



**WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

TUESDAY, JANUARY 14, 2014 AT 6:00 P.M.

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

Board of Supervisors

Nancy Russell – Chair
Jerry A. Grant – Vice-Chair

A G E N D A

Call to Order

Pledge of Allegiance

Invocation

- Daniel G. Kilkenny, Walworth County Board Supervisor, District #8

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

- December 10, 2013 County Board Meeting Minutes

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

Appointments/Elections

1. Agriculture & Extension Education Committee
 - Kelly Pickel – Term to begin upon confirmation and end on December 30, 2015 (Recommended by the Executive Committee 3-0)
2. Veterans Service Commission
 - Les Allen – Three-year term to begin upon confirmation and end on December 31, 2016 (Recommended by the Executive Committee 3-0)

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing
2. Claims: a) Notice of Receiver's Motion – In re: B.R. Amon & Sons, Inc. 13-CV-363; Amon & Sons, Inc. 13-CV-365; Amon Land Company, LLC 13-CV-364; Lake Mills Blacktop, Inc. 13-CV-366; b) Notice of Claim for Vehicle Damage – Shahid A. Muqaddim (To be referred to the Executive Committee)
3. Outagamie Co. Resolution No. 114-2013-14 – Support legislation in which a person may not be prosecuted for possessing naloxone or for administering or delivering

- naloxone to another person if acting with the good faith belief to save another person's life from an overdose or adverse reaction to a controlled substance (To be referred to the Executive Committee)
4. Outagamie Co. Resolution No. 115-2013-14 – Support legislation updating state criminal law and state regulatory provisions concerning prescription drugs and controlled substances to facilitate and encourage the operation of community drug disposal programs (To be referred to the Executive Committee)
 5. Outagamie Co. Resolution No. 116-2013-14 – Support legislation allowing all levels of EMT's and first responders to be trained to administer naloxone (To be referred to the Executive Committee)
 6. Outagamie Co. Resolution No. 117-2013-14 – Support legislation which would require individuals to show proper identification when picking up Schedule II or III narcotic/opiate prescription medication (To be referred to the Executive Committee)
 7. Adams County Resolution #122-2013 – Resolution to Support Wisconsin 2013 Assembly Bill 308 (To be referred to the Executive Committee)
 8. Correspondence from State of Wisconsin Division of Emergency Management in regard to their review of the half-year progress reports submitted by County Directors of Emergency Management for the period of April 1, 2013 through September 30, 2013 (To be referred to the Executive Committee)
 9. Communication from Southeastern Wisconsin Regional Planning Commission with the Commission's *2012 Annual Report* (To be Placed on File) (The complete report is on file in the County Clerk's office)
 10. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 11. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 12. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Reek Elementary School – Ryan Southwick (Treasurer of School Board), Section 16, Linn Township. Rezone the C-2 and C-4 zoned property to P-1 Park and C-4 Shoreland Wetlands Districts in order to make the upland area of the school all P-1 zoned – Approved: 7-0 (December 19, 2013 County Zoning Agency Public Hearing)
2. Walworth County/Wisconsin Department of Natural Resources, Sections 4 and 5, East Troy Township. The Wisconsin Department of Natural Resources has mandated amendments to the Walworth County Shoreland Floodplain Ordinance requiring a larger flood hazard area below the Lake Beulah Dam. The amendments are based on DNR submittal of a new flood hazard map. The larger flood hazard area below Lake Beulah Dam was DNR approved as a result of the assignment of the High Hazard rating for the Lake Beulah Dam, field file 64.05 dated December 1, 2004, and adopted by Walworth County on September 7, 2006 – Approved: 7-0 (December 19, 2013 County Zoning Agency Public Hearing)

3. Margie A. Schoenberg, Wisconsin Department of Natural Resources and Walworth County, Michael P. Schoenberg – Applicant, Section 10, Lyons Township. Rezone approximately 18 acres of C-1 and C-4 to A-1 – Approved: 7-0 (December 19, 2013 County Zoning Agency Public Hearing)
4. Theresa and Peter Hoekstra, Michael and Linda Hoekstra – Applicant, Section 2, Darien Township. Rezone approximately 4.5 acres of C-2 and 1.33 acres of M-3 to A-1 – Approved: 7-0 (December 19, 2013 County Zoning Agency Public Hearing)

County Zoning Agency

1. Ord. No. 829-01/14 – Repealing and Recreating Sections of Chapter 65 of the Walworth County Code of Ordinances Relating to Renewable Energy – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)

Executive Committee

1. Ord. No. 824-01/14 – Amending Chapter 38 of the Walworth County Code of Ordinances Relating to Alcohol Licensing Violations – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)

Finance Committee

1. Res. No. 67-01/14 – Authorizing the Transfer of \$25,000 from the 2014 Contingency Fund to Complete Underground Fuel Tank Remediation Plan – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)

Health & Human Services Board

1. Ord. No. 830-01/14 – Amending Sections 50-2 and 50-5 of the Walworth County Code of Ordinances Relating to Prioritizing Prevention Services through the Department of Health & Human Services – *Vote Required: Majority* (Recommended by the Health & Human Services Board 7-0)

Human Resources Committee

1. Ord. No. 827-01/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Title Change to the Grounds Supervisor Position at Public Works – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 828-01/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Changes to the Maintenance Positions at Public Works – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-1)
3. Res. No. 68-01/14 – Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Park Committee

1. Ord. No. 826-01/14 – Amending Section 30-156 of the Walworth County Code of Ordinances Relating to Acceptance and Use of Donations and Creating Section 42-10 of the Code Relating to the Naming of Parks – *Vote Required: Majority* (Recommended by the Park Committee 3-0)
2. Res. No. 65-01/14 – Recognizing Vendor Support in Promoting the White River State Trail – *Vote Required: Majority* (Recommended by the Park Committee 3-0)

3. Res. No. 66-01/14 – Recognizing Robert Biersack of Biersack Well Service for his Contribution to Price Park – *Vote Required: Majority* (Recommended by the Park Committee 3-0)
4. Res. No. 69-01/14 – Authorizing the Proper County Officials to Purchase Parkland in the Town of Lyons, Consisting of Approximately 195 Acres – *Vote Required: Majority* (The Park Committee will consider this item at a special meeting prior to the January 14, 2014 County Board meeting)

Public Works Committee

1. Ord. No. 825-01/14 – Amending Chapter 54 of the Walworth County Code of Ordinances Relating to Streets, Sidewalks and Certain Other Public Places – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

Reports of Special Committees

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

Chairperson's Report

Adjournment

Kimberly S. Bushey
Walworth County Clerk

*Supervisors and Committees: Please submit titles for the Tuesday, February 11, 2014 agenda on or before Wednesday, January 29, 2014.

**DECEMBER 10, 2013
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

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

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, Rick Stacey, David A. Weber, and Chair Nancy Russell. A quorum was established.

Jerry A. Grant, Walworth County Board Supervisor, District #4, delivered the invocation after holding a moment of silence for the recent passing of Supervisor Tim Schiefelbein.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Schaefer, seconded by Vice-Chair Grant, the agenda was approved by voice vote with no withdrawals.

Approval of the Minutes

On motion by Supervisor Brandl, seconded by Supervisor Weber, the November 12, 2013 County Board Meeting minutes were approved by voice vote.

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

There was none.

Appointments/Elections

1. Health & Human Services (HHS) Board
 - Dr. James Seegers – Three-year term to begin upon County Board confirmation and end on October 12, 2016 (Recommended by the Executive Committee 3-0)
 - Sandra Wagie-Troemel – Three-year term to begin upon County Board confirmation and end on December 10, 2016 (Recommended by the Executive Committee 3-0)
2. Local Emergency Planning Committee (LEPC)
 - Dan Nickels (Recommended by the Executive Committee 3-0)
3. Workforce Development Board (WDB)
 - Lynn Jones
 - Peggy Osborne(Recommended by the Executive Committee 3-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the appointments to the Health & Human Services Board, Local Emergency Planning Committee, and Workforce Development Board 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 – Walworth State Bank, Plaintiff, vs. Mark A. Anderson and Kymberley A. Anderson, County of Walworth, State of Wisconsin Bureau of Child Support/ Department of Children and Families (To be referred to the Executive Committee)
3. Thomas F. Regan’s repurchase of tax parcel #F D 3200096; request for issuance of a Quit Claim deed of conveyance (To be referred to the Finance Committee)
4. Correspondence from State of Wisconsin Department of Natural Resources in regard to the proposed gift of a 13.05 acre easement for the Turtle Creek Wildlife Area in the Town of Darien (To be placed on file)
5. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - Taylor County Resolution No. 73 – A resolution requiring creation of a new nonpartisan procedure for the preparation of legislative and congressional redistricting plans (was previously referred to the Executive Committee)
6. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Res. No. 62-12/13 – Supporting Legislation Changing the Method a Municipality May Collect the Costs of Razing a Building from a Special Tax to a Special Charge and Not Requiring the County to Pay a Municipality’s Razing Costs – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
 - Correspondence from Geneva Lake Conservancy in regard to preparing a Land Management Plan for the new White River Park – To be referred to the Park Committee
 - Correspondence from Attorney Randall G. Leece in regard to Kettle Moraine Land Trust, Inc. – To be referred to the Park Committee
 - *Walworth County Aging & Disability Resource Center News*, December 2013
7. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - Margie A. Schoenberg, Lyons Township. Rezone approximately 18 acres of C-1 Lowland Resource Conservation (non-shoreland) and C-4 Lowland Resource Conservation (shoreland) Districts to A-1 Prime Agricultural District
 - Peter & Teresa Hoekstra, Darien Township. Rezone approximately 4.5 acres of C-2 Upland Resource Conservation District and 1.33 acres of M-3 Mineral Extraction District to A-1 Prime Agricultural District
 - Walworth County per Wisconsin Department of Natural Resources mandate, East Troy Township. The Wisconsin Department of Natural Resources mandate for amendments to the Walworth County Shoreland Floodplain Ordinance requiring a larger flood hazard area below the Lake Beulah Dam and a result of High Hazard Rating.
 - Walworth County Land Use and Resource Management Department, All Townships. Amendment to Section(s) 74-44 of the Zoning Ordinance and Section(s) 74-171 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to chickens in the R-1, R-2, R-3, R-5, R-5A and C-3 districts and modified requirements in the agricultural and C-2 districts.

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Ord. No. 819-12/13 – Amending Sections 74-59, 74-63, 74-74, 74-131, 74-186, 74-190, 74-203 and 74-263 of the Walworth County Code of Ordinances Relating to Parking Modifications – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
Amendment to Section(s) 74-59, 74-63, 74-74, and 74-131 of the Zoning Ordinance and Section(s) 74-186, 74-190, 74-203, and 74-263 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to parking modifications – Approved: 7-0 (November 21, 2013 County Zoning Agency Public Hearing)
2. David Flitcroft and Randy Smith, Attorney Richard Torhorst – Applicant, Section 23, Linn Township. Rezone approximately 3/44 acres of B-4 to 1/60 acres of A-5 and 1/84 acres of R-3 – Approved: 7-0 (November 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 and 2, was approved as recommended by the County Zoning Agency.

Executive Committee

1. Ord. No. 823-12/13 – Amending Section 2-45 of the Walworth County Code of Ordinances Relating to County Board Supervisor Insurance Benefits – *Vote Required: Two-thirds* (Recommended by the Executive Committee 3-0)
2. Res. No. 58-12/13 – Extending the Employment Contract of County Administrator David A. Bretl – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
3. Res. No. 60-12/13 – Supporting Legislation Increasing Petitioner Fees Relating to Election Ballot Recounts and Reducing Vote Margin Thresholds When a Payment is Required – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
4. Res. No. 61-12/13 – Supporting Legislation Requiring That Any Person Officiating a Marriage Be At Least 18 Years Old and Eliminating the Requirement of a Sponsorship Letter – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
5. Res. No. 62-12/13 – Supporting Legislation Changing the Method a Municipality May Collect the Costs of Razing a Building from a Special Tax to a Special Charge and Not Requiring the County to Pay a Municipality’s Razing Costs – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
6. Res. No. 63-12/13 – Requesting the State of Wisconsin to Uphold Its Funding Commitment to County Victim Witness Coordinator Programs – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
7. Res. No. 64-12/13 – Supporting Creation of a New Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)

Vice-Chair Grant offered a motion, seconded by Supervisor Weber, to approve Item 1, Ordinance No. 823-12/13. On motion by Vice-Chair Grant, seconded by Supervisor Weber, **Ordinance No. 823-12/13** was approved by unanimous consent.

