authorized positions by department.

8
9 (l) *Lakeland Health Care Center*

10	CLASSIFICATION TITLE	FTE
11	Account Clerk I	1.06
12	Account Clerk III	3.00
13	Administrator – Lakeland Nursing Home	1.00
14	Admissions Coordinator/Social Worker	1.00
15	Assistant Nurse Manager	1.00
16	Certified Medical Assistant	3.00
17	Certified Nursing Asst	72.37
18	Clerk IV	1.00
19	Clinical Dietician/Quality Operations Manager	1.00
20	Cook	3.00
21	Director of Nursing	1.00
22	Food Service Coordinator	1.00
23	Food Service Worker	5.64
24	Licensed Beautician	0.60
25	LPN - Unit Supervisor	10.30
26	MDS Coordinator	1.00
27	<u>Maintenance Technician</u>	<u>2.00</u>
28	Nurse Manager	2.00
29	Receptionist	0.82
30	Recreation Therapy Coordinator	1.00
31	Recreation Therapy Leader	2.00
32	Recreational Therapist	1.00
33	Restorative Therapy Aide/Clinic Asst	1.00
34	RN - Unit Supervisor	8.82
35	Senior Accountant ¹	0.25
36	<u>Senior Maintenance Technician</u>	<u>1.00</u>
37	Social Worker	1.50

1	Staffing Coordinator	1.00
2	Support Services Supervisor	1.00
3	Unit Clerk	1.00
4	Total Lakeland Health Care Center FTEs	128.36 <u>131.36</u>
5	¹ Reports to Finance	

6		
7	(n) <i>Public Works</i>	
8		
9	CLASSIFICATION TITLE	FTE
10		
11	Account Clerk III	1.00
12	Accounting Assistant	1.00
13	Administrative Assistant - Highway	1.00
14	Administrative Assistant - Facilities	1.00
15	Administrative Secretary I	1.00
16	Assistant Buyer	1.00
17	Assistant DPW - Facilities	1.00
18	Assistant DPW - Facilities Plant Operations	1.00
19	Assistant DPW - Roads	3.00
20	Assistant DPW - Shop	1.00
21	Building Maintenance Engineer I	5.00 <u>4.00</u>
22	Building Maintenance Engineer II	2.00 <u>1.00</u>
23	Building Maintenance Engineer III	5.00 <u>4.00</u>
24	Director – Central Services	1.00
25	Director of Operations – DPW	1.00
26	Janitor I	1.50
27	Janitor III	3.00 <u>2.00</u>
28	Machine Operator	1.00
29	Marking/Signing Lead Worker	1.00
30	Mechanic II	3.00 <u>4.00</u>
31	Office/Purchasing Manager – DPW	1.00
32	Patrolman/Woman	27.00
33	Road Lead Worker	1.00
34	Senior Buyer	2.00
35	Shop Lead Worker	1.00
36	Total Public Works FTEs	67.50 <u>64.50</u>

37

38 (t) Grand Total - County FTEs 795.05”

39

40 **PART II: This ordinance shall become effective upon passage and publication.**

41

42 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 16th day of April,

43 2013.

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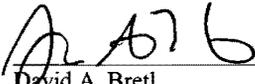
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: April 16, 2013

Action Required: Majority Vote _____ Two-thirds Vote X Other _____

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

	
4/9/13	4/9/13
Date	Date
David A. Bretl	Nicole Andersen
County Administrator/Corporation Counsel	Deputy County Administrator-Finance

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

Ordinance No. 774-04/13
Fiscal Note and Policy Impact Statement

- I. Title:** Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Position Changes at Lakeland Health Care Center and Public Works
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to eliminate a Building Maintenance Engineer I, II and III in Public Works and create two Maintenance Technicians and one Senior Maintenance Technician at the Lakeland Health Care Center. A vacant Janitor III position in Public Works will also be eliminated and a Mechanic II position created.
- III. Is this a budgeted item and what is its fiscal impact:** The Building Maintenance Engineer I, II and III and the Janitor III are budgeted positions in the 2013 budget. The elimination of the BME I, II & III and creation of two Maintenance Technicians and one Senior Maintenance Technician will result in an annual increase of \$17,026 and a savings in 2013 of \$24,184 due to vacancies.

Action	Annual Impact	2013 Impact
Public Works		
Eliminate 1.00 BME III	\$ 65,497	\$ (52,721)
Eliminate 1.00 BME II	\$ 63,247	\$ (51,947)
Eliminate 1.00 BME I	\$ 58,606	\$ (33,309)
	\$ 187,350	\$ (137,977)
Lakeland Health Care Center		
Create 1.00 Senior Maintenance Technician	\$ 71,132	\$ 39,683
Create 1.00 Maintenance Technician	\$ 66,622	\$ 37,055
Create 1.00 Maintenance Technician	\$ 66,622	\$ 37,055
	\$ 204,376	\$ 113,793*

*Monies to move from PW to LHCC

The elimination of the Janitor III and creation of the Mechanic II will result in an annual increase of \$15,787 and a savings in 2013 of \$17,861 due to vacancies.

Action	Annual Impact	2013 Impact
Public Works		
Eliminate 1.00 Janitor III	\$ (60,618)	\$ (60,618)
Create 1.00 Mechanic II	\$ 76,405	\$ 42,757
	\$ 15,787	\$ (17,861)

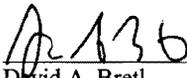
IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Human Resources Committee Date: March 20, 2013

Vote: 5 - 0

County Board Meeting Date: April 16, 2013

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.

 4/19/13	 4/19/13
David A. Bretl Date	Nicole Andersen Date
County Administrator/Corporation Counsel	Deputy County Administrator-Finance