Administrator Bretl stated a two-thirds vote should be required for Item 2, Resolution No. 58-12/13, as it is a multi-year contract. Supervisor Weber offered a motion, seconded by Supervisor Stacey, to approve Item 2, Resolution No. 58-12/13. On motion by Vice-Chair Grant, seconded by Supervisor Weber, **Resolution No. 58-12/13** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 3, **Resolution No. 60-12/13**; Item 4, **Resolution No. 61-12/13**, Item 5, **Resolution No. 62-12/13**; Item 6, **Resolution No. 63-12/13**; and Item 7, **Resolution No. 64-12/13**; were approved by voice vote.

Nomination for Committee/Board/Commission Appointment

Committee: Agriculture & Extension Education Committee

Nominee: Kelly Pickel

Address: 1235 Creek Road
Delavan, WI 53115

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Pamela Knorr

When did/does the incumbent's current term expire? November 9, 2012

Was this vacancy advertised? _____

Comment Ms. Pickel's term would begin upon County Board appointment and end on
December 30, 2015.

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

For incumbents, committee attendance, if known:

Nomination for Committee/Board/Commission Appointment

Committee: Veterans Service Commission

Nominee: Les Allen

Address: P.O. Box 533
Darien, WI 53114

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

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

When did/does the incumbent's current term expire? December 31, 2013

Was this vacancy advertised? _____

Comment County Veterans Services Officer Chris Jordan recommended reappointment of
Mr. Allen for an additional three-year term through December 31, 2016. Mr. Allen's
application is attached.

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

For incumbents, committee attendance, if known:



RECEIVED

NOV 20 2013

WALWORTH COUNTY ADMINISTRATION

Memorandum

To: Nancy Russell, County Board Chair
David Bretl, County Administrator

Veterans Services

From: Chris Jordan, Veterans Service Officer *C. Jordan*

Christine M. Jordan
Veterans Service Officer

Date: November 19, 2013

Re: Veterans Service Commission

Theresa Cliffigard
Administrative Secretary

Attached please find a Notice of Interest from Leslie F. Allen. His current term on the Veterans Service Commission expires on 12/31/2013, and he is requesting reappointment to a new three-year term.

Mr. Allen has been a long-time Service Commission member and I strongly support his reappointment. His involvement in the American Legion organization serves as a strong outreach tool to the veterans' community in Walworth County.

Thank you for your consideration.

Enc. (1)

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: LESLIE F. ALLEN

Date: 10/25/13

Mailing Address: PO BOX 533

Phone: 262-215-2000

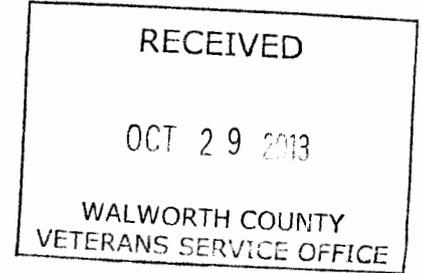
DARIEN, WI

53114-0533

I reside in: the Town of _____

the Village of DARIEN

the City of _____



Please consider me for appointment to: VETERANS SERVICE Commission

I am interested in serving as a citizen representative because: I AM A U.S. ARMY VETERAN, HAVING SERVED TWO YEARS IN VIETNAM, AND I WANT TO HELP ALL VETERANS AS MUCH AS I CAN IN ANY WAY POSSIBLE.

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

I HAVE SERVED ON THIS COMMISSION FOR THE PAST 18 YEARS AND AM ACTIVE IN THE AMERICAN LEGION.

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.

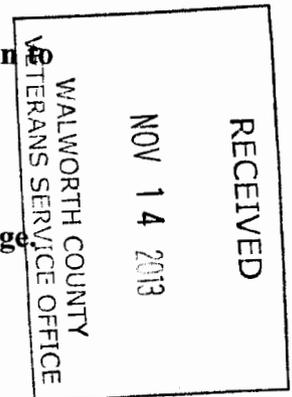
I certify that the information I have provided is truthful to the best of my knowledge.

Leslie F. Allen

Signature of Applicant

10/25/13

Date



Feel free to attach any additional documentation to this form.



RECEIVED
WALWORTH COUNTY CLERK

2013 DEC 13 AM 9:20

10411 Corporate Drive
Suite 100
Pleasant Prairie, WI 53158
ph 262.857.1600
fax 262.857.1619
rcarlson@carlsondash.com

RECEIVED

DEC 10 2013

WALWORTH COUNTY
CLERK OF CIRCUIT COURT
DUSTIN VEPELY

December 10, 2013

The Honorable Phillip A. Koss
Walworth County Judicial Center
1800 County Road Nn
Elkhorn, WI 53121

Re: In Re B.R. Amon & Sons, Inc.; Amon & Sons, Inc.; Amon Land Company, LLC; Lake Mills Blacktop, Inc.
13-CV-363, 13-CV-364, 13-CV-365, 13-CV-366

Dear Judge Koss:

Enclosed please find an original and copy of the following:

- Notice of Receiver's Motions
- Receiver's Motion for Entry of an Order Extending Time for the Receiver to file the Settlement of Receiver's Accounts
- Proposed Order Extending Time for the Receiver to file the Settlement of Receiver's Accounts
- Receiver's Motion to Approve the Transaction with Reesman's Excavating & Grading, Inc., including the Sale of Certain Assets, with All Liens, Claims and Encumbrances attaching to the Proceed of Sale, and Authorizing the Disbursement of the Sale Proceeds
- Proposed Order Approving the Transaction with Reesman's Excavating & Grading, Inc., including the Sale of Certain Assets, with All Liens, Claims and Encumbrances attaching to the Proceed of Sale, and Authorizing the Disbursement of the Sale Proceeds
- Receiver's Motion to Approve the Sale of Certain Property to Peggy A. Hayenga and Clayton B. Fiegel and for Disbursement of Sale Proceeds
- Proposed Order Approving the Sale of Certain Property to Peggy A. Hayenga and Clayton B. Fiegel and for Disbursement of Sale Proceeds

In addition the proceeding motions, we will be requesting at hearing that the motion related to the sale to Susina be continued to a future hearing date.

The preceding documents are being provided in advance of the hearing scheduled for December 18, 2013 at 10:30AM.

Best Regards

A handwritten signature in black ink, appearing to read 'R. Carlson', with a long horizontal flourish extending to the right.

Ryan T. Carlson

Enclosures

cc: per attached Matrix

In re:

B. R. AMON & SONS, INC.,

Case No.: 13-CV-363

Assignor.

Case Code: 30304

In re:

AMON & SONS, INC.,

Case No.: 13-CV-365

Assignor.

Case Code: 30304

In re:

AMON LAND COMPANY, LLC,

FILED
CIRCUIT COURT

Case No.: 13-CV-364

Assignor.

Case Code: 30304

DEC 10 2013

In re:

CLERK OF COURTS-WALWORTH CO
BY: FIDELA T. RACE, DEPUTY

LAKE MILLS BLACKTOP, INC.,

Case No.: 13-CV-366

Assignor.

Case Code: 30304

NOTICE OF RECEIVER'S MOTIONS TO APPROVE THE SALE OF CERTAIN PROPERTY TO PEGGY A. HAYENGA AND CLAYTON B. FIEGEL AND FOR DISBURSEMENT OF SALE PROCEEDS; TO APPROVE THE TRANSACTION WITH REESMAN'S EXCAVATING & GRADING, INC., INCLUDING THE SALE OF CERTAIN ASSETS, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND AUTHORIZING THE DISBURSEMENT OF THE SALE PROCEEDS; AND FOR ENTRY OF AN ORDER EXTENDING TIME FOR THE RECEIVER TO FILE THE SETTLEMENT OF RECEIVER'S ACCOUNTS

TO: ALL CREDITORS AND PARTIES-IN-INTEREST

PLEASE TAKE NOTICE that Ronald M. Carlson, Esq., Wis. Stats. Chapter 128 Receiver for B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC and Lake Mills Blacktop, Inc. has filed the following Motions with the Court herein (the "Motions").

- 1) RECEIVER'S MOTION TO APPROVE THE SALE OF CERTAIN PROPERTY TO PEGGY A. HAYENGA AND CLAYTON B. FIEGEL AND FOR DISBURSEMENT OF SALE PROCEEDS

- 2) RECEIVER'S MOTION TO APPROVE THE TRANSACTION WITH REESMAN'S EXCAVATING & GRADING, INC., INCLUDING THE SALE OF CERTAIN ASSETS, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND AUTHORIZING THE DISBURSEMENT OF THE SALE PROCEEDS
- 3) RECEIVER'S MOTION FOR ENTRY OF AN ORDER EXTENDING TIME FOR THE RECEIVER TO FILE THE SETTLEMENT OF RECEIVER'S ACCOUNTS

Because the Motions are lengthy and the cost of mailing copies to all creditors and interested parties would be excessive, the Receiver has not included copies herewith. However, copies of the Motions are available from the Clerk of Court, Walworth County Judicial Center, 1800 Cty Tk NN Elkhorn, WI 53121, Phone: 262-741-7012, the Receiver (contact information below) and the Attorney for the Receiver (contact information below).

HEARING ON MOTIONS

A hearing will be held on the Motions before the Honorable Phillip A. Koss at the address set forth below on December 18, 2013 at 10:30 a.m.

OBJECTIONS

If you want to file an Objection to any of the Motions, you or your attorney must:

- **File a written Objection on or before December 17, 2013 explaining the factual and legal basis for your position, at the following address:**

Honorable Phillip A. Koss
Walworth County Judicial Center
1800 Cty Tk NN
Elkhorn, WI 53121

- **Mail, fax or e-mail a copy of your Objection so that it is received the same date by:**

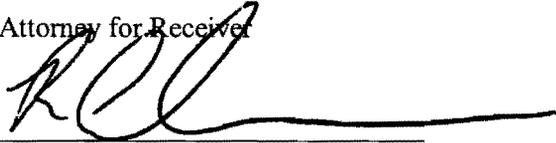
Attorney Ryan T. Carlson
Carlson Dash, LLC
10411 Corporate Drive, Suite 100
Pleasant Prairie, WI 53158
Fax: (262) 857-1619
E-mail: rcarlson@carlsondash.com

- **Appear and explain your position at the hearing which will be held on the Motions.**

If you or your attorney do not take these steps, the Motions will likely be approved by the Court.

Dated at Pleasant Prairie, Wisconsin, this 10th day of December, 2013.

Attorney for Receiver



By: Ryan T. Carlson
State Bar No. 1081395

Carlson Dash, LLC
10411 Corporate Drive
Suite 100
Pleasant Prairie, WI 53158
Tel: 262.857.1600
Fax: 262.857.1619
rcarlson@carlsondash.com

Ronald M. Carlson, Esq.
Wis.Stats. Chapter 128 Receiver
Forseti Consulting, LLC
10411 Corporate Dr., Suite 100
Pleasant Prairie, WI 53158
Tel: 262-857-2121
Fax: 262-857-1195
rc@forseticonsulting.com

Report of Non-employee Accident or Injury
Return this form to the Walworth County Corporation Counsel.
Attach any documents that are relevant to the accident or injury.

2013 DEC 16 AM 9:09

Date of incident: 12-11-13

Non-employee name(s): SHAHID A. MUQADDIM

Location of incident: Hy 14

Describe what happened. I WAS TRAVELING SOUTH ON
HYWAY 14 E. As I was about to
pass the snow truck I heard
a noise. When I looked over the
passenger mirror was gone.

Describe any injury or property damage as specifically as you can. NONE

Was first aid given? Yes No

If first aid was given, describe the type of aid that was given and by whom.

Names, addresses and telephone numbers of persons involved in this incident.

SHAHID A. MUQADDIM
14143 HANNA WAY, So. BELoit, IL, 61080

Name of County employee completing this form: ROCK

Department: TREES

Telephone: _____

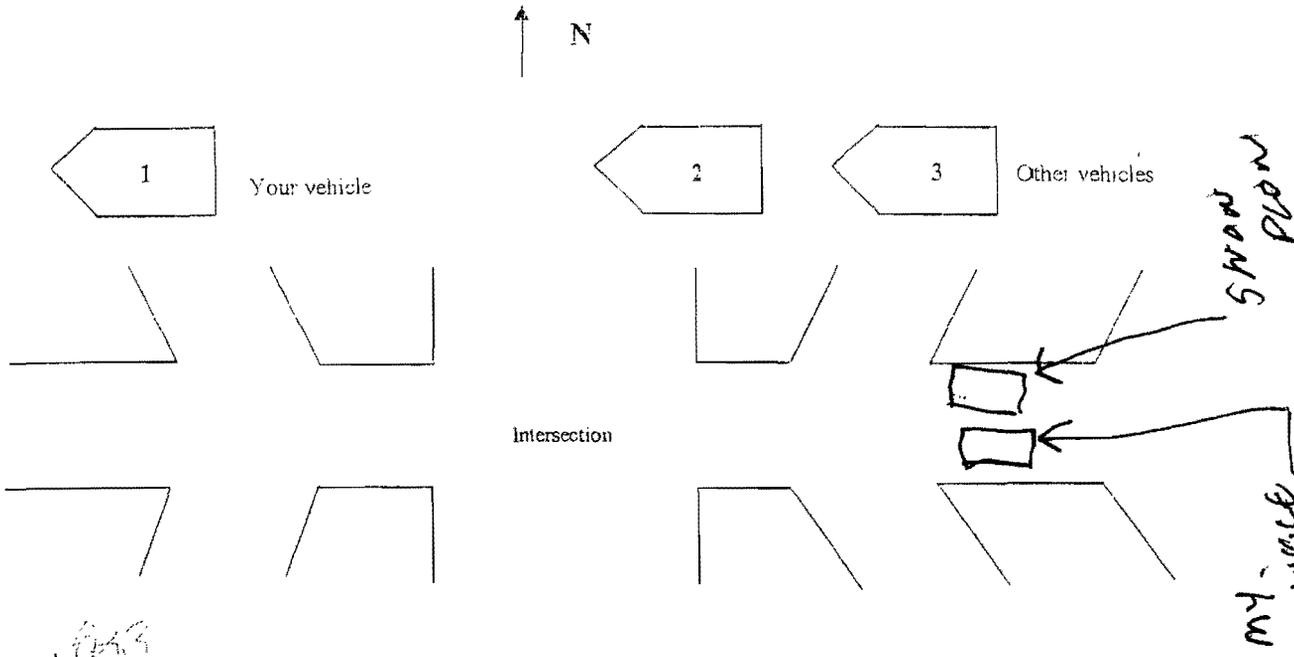
If this incident involves operation of a motor vehicle, follow these instructions:

1. Stop.
2. Get medical attention for injuries.
3. Notify police.
4. Obtain the names and addresses of any witnesses.

Name: _____
Address: _____
Phone: _____

5. Do not admit liability.
6. Discuss the incident only with the police, your supervisor and representatives from the Walworth County Corporation Counsel office.
7. Do not sign any statements except upon advice from the Walworth County Corporation Counsel office.

8. Diagram the accident scene:



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James Duncan

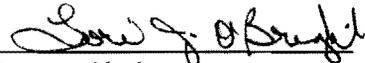
Lee Hammen


Katrin Patience

James Pleuss


Tony Krueger

Duly and officially adopted by the County Board on: November 19, 2013

Signed:  Board Chairperson
 County Clerk

Approved: 11 20 13 Vetoed: _____

Signed: 
County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LKB-3164/1
P/JH:ldjm

2013 BILL

1 **AN ACT** *to create* 961.443 and 961.447 of the statutes; **relating to:** granting
2 immunity from certain criminal prosecutions for offenses relating to a
3 controlled substance or a controlled substance analog.

Analysis by the Legislative Reference Bureau

This bill provides immunity from certain criminal prosecutions for a person (aider) who brings another person to an emergency room or other health facility, who summons police or emergency medical assistance, or who administers aid to another person because the aider believes the other person is suffering from an overdose or other adverse reaction to a controlled substance or a controlled substance analog.

Under the bill, the aider may not be prosecuted for possession of a controlled substance or a controlled substance analog under the circumstances that led him or her to summon or provide emergency assistance.

Under the bill, a person may not be prosecuted for possessing naloxone or for administering or delivering naloxone to another person if he or she administered naloxone to the other person with the good faith belief that the other person was suffering from an overdose or an adverse reaction to a controlled substance or a controlled substance analog and that it was necessary to deliver or administer the naloxone in order to save the other person's life.

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

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1 **SECTION 1.** 961.443 of the statutes is created to read:

2 **961.443 Immunity from criminal prosecution; possession. (1)**

3 **DEFINITIONS.** In this section, "aider" means a person who does any of the following:

4 (a) Brings another person to an emergency room, hospital, fire station, or other
5 health care facility if the other person is, or the person believes him or her to be,
6 suffering from an overdose of, or other adverse reaction to, any controlled substance
7 or controlled substance analog.

8 (b) Summons a law enforcement officer, ambulance, emergency medical
9 technician, or other health care provider, to assist another person if the other person
10 is, or the person believes him or her to be, suffering from an overdose of, or other
11 adverse reaction to, any controlled substance or controlled substance analog.

12 (c) Dials the telephone number "911" or, in an area in which the telephone
13 number "911" is not available, the number for an emergency medical service
14 provider, to obtain assistance for another person if the other person is, or the person
15 believes him or her to be, suffering from an overdose of, or other adverse reaction to,
16 any controlled substance or controlled substance analog.

17 **(2) IMMUNITY FROM CRIMINAL PROSECUTION.** An aider is immune from prosecution
18 under s. 961.41 (3g) for the possession of a controlled substance or a controlled
19 substance analog, under the circumstances surrounding or leading to his or her
20 commission of an act described in sub. (1).

21 **SECTION 2.** 961.447 of the statutes is created to read:

22 **961.447 Immunity from criminal prosecution; emergency**
23 **administration.** A person is immune from criminal prosecution for possessing
24 naloxone or for administering or delivering naloxone to another person if he or she
25 administered or delivered the naloxone to another person because he or she believed,

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1 in good faith, that the other person was suffering from an overdose or adverse
2 reaction to a controlled substance or controlled substance analog and believed, in
3 good faith, that delivering or administering naloxone to the person was necessary to
4 save the life of the other person.

5 (END)

RESOLUTION NO.: 115—2013-14

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Under current law, a person may not, and it is often a crime to deliver, receive, or possess
2 certain drugs unless the person is a licensed pharmacist or other licensed practitioner or has
3 a valid prescription for the drug. Proposed legislation updates state criminal law and state
4 regulatory provisions concerning prescription drugs and controlled substances in order to
5 facilitate and encourage the operation of community drug disposal programs and other
6 similar programs throughout Wisconsin. The Department of Justice (DOJ) may authorize
7 the operation of drug disposal programs in this state to receive, for destruction, drugs,
8 including prescription drugs, controlled substance and controlled substance analogs, and
9 certain medical and drug delivery devices (collectively, pharmaceutical items). DOJ must
10 approve the policies and procedures before a drug disposal program may begin operation.
11

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

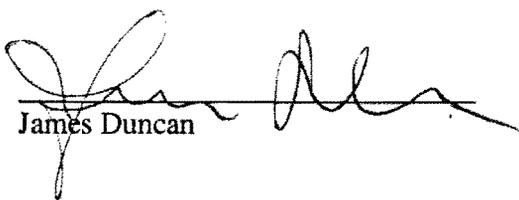
14 BE IT RESOLVED, that the Outagamie County Board of Supervisors support legislation
15 updating state criminal law and state regulatory provisions concerning prescription drugs and controlled
16 substances in order to facilitate and encourage the operation of community drug disposal programs and
17 other similar programs throughout Wisconsin. The Department of Justice (DOJ) may authorize the
18 operation of drug disposal programs in this state to receive, for destruction, drugs, including prescription
19 drugs, controlled substance and controlled substance analogs, and certain medical and drug delivery
20 devices (collectively, pharmaceutical items). DOJ must approve the policies and procedures before a
21 drug disposal program may begin operation, and

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

25 Dated this 14th day of November, 2013

26 Respectfully Submitted,
27 PUBLIC SAFETY COMMITTEE
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James Duncan

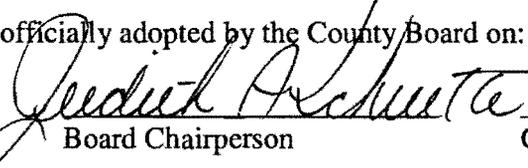
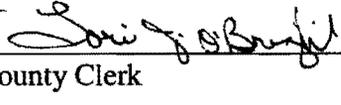
Lee Hammen


Katrin Patience

James Pleuss


Tony Krueger

Duly and officially adopted by the County Board on: November 19, 2013

Signed:  Board Chairperson
 County Clerk

Approved: 11 20 13 Vetoed: _____

Signed: 
County Executive



2013 BILL

1 **AN ACT** *to renumber and amend* 961.335 (1); *to amend* subchapter III (title)
2 of chapter 961 [precedes 961.31]; and *to create* 66.0437, 165.65, 450.01 (23) (n),
3 450.01 (23) (o), 450.115, 961.32 (2) (e), 961.335 (1) (c) 1. and 2. and 961.337 of
4 the statutes; **relating to:** programs for the disposal of drugs, including
5 controlled substances, and certain medical or drug-related items, and the
6 regulation of prescription drugs.

Analysis by the Legislative Reference Bureau

Under current law, a person may not, and it is often a crime to, deliver, receive, or possess certain drugs unless the person is a licensed pharmacist or other licensed practitioner or has a valid prescription for the drug.

Under this bill, the Department of Justice (DOJ) may authorize the operation of drug disposal programs in this state to receive, for destruction, drugs, including prescription drugs, controlled substances and controlled substance analogs, and certain medical and drug delivery devices (collectively, pharmaceutical items). DOJ may authorize a person to operate a drug disposal program if, among other things, the person demonstrates to the satisfaction of DOJ that the program's receipt of pharmaceutical items will comply with federal and state laws applicable to the transportation and delivery of pharmaceutical items. The bill requires a drug disposal program to adopt policies and procedures that describe in detail the place and manner of the program's operation, provide the 24-hour contact information for

BILL

at least one person in this state who is responsible for the program, and ensure compliance with applicable state and federal laws. DOJ must approve the policies and procedures before a drug disposal program may begin operation.

The bill also provides that a city, village, town, or county (political subdivision) may operate or authorize another person to operate a drug disposal program within the political subdivision's borders. A drug disposal program that a political subdivision operates or authorizes must adopt policies and procedures similar to those described above, but the program need not obtain approval from DOJ. However, without DOJ approval, the program may not receive pharmaceutical items except by means of in-person delivery within the political subdivision's borders.

Finally, the bill authorizes a person who lawfully possesses a prescription drug, or the person's guardian, trustee, or personal representative, to grant written authorization to certain other persons to destroy the prescription drug. Under the bill, such a written authorization is only valid if the authorization satisfies certain conditions, including that the authorization describes the prescription drug with reasonable specificity and that the authorization and the prescription drug were obtained by the person authorized to destroy the prescription drug without the payment of money or something else of value.

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.** 66.0437 of the statutes is created to read:

2 **66.0437 Drug disposal programs.** (1) In this section, "political subdivision"
3 has the meaning given in s. 165.65 (1) (e).

4 (2) A political subdivision may operate or authorize a person to operate a drug
5 disposal program as provided under s. 165.65 (3).

6 **SECTION 2.** 165.65 of the statutes is created to read:

7 **165.65 Drug disposal program.** (1) **DEFINITIONS.** In this section:

8 (a) "Authorized under federal law" means permitted under 21 USC 801 to 971
9 or 21 CFR 1300 to 1321.

10 (am) "Controlled substance" has the meaning given in s. 961.01 (4).

11 (b) "Controlled substance analog" has the meaning given in s. 961.01 (4m).

BILL

1 (c) "Drug disposal program" means a program to receive pharmaceutical items
2 and to recycle, destroy, or otherwise dispose of those items.

3 (d) "Pharmaceutical item" means a drug, as defined in s. 450.01 (10); a
4 prescription drug, as defined in s. 450.01 (20); a controlled substance or controlled
5 substance analog; a device, as defined in 450.01 (6); or a hypodermic syringe, needle,
6 or other object used for administering a drug.

7 (e) "Political subdivision" means a city, village, town, or county.

8 **(2) DEPARTMENT OF JUSTICE AUTHORIZATION TO OPERATE A DRUG DISPOSAL PROGRAM.**

9 (a) Except as provided under sub. (3), no person may receive pharmaceutical items
10 pursuant to a drug disposal program unless the department of justice grants written
11 authorization for that program under par. (b) or the program is authorized under
12 federal law.

13 (b) The department of justice may, without a hearing, grant written
14 authorization to a person to operate a drug disposal program if all of the following
15 conditions are satisfied:

16 1. The person adopts written policies and procedures that comply with sub. (5).
17 The department of justice shall review and either approve or disapprove in writing
18 those policies and procedures. The department of justice shall approve the policies
19 and procedures if the department of justice determines that the policies and
20 procedures do not violate the requirements of this section or any other applicable
21 federal or state law, and shall disapprove them otherwise. If the department of
22 justice disapproves the policies and procedures, the department of justice shall state
23 the reasons for that disapproval in writing to the person. At any time, the person may
24 resubmit revised policies and procedures to the department of justice for its review
25 and approval under this subdivision.

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1 2. If the drug disposal program will receive pharmaceutical items in any
2 manner other than the transfer of a pharmaceutical item in person to the program
3 by a person that lawfully possesses the pharmaceutical item, the person
4 demonstrates to the satisfaction of the department of justice that those transfers will
5 comply with any federal or state law applicable to the transportation and delivery
6 of pharmaceutical items.

7 (c) A person may not revise policies and procedures approved by the
8 department of justice under par. (b) 1. unless the department of justice approves the
9 revisions under par. (b) 1.

10 (d) Any determination or action by the department of justice under par. (b) or
11 (c) is not subject to judicial review.

12 **(3) AUTHORIZATION BY A POLITICAL SUBDIVISION TO OPERATE A DRUG DISPOSAL**
13 **PROGRAM.** A political subdivision may operate or the governing body of a political
14 subdivision may grant written authorization for a person to operate a drug disposal
15 program only if all of the following apply:

16 (a) The political subdivision or the authorized person operates the drug
17 disposal program only within the boundaries of the political subdivision, except as
18 provided under sub. (4).

19 (b) The applicable requirements under sub. (5) are satisfied.

20 (c) The drug disposal program receives pharmaceutical items only by means
21 of delivery in person by a person that lawfully possesses the pharmaceutical item,
22 unless the drug disposal program is authorized under federal law to receive
23 pharmaceutical items by other means.

24 **(4) MULTIJURISDICTIONAL DRUG DISPOSAL PROGRAM.** A drug disposal program may
25 operate within more than one political subdivision if the department of justice

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1 authorizes that program under sub. (2), all political subdivisions within which the
2 drug disposal program operates authorize that program under sub. (3), or the
3 program is authorized under federal law.

4 (5) OPERATION OF A DRUG DISPOSAL PROGRAM. (a) A person that operates a drug
5 disposal program, except a drug disposal program that is authorized under federal
6 law, shall establish and promptly update as appropriate written policies and
7 procedures that do all of the following:

8 1. Describe in detail the manner in which the program operates, including an
9 identification of the kinds of pharmaceutical items that may be received under the
10 program, whether the program may receive controlled substances and controlled
11 substance analogs, whether pharmaceutical items will be transferred by mail under
12 the program, and the locations at which pharmaceutical items may be transferred
13 in person under the program.

14 2. List the name, address, telephone number, and 24-hour contact information
15 for one or more persons in this state who are responsible for the operation of the
16 program.

17 3. Ensure compliance with chs. 450 and 961; with any applicable provision
18 under chs. 287, 289, and 291 and s. 299.51 relating to medical waste, solid waste, or
19 hazardous waste; and with any other applicable federal or state law.

20 (b) 1. The policies and procedures for a drug disposal program authorized under
21 sub. (2) and any changes to those policies and procedures are subject to review and
22 approval under sub. (2) (b) 1.

23 2. Legal counsel for the political subdivision, or, at the discretion of the political
24 subdivision, the department of justice if the political subdivision's legal counsel is not
25 an employee of the political subdivision, shall review and either approve or

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1 disapprove the policies and procedures for a drug disposal program implemented or
2 authorized under sub. (3) and any changes to those policies and procedures. Legal
3 counsel, or the department of justice if appropriate, shall approve the policies and
4 procedures or changes if it determines that the policies and procedures or changes
5 do not violate the requirements of this section or any other applicable federal or state
6 law, and shall disapprove them otherwise. Any approval under this subdivision shall
7 be in writing. The political subdivision shall provide a copy of the approval and a copy
8 of the policies and procedures or changes to the policies and procedures to the
9 department of justice.

10 (c) The operation of a drug disposal program, including a drug disposal program
11 that is authorized under federal law, shall immediately cease if a law enforcement
12 officer, as defined in s. 165.85 (2) (c), a federal law enforcement officer, as defined in
13 s. 175.40 (7) (a) 1., the department of justice, or another federal or state agency
14 notifies a designated contact person for the program that the program is in violation
15 of any federal or state law enforceable by the officer, department of justice, or other
16 agency. That notification is not subject to judicial review. The program may resume
17 operation only upon the program's receipt of written notice from the officer,
18 department of justice, or other agency that the program is no longer in violation of
19 the federal or state law.

20 (6) TRANSFER AND RECEIPT OF PHARMACEUTICAL ITEMS. (a) Notwithstanding ss.
21 450.03 (1) and 450.11 (7) (g) and (h) and (9) (b), a person that lawfully possesses a
22 pharmaceutical item may transfer, and it is not a crime for such a person to transfer,
23 the pharmaceutical item to a drug disposal program if the program is authorized
24 under sub. (2) or (3) or is authorized under federal law.

BILL

1 (b) Notwithstanding s. 450.11 (7) (g) and (h) and (9) (b), a person may receive,
2 and it is not a crime for a person to possess, a pharmaceutical item pursuant to a drug
3 disposal program if the receipt or possession is within the scope of the program and
4 the program is authorized under sub. (2) or (3) or is authorized under federal law or,
5 if the receipt or possession is not within the scope of the program, the receipt or
6 possession is inadvertent and the program promptly notifies an appropriate law
7 enforcement officer of the receipt or possession and complies with any instructions
8 the law enforcement officer provides.

9 **SECTION 3.** 450.01 (23) (n) of the statutes is created to read:

10 450.01 (23) (n) The operation or implementation of a drug disposal program
11 that is authorized under s. 165.65 (2) or (3) or is authorized under federal law, as
12 defined in s. 165.65 (1) (a), or the possession or delivery of a pharmaceutical item, as
13 defined in s. 165.65 (1) (d), within the scope of a drug disposal program that is
14 authorized under s. 165.65 (2) or (3) or is authorized under federal law.

15 **SECTION 4.** 450.01 (23) (o) of the statutes is created to read:

16 450.01 (23) (o) The possession or delivery of a prescription drug within the
17 scope of a written authorization under s. 450.115 (3).

18 **SECTION 5.** 450.115 of the statutes is created to read:

19 **450.115 Drug disposal programs and authorizations. (1)** In this section:

20 (a) "Guardian" means the person named by the court under ch. 880, 2003 stats.,
21 or ch. 48 or 54 that has the duty and authority of guardianship.

22 (b) "Personal representative" means an executor, administrator, or special
23 administrator of a decedent's estate, a person legally authorized to perform
24 substantially the same functions, or a successor to any of those persons.

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1 (c) "Trustee" means a person that holds in trust title to or power over property.
2 "Trustee" includes an original, added, or successor trustee.

3 (d) "Ward" means a person for whom a guardian has been appointed.

4 (2) Nothing in this chapter, or rules promulgated under this chapter, prohibits
5 any of the following:

6 (a) The direct operation or implementation of a drug disposal program that is
7 authorized under s. 165.65 (2) or (3) or is authorized under federal law, as defined
8 in s. 165.65 (1) (a).

9 (b) The transfer of a prescription drug by a person that lawfully possesses the
10 prescription drug to a drug disposal program that is authorized under s. 165.65 (2)
11 or (3) or is authorized under federal law, as defined in s. 165.65 (1) (a), and that
12 accepts the prescription drug.

13 (c) Subject to sub. (4), the possession of a prescription drug under a written
14 authorization described in sub. (3).

15 (3) (a) A guardian may grant written authorization to an adult who is related
16 to the guardian's ward by blood, marriage, or adoption within the 3rd degree of
17 kinship as computed under s. 990.001 (16), or to a domestic partner of the ward under
18 ch. 770, for the disposal of a prescription drug that belongs to the ward.

19 (b) A personal representative or a trustee may grant written authorization to
20 an adult beneficiary, as defined in s. 701.20 (2) (b), of the estate or trust for the
21 disposal of a prescription drug that belongs to the estate or trust.

22 (c) A person who is a competent adult may grant written authorization to that
23 person's domestic partner under ch. 770 or to another adult who is related to that
24 person by blood, marriage, or adoption within the 3rd degree of kinship as computed

BILL

1 under s. 990.001 (16), for the disposal of a prescription drug that lawfully belongs to
2 that person.

3 (4) A written authorization under sub. (3) is valid only to the extent permitted
4 under federal law and only if all of the following conditions are satisfied:

5 (a) The authorization describes with reasonable specificity each prescription
6 drug that is to be disposed of.

7 (b) The authorization is in the physical possession of the person authorized to
8 dispose of the prescription drug and each prescription drug described in the
9 authorization is, within 24 hours after the authorization is signed by the person
10 granting the authorization, transferred to a drug disposal program under s. 165.65
11 or otherwise lawfully disposed of.

12 (c) The authorization and each prescription drug to be disposed of were
13 obtained without consideration.

14 **SECTION 6.** Subchapter III (title) of chapter 961 [precedes 961.31] of the
15 statutes is amended to read:

16 **CHAPTER 961**

17 **SUBCHAPTER III**

18 **REGULATION OF MANUFACTURE,**

19 **DISTRIBUTION AND, DISPENSING,**

20 **AND POSSESSION OF CONTROLLED**

21 **SUBSTANCES**

22 **SECTION 7.** 961.32 (2) (e) of the statutes is created to read:

23 961.32 (2) (e) A person actively engaged in the direct operation or
24 implementation of a drug disposal program that is authorized under s. 165.65 (2) or
25 (3) or is authorized under federal law, as defined in s. 165.65 (1) (a).

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1 **SECTION 8.** 961.335 (1) of the statutes is renumbered 961.335 (1) (a) and
2 amended to read:

3 961.335 (1) (a) Upon application the controlled substances board may issue a
4 permit authorizing a person to manufacture, obtain, possess, use, administer, or
5 dispense a controlled substance for purposes of scientific research, instructional
6 activities, chemical analysis, or other special uses, without restriction because of
7 enumeration. No

8 ~~(b) Except as provide in par. (c), no person shall may engage in any such activity~~
9 ~~described under par. (a) without a permit issued under this section, except that an,~~

10 ~~(c) 3. An individual may be who is designated and authorized to receive the a~~
11 ~~permit under this section for a college or university department, research unit, or~~
12 ~~similar administrative organizational unit, and students, laboratory technicians,~~
13 ~~research specialists, or chemical analysts under his or her supervision, may be~~
14 ~~permitted possession and use of controlled substances for these purposes, without~~
15 ~~obtaining an individual additional permit issued under this section, possess and use~~
16 ~~a controlled substance, for the purposes authorized in the permit received for the~~
17 ~~department or unit.~~

18 **SECTION 9.** 961.335 (1) (c) 1. and 2. of the statutes are created to read:

19 961.335 (1) (c) 1. A person who is actively engaged in the direct operation or
20 implementation of a drug disposal program that is authorized under s. 165.65 (2) or
21 (3) or is authorized under federal law, as defined in s. 165.65 (1) (a), may, without a
22 permit issued under this section, obtain or possess a controlled substance for the
23 purposes of operating and implementing the drug disposal program.

RESOLUTION NO.: 116—2013-14

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Heroin use is on the rise in Wisconsin. Increased heroin usage results in an increased
2 number of heroin overdoses. Naloxone is a drug used to counter the effects of opiate
3 overdose. Current law does not allow basic Emergency Medical Technicians (EMT's) to
4 carry naloxone. Proposed legislation allows all levels of EMT's and first responders to be
5 trained to administer naloxone. The proposed legislation also includes police and fire but
6 uses permissive language, allowing the individual community to decide whether to allow
7 public safety officers the ability to administer naloxone.
8

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

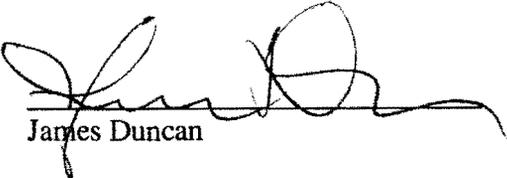
11 BE IT RESOLVED, that the Outagamie County Board of Supervisors support legislation
12 allowing all levels of EMT's and first responders to be trained to administer naloxone, and

13 BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisor support legislation
14 including police officers and fire fighters, allowing the individual community to decide whether to
15 allow public safety officers the ability to administer naloxone, and

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

19 Dated this 19th day of November, 2013

20 Respectfully Submitted,
21 PUBLIC SAFETY COMMITTEE
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30 James Duncan
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Lee Hammen

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Katrin Patience

Katrin Patience

James Pleuss

Tony Krueger

Tony Krueger

Duly and officially adopted by the County Board on: November 19, 2013

Signed:

Judith A. Scheutte
Board Chairperson

Loring O'Banion
County Clerk

Approved:

11 20 13

Vetoed:

Signed:

[Signature]
County

Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3274/1
MED:eev:jf

2013 BILL

1 **AN ACT to amend 256.15 (8) (e); and to create 256.40 of the statutes; relating**
2 **to: training and agreements for administering the drug naloxone, requiring**
3 **emergency medical technicians to carry naloxone, and immunity for certain**
4 **individuals who administer naloxone.**

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) serves as the lead state agency for emergency medical services and has various duties relating to the provision of emergency medical services, including:

1) Certifying first responders, who are individuals that, as a condition of employment or as members of an organization that provides emergency medical care before hospitalization, provide emergency medical care to sick, disabled, or injured individuals before the arrival of an ambulance. In order to become certified as a first responder, an individual must satisfy certain criteria, including completing a first responder course that meets certain specified criteria. Certified first responders may undertake only certain actions specified under current law, including administering medications that are specified by DHS by rule.

2) Licensing emergency medical technicians (EMTs), who are individuals that may provide emergency medical services ranging from basic life support and patient handling and transportation to emergency cardiac, trauma, and other lifesaving or emergency procedures, depending on the level of EMT licensure. Current law specifies three levels of EMT licensure, known as EMT - basic, EMT - intermediate, and EMT - paramedic (advanced). In order to become licensed as an EMT, an

BILL

individual must satisfy certain criteria, including obtaining training commensurate with the level of EMT licensure that is sought. EMTs may, under current law, undertake only those actions that are authorized in rules promulgated by DHS for their level of licensure.

This bill provides that certified first responders may administer the drug naloxone if they have received training necessary to safely administer naloxone, as determined by DHS. Naloxone is a prescription drug which, when administered to a person undergoing an opioid-related drug overdose, can have the effect of countering the effects of the overdose. The bill also requires that DHS permit EMTs at all levels of licensure to administer naloxone to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose. DHS must, under the bill, require EMTs to undergo any training necessary to safely and properly administer naloxone. The bill also requires each EMT so trained to, at all times when performing his or her duties as an emergency medical technician, carry or have available for administration a supply of naloxone.

In addition, the bill allows a law enforcement agency or fire department to enter into a written agreement to affiliate with an ambulance service provider or a physician for the purposes of: 1) obtaining a supply of naloxone; and 2) allowing law enforcement officers and fire fighters to obtain the training necessary to safely and properly administer naloxone to individuals who are undergoing or who are believed to be undergoing an opioid-related drug overdose. The bill provides that a law enforcement officer or fire fighter who, acting in good faith, administers naloxone to an individual whom the officer or fire fighter reasonably believes to be undergoing an opioid-related drug overdose may not be subject to any criminal or civil liability in connection with administering naloxone to the individual, if the law enforcement officer or fire fighter is acting pursuant to a written agreement described above.

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.** 256.15 (8) (e) of the statutes is amended to read:
- 2 256.15 (8) (e) A certified first responder is authorized to use an automated
- 3 external defibrillator, as prescribed for first responders in rules promulgated by the
- 4 department. The rules shall set forth authorization for the use of an automated
- 5 external defibrillator or, for a defibrillator that may be operated in more than one
- 6 mode, use as an automated external defibrillator only. A certified first responder is
- 7 authorized to administer the drug naloxone if the first responder has received

BILL

1 ~~training necessary to safely administer the drug naloxone, as determined by the~~
 2 ~~department.~~ A certified first responder is also authorized to employ other
 3 techniques, including the administration of nonvisualized advanced airways, and
 4 the administration of medications that are specified by the department by rule. In
 5 promulgating the rules under this paragraph, the department shall consult with the
 6 state medical director for emergency medical services and the emergency medical
 7 services board. The rule shall include those techniques that are specified in the most
 8 current guidelines issued by the National Highway Traffic Safety Administration
 9 under 23 CFR 1205.3 (a) (5).

10 **SECTION 2.** 256.40 of the statutes is created to read:

11 **256.40 Administration of naloxone in cases of opioid-related drug**
 12 **overdose.** (1) In this section:

13 (a) "Fire fighter" means any person employed by the state or any political
 14 subdivision as a member or officer of a fire department or a member of a volunteer
 15 fire department, including the state fire marshal and deputies.

16 (b) "Law enforcement agency" means an agency of a federally recognized Indian
 17 tribe or band or a state or political subdivision of a state, whose purpose is the
 18 detection and prevention of crime and enforcement of laws or ordinances.

19 (c) "Law enforcement officer" means any person employed by a law enforcement
 20 agency who is authorized to make arrests for violations of the laws or ordinances that
 21 the person is employed to enforce.

22 (d) "Opioid-related drug overdose" means a condition including extreme
 23 physical illness, decreased level of consciousness, respiratory depression, coma, or
 24 the ceasing of respiratory or circulatory function resulting from the consumption or
 25 use of an opioid, or another substance with which an opioid was combined.

RESOLUTION NO.: 117—2013-14

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Legislation has been proposed which would require individuals to show proper identification
2 when picking up Schedule II or III narcotic/opiate prescription medication. This would not
3 disallow others from picking up these prescriptions but allows for tracking of who is doing
4 so.

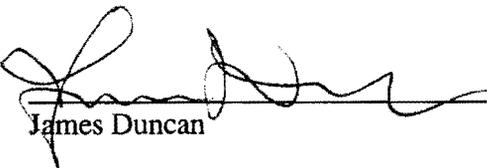
5
6 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend
7 adoption of the following resolution.

8 BE IT RESOLVED, that the Outagamie County Board of Supervisors support legislation which
9 would require individuals to show proper identification when picking up Schedule II or III
10 narcotic/opiate prescription medication, and

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

14 Dated this 19th day of November, 2013

Respectfully Submitted,
PUBLIC SAFETY COMMITTEE

15
16
17
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19
20
21 
James Duncan

Lee Hammen

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23
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25
26 
27 Katrin Patience

James Pleuss

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33 Tony Krueger
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Duly and officially adopted by the County Board on: November 19, 2013

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

Approved: 11 20 13 Vetoed: _____

Signed: [Signature]
County Executive



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3112/2
CMH/MED/MPG:eev&wlj:jf

2013 BILL

1 **AN ACT to amend** 450.19 (2) (b); and **to create** 450.11 (1b) and 450.11 (9) (bra)
2 of the statutes; **relating to:** identification presentation and monitoring for
3 certain prescription drugs.

Analysis by the Legislative Reference Bureau

Under current law, a drug, or controlled substance, is classified in one of five separate schedules. The classification is based on 1) whether there is a currently accepted medical use for the drug; 2) the drug's potential for abuse; and 3) the nature of the dependence that use of the drug may produce. Controlled substances that have a high potential for abuse and no currently accepted medical use are included in Schedule I. Controlled substances that have an accepted medical use and that have the lowest potential for abuse and produce the least dependence when compared with other controlled substances are included in Schedule V. In general, a Schedule I controlled substance may not be dispensed, even with a prescription. A Schedule II, III, or IV controlled substance may be dispensed, but only with a prescription. Any person who dispenses a Schedule II, III, or IV controlled substance without a prescription is guilty of a felony, the level of which depends on the classification of the controlled substance. Under this bill, a Schedule II or III controlled substance may not be dispensed unless the person who is picking up the drug shows his or her identification card. Acceptable forms of identification are a driver's license, a state identification card, a U.S. uniformed service card, or a U.S. passport.

Current law requires the Pharmacy Examining Board (PEB) to establish a program to monitor the dispensing of certain prescription drugs, including Schedule

BILL

II and III controlled substances and other drugs identified by the PEB as having a high potential for abuse. The program requires pharmacists or persons who prescribe prescription drugs to generate records documenting the dispensing of prescription drugs. The bill requires a pharmacist or other person who dispenses a Schedule II or III controlled substance to record the name on the identification card of the person to whom the controlled substance is dispensed.

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.** 450.11 (1b) of the statutes is created to read:
- 2 450.11 (1b) IDENTIFICATION CARD REQUIRED FOR CERTAIN CONTROLLED SUBSTANCES.
- 3 (a) In this subsection, "identification card" means any of the following:
- 4 1. An operator's license issued under ch. 343.
- 5 2. An identification card issued under s. 343.50.
- 6 3. An identification card issued by a U.S. uniformed service.
- 7 4. A U.S. passport.
- 8 (b) Except when administered or dispensed directly to the ultimate user by a
- 9 practitioner, a controlled substance included in schedule II or III of ch. 961 may not
- 10 be dispensed, and may not be delivered to a representative of the ultimate user,
- 11 without an identification card belonging to the person to whom the drug is being
- 12 dispensed or delivered.
- 13 (c) If the person to whom a drug subject to par. (b) is being delivered is not the
- 14 ultimate user of the drug, the person delivering the drug may ask the ultimate user
- 15 of the drug to designate a person who is authorized to pick up the drug on behalf of
- 16 the ultimate user and may inform the person to whom the drug is being delivered
- 17 that his or her identification is being recorded under s. 450.19.

2013 - 2014 Legislature

- 3 -

LRB-3112/2
CMH/MED/MPG:eev&wlj:jf
SECTION 1

BILL

1 (d) A pharmacist is immune from any civil or criminal liability and from
2 discipline under s. 450.10 for any act taken by the pharmacist in reliance on an
3 identification card that the pharmacist reasonably believed was authentic and
4 displayed the name of the person to whom the drug was being delivered if the sale
5 was made in good faith.

6 **SECTION 2.** 450.11 (9) (bm) of the statutes is created to read:

7 450.11 (9) (bm) A violation of sub. (1b) is not punishable under par. (a) or (b).

8 **SECTION 3.** 450.19 (2) (b) of the statutes is amended to read:

9 450.19 (2) (b) Identify specific data elements, including the name on any
10 identification card presented under s. 450.11 (1b), to be contained in a record
11 documenting the dispensing of a prescription drug. In identifying specific data
12 elements, the board shall consider data elements identified by similar programs in
13 other states and shall ensure, to the extent possible, that records generated by the
14 program are easily shared with other states.

15

(END)

1
2
3 **RESOLUTION 122 -2013**

4 **RESOLUTION TO SUPPORT WISCONSIN 2013 ASSEMBLY BILL 308**

5 **INTRODUCED BY:** Solid Waste Committee and
6 Administrative & Finance Committee

7
8 **INTENT & SYNOPSIS:** To Support Wisconsin 2013 Assembly Bill 308.

9
10 **FISCAL NOTE:** None.

11
12 **WHEREAS:** Wisconsin 2013 Assembly Bill 308 proposes to repeal Wis. Stats.
13 §66.0602(2m)(b), and renumber Wis. Stats. §66.0601(a) relating to reduction of
14 local levy limit by amount of certain fee revenue received; and

15
16 **WHEREAS:** This proposed Bill, if passed, would repeal the requirement that
17 Adams County, a political subdivision, must reduce its allowable levy by the
18 estimated amount of revenue received for providing covered services that were
19 funded with property tax revenues in calendar year 2013.

20
21 **NOW THEREFORE, BE IT RESOLVED by the Adams County Board of**
22 **Supervisors** to support Wisconsin 2013 Assembly Bill 308; and

23
24 **BE IT FURTHER RESOLVED:** That the Adams County Board of Supervisors
25 directs the Adams County Clerk to forward copies of this Resolution to the
26 Governor, Adams County's state legislators, and to all Wisconsin counties.

27
28 Recommended for adoption by the Solid Waste Committee this 13th day of
29 November, 2013 and the Administrative & Finance Committee this 4th
30 day of December, 2013.

31 Larry Babcock
32 John West
33 Dean R. Morgan

James Ryan
Sharon Johnson
Josephowski

34 Adopted _____
35 Defeated _____ by the Adams County Board of Supervisors this
36 Tabled _____ 17 day of Dec, 2013

37 John West
38 County Board Chair

Cindy Phillippe
County Clerk

- 39
40 Reviewed by Corporation Counsel
41 Reviewed by Administrative Coordinator/Director of Finance

42
43 Signature Lines for Administrative & Finance Committee members:

44 John West
45 Larry Babcock

Josephowski

State of Wisconsin
County of Adams

This document is a full, true and correct copy
of the original on file and of record in my
office and has been compared by me

46
1
26 13
Cheryl Broening, DEPUTY
County Clerk
Page 48 of 84



STATE OF WISCONSIN
DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Brian M. Satula
Administrator

Scott Walker
Governor

Bennett J. Schliesman
Southeast Regional Director
21115 E. Moreland Blvd.
Waukesha, WI 53186-2902

December 10, 2013

RECEIVED

DEC 17 2013

WALWORTH COUNTY BOARD

Ms. Nancy Russell
County Board Chairperson
P.O. Box 1001
Elkhorn, WI 53121

Re: FFY 2013 Second Half Progress Report

Dear Ms. Russell,

The Southeast Region office of Emergency Management has received and reviewed the half-year reports submitted by County Directors of Emergency Management for the second half period of April 01 through September 30, 2013. The following is an excerpt from the Southeast Region report as it relates to your county:

During the Second-half Plan of Work, the Walworth County Emergency Management Director finished completing all required FY13 Plan of Work activities including the final revisions/updates and Promulgation of the County's new Comprehensive Emergency Response Plan, reviewed and updated seven EPCRA Off-site Facility Plans and conducted outreach activities such as Tornado and Severe Weather, EPCRA and Emergency Preparedness.

The Director participated in the SIMCOM Exercise, finished taking required EMPG Training Classes, participated in three EMPG Exercises, made numerous presentations to various groups on Emergency Preparedness and is involved in the planning of four Exercises that will take place in FY14. In addition, the Director is actively involved in HazMat and SWAT Team call-outs, is working towards the Credentialing of all key municipal staff throughout Walworth County and helped establish the Greater Lake Geneva Public/Private Partnership. The Director continues to seek additional Emergency Management training and pursues all avenues within the Emergency Management spectrum that benefit and protect the citizens of Walworth County. Payment of EMPG and EPCRA grants is recommended for the Second-half reporting period.

If you have any questions regarding your county's emergency management plan of work, or my comments in this report, please feel free to contact me at any time.

Sincerely,

Bennett J. Schliesman, Director
Southeast Region, WEM

Cc: John Ennis; Walworth County Emergency Management; Regional File

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 •

TELEPHONE (262) 547-6721
FAX (262) 547-1103

Serving the Counties of:

KENOSHA
MILWAUKEE
OZAUKEE
RACINE
WALWORTH
WASHINGTON
WAUKESHA



December 19, 2013

Chairman and Members of the Walworth County
Board of Supervisors
c/o Ms. Kimberly Bushey, Clerk
Walworth County
P.O. Box 1001
100 W. Walworth
Elkhorn, WI 53121

Dear Chairman and Members of the County Board:

Pursuant to Section 66.945(8)(b) of the Wisconsin Statutes, we are providing to you herewith a copy of the Commission's *2012 Annual Report*. This report describes the organization, objectives, and functions of the Commission; describes the Commission work programs in calendar year 2012; and presents in summary form the major findings and recommendations of that program.

Review of the report should provide interested public officials with a better understanding of the regional planning program and of development trends in the Region. If additional copies are needed for County officials, please notify the Commission offices.

Should your governing body or individual members of that body have any questions concerning the report, or should you desire a briefing on the work of the Commission or any particular aspect thereof, please do not hesitate to contact the Commission offices.

Sincerely,

Kenneth R. Yunker, P.E.
Executive Director

KRY/dad
00072054.DOC

Enclosure

RECEIVED
WALWORTH COUNTY CLERK
2013 DEC 23 AM 9:21



County Clerk

Kimberly S. Bushey
County Clerk

January 14, 2014 – Walworth County Board Meeting

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

- There were none.

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
Timothy A. Lightfield	Spring Prairie Township Part of Tax Parcel O SP-17-5	Rezone approx. 3.27 acres of A-1 Agricultural District to C-2 Upland Resource Conservation District.	January 14, 2014

Said petition/s is/are 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 _____, 2014.

County Clerk

Cc: County Supervisor Joe Schaefer

December 19, 2013
December 19, 2013 - expanded

Please include the following County Zoning Agency items on the January 14, 2014, County Board agenda:

Ordinance Amendments:

An Ordinance Repealing and Recreating Article I and Article II of Chapter 65 – Renewable Energy, Wind Energy Systems of the Walworth County Code of Ordinances, in compliance with PSC 128.

Approved 7 – 0 at the December 19, 2013, Zoning Agency public hearing.

Rezoning:

1. **Reek Elementary School** – Ryan Southwick (Treasurer of School Board), Section 16, Linn Township. Rezone the C-2 and C-4 zoned property to the P-1 Park and C-4 Shoreland Wetlands Districts in order to make the upland area of the school all P-1 zoned. Part of Tax Parcel I L-16-11.

Approved 7 – 0 at the December 19, 2013, Zoning Agency public hearing.

Conformance with County Land Use Plan: The Walworth County 2035 Land Use Plan identifies this area as AG1 Other Agricultural Rural Residential and Other Open Lands (5 to 34 acres per parcel).

2. **Walworth County/Wisconsin Department of Natural Resources**, Sections 4 and 5, East Troy Township. The Wisconsin Department of Natural Resources has mandated amendments to the Walworth County Shoreland Floodplain Ordinance requiring a larger flood hazard area below the Lake Beulah Dam. The amendments are based on DNR submittal of a new flood hazard map. The larger flood hazard area below the Lake Beulah dam was DNR approved as a result of the assignment of the High Hazard rating for the Lake Beulah Dam, field file 64.05 dated December 1st, 2004 and adopted by Walworth County on September 7th, 2006.

Approved 7 – 0 at the December 19, 2013, Zoning Agency public hearing.

Adoption of the flood hazard map as mandated by the State of Wisconsin.

3. **Margie A. Schoenberg, Wisconsin Department of Natural Resources and Walworth County – Michael P. Schoenberg applicant**, Section 10, Lyons Township. Rezone approximately 18 acres of C-1 Lowland Resource Conservation (non-shoreland) and C-4 Lowland Resource Conservation (shoreland) Districts to A-1 Prime Agricultural District to match the wetland boundaries to inventoried field conditions. Part of Tax Parcel N LY-10-1 and part of the White River Trail on Tax Parcel N LY-10-68.

Approved 7 – 0 at the December 19, 2013, Zoning Agency public hearing.

Conformance with County Land Use Plan: The Walworth County 2035 Land Use Plan identifies this area as mostly the Prime Agricultural Land Use Category with a small portion of Primary Environmental Corridor.

4. **Theresa and Peter Hoekstra – Michael and Linda Hoekstra applicant**, Section 2, Darien Township. Rezone approximately 4.5 acres of C-2 Upland Resource Conservation District and 1.33 acres of M-3 Mineral Extraction District to A-1 Prime Agricultural District. Parts of Tax Parcel B D-2-2.

Approved 7 – 0 at the December 19, 2013, Zoning Agency public hearing.

Conformance with County Land Use Plan: The Walworth County 2035 Land Use Plan identifies this area as AG1 Other Agricultural Rural Residential and Other Open Lands for the C-2 to A-1 area and the Extractive Land Use Category for the M-3 to A-1 area.

ORDINANCE NO. 824-01/14
AMENDING CHAPTER 38 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO ALCOHOL LICENSING VIOLATIONS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That section 38-9 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 38-9. Alcohol licensing violations.

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

Alcohol beverages means fermented malt beverages and intoxicating liquor.

(b) All provisions of the following Wisconsin Statutes are hereby adopted as ordinances of the county as if fully set forth in this section except for the penalty provisions which are set forth herein:

- (1) Wis. Stats. § 125.04 which regulate the general licensing requirements for the sale or distribution of alcohol beverages including malt beverages and intoxicating liquor.
- (2) Wis. Stats. § 125.04(10) which regulate displaying and posting of licenses for the sale of alcohol beverages.
- (3) Wis. Stats. § 125.09(1) which regulate the consumption of alcohol beverages on the premises of a public place without an appropriate license or permit.
- (4) Wis. Stats. § 125.315 which prohibits giving away fermented malt beverages in an attempt to avoid the alcohol licensing regulations.
- (5) Wis. Stats. § 125.32 (2) which prohibits Class A or Class B licensed businesses from being open for business without a licensee on premises.
- ~~(4)-(6)~~ Wis. Stats. § 125.66(1) which prohibit the sale or possession with intent to sell alcohol beverages by an individual without an appropriate license or permit.
- (7) Wis. Stats. § 125.67 which prohibits giving away intoxicants in an attempt to avoid the alcohol licensing regulations.

1 (8) Wis. Stats. § 125.68 (8) (a) (1) which prohibits the diluting of any liquor for the
2 purpose of sale.

3
4 (c) *Sales prohibited.* No person shall sell alcohol beverages beyond the hours of
5 operation as permitted by the liquor license, local regulations, or state law.

6
7 (d) *Penalty.* Any person violating any provision of this ordinance shall, upon conviction
8 thereof, forfeit not more than \$500.00, and in default of payment thereof shall be imprisoned in the
9 county jail until the forfeiture and costs are paid but not to exceed 30 days.

10
11 (e) *Appearance bond.* Any person charged with violating any of the above provisions
12 may be released from custody by depositing with the county or with the arresting officer a cash bond
13 in the amount of \$100.00 to ensure his or her appearance in court. If the person fails to appear in
14 court, the bond shall be forfeited.

15
16 (f) *Enforcement by citation procedure.* The provisions of this section may be enforced
17 pursuant to any citation ordinance heretofore adopted or hereinafter enacted pursuant to the
18 provisions of Wis. Stats. § 66.0113. However, this provision shall not limit or preclude the
19 enforcement of this section pursuant to any other ordinance or proceeding permitted by law, whether
20 ordinance or statute.

21
22 (g) *Conduct prohibited may be prosecuted as ordinance violation or as state*
23 *crime/forfeiture.* The creation of this section, adopting the above-referenced statutory sections, in no
24 way limits law enforcement authorities from prosecuting any of such so-adopted sections as crimes
25 or state forfeitures instead of ordinance violations pursuant to this section. It is the intent of this
26 section to provide an alternative and/or supplement to the prosecution for violations of the above
27 adopted sections and not to limit the remedies available to law enforcement authorities.

28
29 (h) *Reference to state statutes.* Whenever the underlying statute above adopted is
30 amended, repealed or modified by the state legislature, the provisions of the statute so adopted as
31 ordinance violations shall be amended in accordance with those changes.”

32
33 **PART II:** That this ordinance shall become effective upon passage and publication.

34
35 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 14th day of January
36 2014.

37
38
39
40
41 _____
42 Nancy Russell
County Board Chair

41 _____
Kimberly S. Bushey
Attest: County Clerk

1 County Board Meeting Date: January 14, 2014

2 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 1/6/14
Date
County Administrator/Corporation Counsel

Nicole Andersen 1/6/14
Date
Deputy County Administrator - Finance

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

Resolution No. 67-01/14
**Authorizing the Transfer of \$25,000 from the 2014 Contingency Fund to Complete
Underground Fuel Tank Remediation Plan**

1 Moved/Sponsored by: Finance Committee

2
3 **WHEREAS**, Walworth County owned one 25,000 gallon underground fuel oil tank, and two
4 50,000 gallon underground fuel oil tank systems located near the County's power plant at the
5 annex; and,

6
7 **WHEREAS**, these tanks were removed in 1992 and 1997; and,

8
9 **WHEREAS**, previously it was determined that there were two breaches from these tanks and a
10 remediation plan was developed but not completed; and,

11
12 **WHEREAS**, the Wisconsin Department of Natural Resources reviewed open files and contacted
13 the County regarding remediation of these sites located near the County's power plant at the
14 annex, identified as Site A and Site B; and,

15
16 **WHEREAS**, a consultant has worked with the County to fully remediate and request closure for
17 one of these sites (Site A); it has been determined that additional remediation will be necessary for
18 Site B; and,

19
20 **WHEREAS**, the consultant estimates the additional cost of remediation and closure for Site B will
21 be \$23,575; and,

22
23 **WHEREAS**, the previous appropriation of \$30,000 (Resolution No. 63-12/10) to provide funding
24 to complete the underground fuel tank remediation for both sites has been nearly expended and an
25 additional appropriation is necessary to complete the work on Site B; and,

26
27 **WHEREAS**, the consultant secured project eligibility under the Petroleum Environmental
28 Cleanup Fund Award (PECFA) in the amount of \$7,500 for each site for a total of \$15,000.

29
30 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
31 the sum of \$25,000 be transferred from the 2014 Contingency Fund to provide the funds necessary
32 for remediation and closure of the final breach at the County's boiler house.

33
34 **BE IT FURTHER RESOLVED** that the consultant will pursue reimbursement available from
35 PECFA in the amount of \$15,000.

36
37 **BE IT FURTHER RESOLVED** that PECFA reimbursements and/or project funds remaining will
38 lapse to the General Fund.

39
40
41
42 _____
43 Nancy Russell
County Board Chair

Kimberly S. Bushey
County Clerk

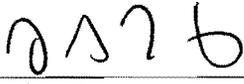
1 County Board Meeting Date: January 14, 2014

2

3 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:

 12/27/13
Date
David A. Bretl
County Administrator/Corporation Counsel

 1/2/14
Date
Nicole Andersen
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 67-01/14

- I. **Title:** Authorizing the Transfer of \$25,000 from the 2014 Contingency Fund to Complete Underground Fuel Tank Remediation Plan.

- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to authorize the transfer of \$25,000 from the 2014 Contingency Fund to provide the funds necessary to remediate and close the final breach (Site B) from the underground fuel tanks located near the County's power plant at the annex.

The underground fuel tanks near the County's power plant at the annex were removed in 1992 and 1997. At that time, remediation and closure plans were developed but not completed. Resolution Number 63-12/10 provided \$30,000 funding for remediation of both sites. Remediation work has been completed on Site A and a request for case closure has been submitted to the Wisconsin Department of Natural Resources (DNR). The total cost for remediation of Site A is estimated at \$13,015.13. The consultant previously secured eligibility under PECFA to recover \$7,500 of expenses related to both Site A and Site B, and will complete the necessary paperwork to recover \$7,500 of expenses under PECFA related to Site A. Based on results of soil and groundwater testing at Site B, the DNR has determined that additional soil borings, installation of monitoring wells, soil and groundwater testing, soil removal and disposal and a soil vapor pathway evaluation will be required in order to complete and close the remediation plan for Site B. The cost for these activities is estimated to be \$23,575. The amount paid to date for remediation activities at Site B is \$16,620.68. The total cost for remediation of Site B with the additional required activities is estimated to be \$40,195. The consultant has advised that there is no additional eligible PECFA reimbursement available for Site B, above the \$7,500 secured at the initial eligibility determination.

- III. **Budget and Fiscal Impact:** The current balance in the 2014 contingency fund is \$500,000. Adoption of this resolution will authorize the expenditure of \$25,000 from the fund. Excess contingency funds not utilized shall lapse to the General Fund upon project completion. The County will be required to pay costs and request reimbursement from PECFA. The project will not be completed until late 2014 and PECFA funds are likely not to be received prior to the book closing for fiscal year 2014. Therefore, PECFA funds received after the fiscal year 2014 book closing shall lapse to the general fund unassigned fund balance. It is anticipated that a total of \$15,000, or \$7,500 per breach, will be reimbursed from PECFA for these leaking underground fuel tank remediation costs.

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

Committee: Finance

Meeting Date: December 19, 2013

Vote: 4 - 0

County Board Meeting Date: January 14, 2014

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.

DA Bretl 12/27/13
David A. Bretl Date
County Administrator/Corporation Counsel

N Andersen 1/2/14
Nicole Andersen Date
Deputy County Administrator - Finance

ORDINANCE NO. 830- 01/14

AMENDING SECTIONS 50-2 AND 50-5 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO PRIORITIZING PREVENTION SERVICES THROUGH THE DEPARTMENT OF HEALTH & HUMAN SERVICES

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

3
4 PART I: That Section 50-2 of the Walworth County Code of Ordinances is hereby
5 amended to read as follows (additions shown by underline; deletions shown by strike-
6 through):

7
8 “Sec. 50-2. Definitions.

9
10 The following words, terms and phrases, when used in this chapter, shall have the
11 meanings ascribed to them in this section, except when the context clearly indicates a different
12 meaning:

13
14 *Board* means the Walworth County Health and Human Services Board.

15
16 *C.A.C.* means the Walworth County Children's Advocacy Center.

17
18 *Department* means the Walworth County Health and Human Services Department.

19
20 *Director* means the Walworth County Health and Human Services Director.

21
22 *Discretionary Programs* means activities in which the Health & Human Services
23 Department is engaged or supports that are not specifically mandated by the state or federal
24 governments.

25
26 *DOC* means the Wisconsin Department of Corrections.

27
28 *ECHO* means the HHS electronic medical record.

29
30 *PSI* means a pre-sentence investigation report prepared by the Department of Corrections
31 or another agency or individual to be used by the court when making a sentencing decision.

32
33 *Prevention Services* means activities that are designed to reduce the occurrence of future
34 problems in a specific area.

35
36 ~~*Trustees* means the Walworth County Lakeland Health Care Center Board of Trustees.~~

37
38 *WiSACWIS* means the Wisconsin Statewide Automated Child Welfare Information

1 System.”

2
3 **PART II: That Section 50-5 of the Walworth County Code of Ordinances is hereby**
4 **amended to read as follows (additions shown by underline; deletions shown by strike-**
5 **through):**

6
7 **“Sec. 50-5. Human services priorities.**

8
9 (a) *Purpose.* The purpose of this section is to establish the county's policy concerning
10 the provision of services offered by the department. Because the need for services typically
11 exceeds available funding, it is necessary to establish priorities as to which persons will receive
12 services and how those services will be paid for.

13
14 (b) The department is mandated by state law to provide certain services including, but
15 not limited to, services related to:

- 16
17 (1) Community mental health;
18
19 (2) Developmental disability;
20
21 (3) Alcoholism;
22
23 (4) Drug abuse;
24
25 (5) Child welfare;
26
27 (6) Juvenile justice;
28
29 (7) Aging;
30
31 (8) Social services to individuals.

32
33 (c) In addition to providing services to persons eligible to participate in the mandated
34 services set forth in (b), the department receives requests to provide services to persons who are
35 not eligible to participate in said programs or who otherwise require services for which no
36 reimbursement is made to the county from state or federal sources.

37
38 (d) In providing all services, the department is directed to maximize the impact of
39 available funding by first attempting to utilize existing state and federal income streams for
40 which individuals seeking services are eligible.

41
42 (e) In the case of persons not eligible to participate in programs for which state or
43 federal reimbursement is available, the department shall prioritize the use of available local
44 funding sources according to:

- 1 (1) The immediate risk posed to the specific individual's health or safety;
- 2
- 3 (2) The risk to others in the community;
- 4
- 5 (3) The likely duration of the individual's needs;
- 6
- 7 (4) The ability of focused services or interventions to reduce the individual's acuity
- 8 level and associated needs over the long term.
- 9

10 (f) The above four factors are not listed in order of priority but must be considered
 11 and balanced according to individual service requests.

12

13 (g) It is further the intent of this ordinance to direct the Department, as a matter of
 14 policy, to include prevention programming when establishing departmental priorities, operating
 15 discretionary programs and engaging in strategic planning. The proper application of preventive
 16 services can greatly reduce the human suffering of Walworth County citizens while also
 17 reducing the financial burden to the taxpayers for the provision of services to specific consumers.
 18 The Department provides numerous services to individuals, families, and institutions that have a
 19 variety of needs, therefore, it is important for the Department:

- 20
- 21 (1) To meet the tertiary needs of persons and groups that require such services; and,
- 22
- 23 (2) To take steps, when possible, to prevent the occurrence of disease, problems in
- 24 living and related difficulties in the lives of Walworth County citizens.”
- 25

26 **PART III: This ordinance shall become effective upon passage and publication.**

27

28 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 14th day of
 29 January 2014.

30

31

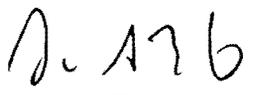
32

33 _____
 34 Nancy Russell
 35 County Board Chair

36 _____
 37 Kimberly S. Bushey
 Attest: County Clerk

County Board Meeting Date: January 14, 2014

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:	
	
1/7/14	1/7/14
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator-Finance
Date	
Date	
If unsigned, exceptions shall be so noted by the County Administrator.	

ORDINANCE NO. 827 – 01/14

AMENDING SECTION 15-17 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO A TITLE CHANGE TO THE GROUNDS SUPERVISOR POSITION AT PUBLIC WORKS

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

3
4 PART I: That Section 15-17 of the Walworth County Code of Ordinances is hereby
5 amended to read as follows (additions shown by underline; deletions shown by strike-
6 through):

7
8 "Sec. 15-17. Authorized positions by department.

9
10 (o) *Public Works*

CLASSIFICATION TITLE	FTE
<u>Head Groundskeeper Supervisor</u>	1.00

11
12
13
14
15
16 PART II: This ordinance shall become effective upon passage and publication.

17
18 PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of
19 January 2014.

20
21
22
23
24
25 _____
26 Nancy Russell
27 County Board Chair

25 _____
26 Kimberly S. Bushey
27 Attest: County Clerk

28 **County Board Meeting Date:** January 14, 2014

29 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 1/7/14
Date
County Administrator/Corporation Counsel

Nicole Andersen 1/7/14
Date
Deputy County Administrator-Finance

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

Ordinance No. 827-01/14
Fiscal Note and Policy Impact Statement

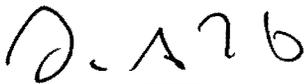
- I. Title:** Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Title Change to the Grounds Supervisor Position at Public Works
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to change the title of the Grounds Supervisor position to Head Groundskeeper.
- III. Is this a budgeted item and what is its fiscal impact:** This position had already been included in the 2014 budget, so there are no additional costs associated with this change.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

Committee: Human Resources Committee Date: December 18, 2013

Vote: 5 – 0

County Board Meeting Date: January 14, 2014

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

 1/7/14

David A. Bretl Date
County Administrator/Corporation Counsel

 1/7/14

Nicole Andersen Date
Deputy County Administrator-Finance

Resolution No. 68- 01/14
**Extending the Employment Contract of Michael Cotter for Performing the Duties of
Deputy Corporation Counsel**

1 Moved/Sponsored by: Executive Committee
2

3 **WHEREAS**, Michael P. Cotter (“Cotter”) is currently employed by Walworth County
4 (“County”) pursuant to the terms of an employment contract by and between the County and
5 Cotter dated May 13, 2003; and,
6

7 **WHEREAS**, on March 14, 2006, the duties of Deputy Corporation Counsel were assigned to
8 Cotter pursuant to Res. No. 98-03/06, which resolution provided additional compensation for the
9 added responsibilities; and,
10

11 **WHEREAS**, Mr. Cotter’s contract to perform Deputy Corporation Counsel duties was extended
12 on several occasions by virtue of county board resolutions; and,
13

14 **WHEREAS**, the assignment of those duties was dependent upon the County Administrator
15 serving as Corporation Counsel; and,
16

17 **WHEREAS**, pursuant to Res. No. 07-04/12, Cotter’s contract as Deputy Corporation Counsel
18 will expire on December 31, 2014; and,
19

20 **WHEREAS**, the Human Resources Committee recommends extending Cotter’s contract to
21 December 31, 2016, to make the contract period consistent with the County Administrator’s
22 contract extension.
23

24 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
25 does hereby authorize the proper County officials to execute an amendment to Cotter’s
26 employment contract in substantially the form attached hereto.
27

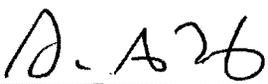
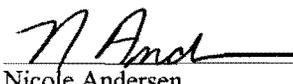
28 **BE IT FURTHER RESOLVED** that the contract amendment shall be in effect until December
29 31, 2016.
30
31

32 _____
33 Nancy Russell
34 County Board Chair
35

Kimberly S. Bushey
County Clerk

36 County Board Meeting Date: January 14, 2014
37

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
1/7/14 Date	1/7/14 Date

Policy and Fiscal Note
Resolution No. 68-01/14

- I. **Title:** Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel

- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to extend the agreement by and between the County and Cotter for performing duties as Deputy Corporation Counsel. Cotter's duties will continue to be primarily administrative within the Corporation Counsel office. This resolution extends Cotter's contract as Deputy Corporation Counsel to December 31, 2016. Mr. Cotter's last contract extension included the same terms as this amendment (application of pay for performance to the Deputy Corporation Counsel stipend).

- III. **Budget and Fiscal Impact:** Cotter currently receives \$19,668.74 for performing Deputy Corporation Counsel duties. This stipend shall be considered in the calculation of Cotter's 2015 and 2016 pay-for-performance salary adjustment. Funds will be included for this expense in the 2015 and 2016 county budgets.

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

Committee: Human Resources

Meeting Date: December 18, 2013

Vote: 5 – 0

County Board Meeting Date: January 14, 2014

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.

 1/7/14

David A. Bretl
County Administrator/Corporation Counsel

 1/7/14

Nicole Andersen
Deputy County Administrator – Finance

ORDINANCE NO. 826-01/14

ORDINANCE AMENDING SECTION 30-156 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO ACCEPTANCE AND USE OF DONATIONS AND CREATING SECTION 42-10 OF THE CODE RELATING TO THE NAMING OF PARKS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That section 30-156 (i) of the Walworth County Code of Ordinances is hereby**
2 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
3 **text):**

4
5 **“Sec. 30-156. Acceptance and use of donations.**

6
7 (i) In the event a donation is conditioned upon the county naming a facility or portion
8 thereof or program after the donor or person or organization designated by the donor, the following
9 provisions shall apply.

10
11 (1) The name of the sponsor or proposed name of the facility or program shall not be
12 incompatible with the facility or program being named.

13
14 (2) It is the intent of this ordinance that county property not be used for commercial
15 advertising purposes. Any plaque or sign recognizing a donor shall be subject to
16 approval of the county board.

17
18 (3) An agreement concerning the matter shall be subject to approval by the county board.
19 Every agreement shall specify the duration of the naming right. In the event a facility
20 or portion thereof is proposed to be named, the matter shall first be presented to the
21 public works committee for a recommendation.

22
23 (4) If the facility to be named consists of park land, the county board shall consider the
24 recommendation of the park committee.”

25
26 **PART II: That section 42-10 of the Walworth County Code of Ordinances is hereby created to**
27 **read as follows:**

28
29 **“Sec. 42-10. Purpose, policy and naming procedure.**

30
31 (a) *Purpose.* The purpose of this ordinance is to establish consistent standards,
32 procedures and guidelines for the acceptance of donations and the naming of public parklands and
33 related facilities owned by Walworth County.

34
35 (b) *Policy.* The naming of parks, park areas and park facilities shall be the responsibility
36 of the Walworth County Board of Supervisors upon recommendation by the Park Committee.
37

1 (c) *Naming process.* The following process shall be followed in the naming of County
2 parks.

3 (1) The Director – Central Services will notify the Park Committee of any proposed
4 naming requests or opportunities.

5
6 (2) The Park Committee shall conduct at least one public meeting prior to making a
7 naming recommendation and shall allow for public input at that meeting.

8
9 (d) *Naming criteria.* The following types of names shall be deemed suitable for
10 consideration:

11
12 (1) Names that describe the geographical location of the facility, which includes
13 descriptive names.

14
15 (2) Names that describe an outstanding feature of the facility.

16
17 (3) Names that describe a commonly recognized historical event, group or organization
18 or individual (living or deceased).

19
20 (4) Name of an individual or organization that contributed significantly to the acquisition
21 or development of the facility to be named. This can include either a deed or substantial
22 monetary contribution, or contribution toward acquisition and/or development of the park or
23 park facility (typically not less than 50% of the value of the property of improvements).

24
25 (5) Name of an individual who performed outstanding accomplishments for the good of
26 the county. The quality of the contribution should be considered, along with the length of
27 service by the individual.

28
29 (6) Name of any individual who provided an exceptional service in the interest of the
30 park system as a whole. Typically, while serving in a public office, public officials should
31 not be considered as a candidate for naming.

32
33 (e) *Temporary naming.* In the case of a new project, a temporary name will be
34 designated by Public Works staff for identification during acquisition and/or development of the
35 park area or facility. Because temporary designations tend to be retained, the naming process for a
36 new park should be carried out as quickly as possible after its acquisition or development.

37
38 (f) *Park renaming.*

39
40 (1) Renaming a park, park area or park facility should not diminish the original
41 justification for the name or prior contributors. Renaming will follow the same procedure as
42 naming the park.

43
44 (2) Only parks, park areas and facilities named for geographic locations or outstanding
45 features should be considered for renaming. Parks that have been named by deed restriction
46 shall not be considered for renaming.

1 (3) Parks, park areas and facilities named after individuals shall not be changed for a
2 period of fifty (50) years, unless it is found that because of the individual's character the
3 continued use of their name would not be in the best interest of the county."
4

5 **PART III:** That this ordinance shall become effective upon passage and publication.
6

7 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 14th day of January
8 2014.
9

10
11
12 _____
13 Nancy Russell
14 County Board Chair

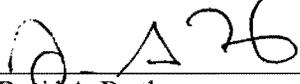
12 _____
13 Kimberly S. Bushey
14 Attest: County Clerk

15 County Board Meeting Date: January 14, 2014

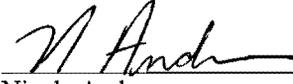
16 Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 12/31/13

Date
David A. Bretl
County Administrator/Corporation Counsel

 1/6/14

Date
Nicole Andersen
Deputy County Administrator - Finance

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

Resolution No. 65-01/14

Recognizing Vendor Support in Promoting the White River State Trail

1 Moved/Sponsored by: Park Committee

2
3 **WHEREAS**, Wisconsin State Statute 27.01(8) authorizes the establishment of the state trail pass
4 to raise funds for the maintenance and operation of State trails; and,

5
6 **WHEREAS**, in 2012, the State collected a total of approximately \$1.26 million in state trail pass
7 fees, and previous recent years have ranged from \$1.01 to \$1.30 million in revenues; and,

8
9 **WHEREAS**, revenue generated by the state trail pass helps to cover a portion of the expenses
10 for the trail for which it was charged; and,

11
12 **WHEREAS**, since 2003, Bob's Pedal Pusher, Walworth County Boots and Saddle Club,
13 Elkhorn Chamber of Commerce, Lyons Grocery, Pedal and Cup, Walworth County Visitors
14 Bureau, and the White River Cycle Club have participated in selling state trail passes as sub-
15 vendors of Walworth County; and,

16
17 **WHEREAS**, seventy percent (70%) of the revenue for trail passes sold within Walworth County
18 can be used to maintain and operate the White River State Trail; expenses of operation include
19 maintaining safe surfaces, mowing and trimming brush, removing fallen trees and waste
20 removal; and,

21
22 **WHEREAS**, the revenue generated from passes sold by these sub-vendors has helped to fund
23 the ongoing maintenance and operation expenses of the White River State Trail; and,

24
25 **WHEREAS**, PATS Services has been providing its services without charge to the White River
26 State Trail, supplying the portable toilets and keeping the portable toilets on the trail clean,
27 saving monies; and,

28
29 **WHEREAS**, the White River Cycle Club has made improvements to the trail, including
30 benches, a kiosk, natural plantings and signs, and they also provide volunteer labor to keep the
31 trail clean.

32
33 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
34 gratefully acknowledges the contributions from Bob's Pedal Pusher, Walworth County Boots
35 and Saddle Club, Elkhorn Chamber of Commerce, Lyons Grocery, Pedal and Cup, Walworth
36 County Visitors Bureau and White River Cycle Club in promoting the use of the White River
37 State Trail.

38
39 **BE IT FURTHER RESOLVED THAT** the Walworth County Board of Supervisors gratefully
40 acknowledges the contributions from PATS Services and the White River Cycle Club towards
41 the enjoyment of the public users of the White River State Trail.

42
43
44
45 _____
46 Nancy Russell
County Board Chair

45 _____
46 Kimberly S. Bushey
County Clerk

1 County Board Meeting Date: January 14, 2014

2

3 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>DA 26</u>	<u>1/6/14</u>	<u>[Signature]</u>	<u>1/6/14</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.

Policy and Fiscal Note
Resolution No. 65-01/14

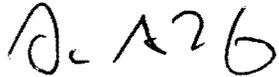
- I. **Title:** Recognizing Vendor Support in Promoting the White River State Trail
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to express Walworth County's appreciation for the efforts of the vendors whose state trail pass sales have contributed towards the ongoing maintenance and support of the White River State Trail in Walworth County. The County Board also acknowledges the efforts of PATS Services and the White River Cycle Club.
- III. **Budget and Fiscal Impact:** Passage of this resolution will have no fiscal impact on the county's budget.
- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Park Meeting Date: December 16, 2013

Vote: 3 - 0

County Board Meeting Date: January 14, 2014

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.

 1/6/14

David A. Bretl Date
County Administrator/Corporation Counsel

 1/6/14

Nicole Andersen Date
Deputy County Administrator - Finance

ORDINANCE NO. 825 – 01/14

AMENDING CHAPTER 54 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That Section 54-2 of Article I of the Walworth County Code of Ordinances is hereby**
2 **created to read as follows:**

3
4 **“Sec. 54-2. Definitions.**

5
6 *Director* means Director - Central Services.

7
8 *Extraordinary traffic safety services* means the reasonable and necessary services provided
9 by the county, above and beyond its normal capabilities, to ensure public safety in connection with a
10 special event. Such services shall include but are not limited to extra police protection, traffic
11 control, barricades, message board signs and the administration of this article.

12
13 *Special event.* For purposes of this chapter, special event shall mean an event that takes place
14 on any portion of a county trunk highway or significantly impacts traffic on a county trunk highway,
15 which event, in the determination of the Director, requires extraordinary traffic safety services to
16 ensure the safety of participants and the traveling public. Special events shall include, but not be
17 limited to, races of any kind, walks or tours. Special events shall not include parades held by a town,
18 city or village government.”

19
20 **PART II: That Article III is hereby created to read as follows:**

21
22 **“ARTICLE III.**

23
24 **USE OF COUNTY ROADS**

25
26 **Sec. 54-91. Permit required.** No person or organization may conduct a special event without first
27 obtaining a special event permit.

28
29 **Sec. 54-92. Special event permit.**

30
31 (a) Every person or organization seeking a special event permit shall submit an
32 application to the Director on a form prescribed by the Director at least 30 days prior to the date of
33 the special event.

34
35 (b) As a condition of any permit granted hereunder, the permittee shall be responsible for
36 reimbursing the county for the cost of providing extraordinary traffic safety services in connection
37 with the special event. The Sheriff shall be responsible for calculating and collecting the fee. A
38 deposit of 25% of the estimated cost of providing extraordinary traffic safety services shall
39 accompany the application.

1 (c) The Sheriff shall confer with the Director-Central Services upon receipt of an
2 application and the Director will use his/her best efforts to notify any impacted town, city or village
3 governments of the application.
4

5 (d) Provided the applicant for a permit has complied with all of the requirements of this
6 article and has demonstrated that the special event will be operated in a manner consistent with
7 preservation of public health, safety and welfare, the Director shall issue a permit to the applicant.
8 Conditions may be placed on the permit, consistent with the administration of this article and the
9 preservation of public health, safety and welfare.
10

11 (e) The Director shall notify any impacted town, city and village governments of
12 approval of an application.
13

14 **Sec. 54-93. Denial.** Any denial of a permit hereunder shall be made in writing, and the reasons for
15 denial shall be furnished to the applicant and shall be issued within 15 days after receipt by the
16 Director of the application for a special event. The decision of the Director shall be final.
17

18 **Sec. 54-94. Revocation.**
19

20 (a) The Director or Sheriff may revoke any permit granted hereunder for any of the
21 following reasons:
22

- 23 (1) Failure of the permittee to comply with the provisions of this article;
24
25 (2) Failure of the permittee to comply with any condition of a permit granted hereunder.
26
27 (3) A change in circumstances, such as weather conditions which would render the event
28 unsafe.
29

30 (b) Prior to any decision to revoke a permit, the permittee shall have a reasonable
31 opportunity to cure any alleged non-compliance.
32

33 **Sec. 54-95. Penalty.** Any person violating any provision of this article shall be subject to a civil
34 forfeiture of not less than \$100.00 or more than \$1,000.00. Each day of a violation shall constitute a
35 separate offense.”
36

37 **PART III:** That this ordinance shall become effective upon passage and publication.
38

39 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 14th day of January
40 2014.
41

42
43
44 _____
45 Nancy Russell
County Board Chair

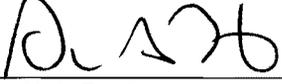
42
43
44 _____
45 Kimberly S. Bushey
Attest: County Clerk

1 County Board Meeting Date: January 14, 2014

2 Action Required: Majority Vote X Two-thirds Vote _____ Other _____

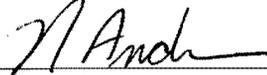
Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:



David A. Bretl
County Administrator/Corporation Counsel

12/30/13
Date



Nicole Andersen
Deputy County Administrator - Finance

1/6/14
Date

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

