



County Clerk

Kimberly S. Bushey
County Clerk

May 14, 2013 – Walworth County Board Meeting

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

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

- Ordinance No. 779-05/13 – Creating Division 7 of Article III of Chapter 2 of the Walworth County Code of Ordinances Relating to a Transportation Coordinating Committee – *Vote Required: Two-thirds* (Recommended by the Health and Human Services Board; The Executive Committee will consider this item at a special meeting prior to the May 14, 2013 County Board meeting)
- Ordinance No. 780-05/13 – Creating Section 16-3 of the Walworth County Code of Ordinances Relating to the Public Works Department – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)
- Ordinance No. 781-05/13 – Creating Section 46-5 of the Walworth County Code of Ordinances Relating to the County-Owned Range – *Vote Required: Majority*(Recommended by the Public Works Committee 5-0)
- Resolution No. 23-05/13 – Urging the State Legislature to Re-Examine Section 968.255 of the Wisconsin Statutes Regarding Strip Searches and to Clarify the Language Therein in Consideration of the Recent United States Supreme Court Decision Pertaining to this Matter – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
- *Walworth County Aging & Disability Resource Center News*, May 2013 – To be placed on file

These items were received after the agenda mailing before the meeting. Other items that were placed on the Supervisors' desks at the meeting are not included on this report. Please contact the County Clerk's office for information regarding those items.

ORDINANCE NO. 779 – 05/13

CREATING DIVISION 7 OF ARTICLE III OF CHAPTER 2 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO A TRANSPORTATION COORDINATING COMMITTEE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: Division 7 of Article III of Chapter 2 of the Walworth County Code of Ordinances is hereby created to read as follows:

“DIVISION 7.

TRANSPORTATION COORDINATING COMMITTEE

Sec. 2-235. Transportation coordinating committee.

- (a) *Creation.* There is hereby created a transportation coordinating committee for the coordination of the county’s specialized transportation.
- (b) *Membership.* The transportation coordinating committee members shall be nominated by the county administrator and confirmed by the county board. Members shall represent the following:
 - (1) County board chairperson and chairperson of the County Health and Human Services Board.
 - (2) One member from the County Aging and Disability Resource Center.
 - (3) One member from the Department of Health and Human Services.
 - (4) Two members who represent transportation providers – public, proprietary or non-profit.
 - (5) One advocate for elderly and disabled citizens.
 - (6) One advocate for consumers.
 - (7) Two members who represent health care providers in Walworth County.
- (c) *Duties.* The duties of the transportation coordinating committee are as follows:
 - (1) Monitor the expenditures of transportation funds being expended on transportation services for the elderly and disabled in the service area;
 - (2) Review passenger transportation plans for the service area;
 - (3) Review and comment on county aid applications under Wis. Stats. § 85.21;

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(4) Review and comment on capital assistance applications under Wis. Stats. § 85.22;

(5) Act as an informational resource for local transportation providers regarding the requirements of the Americans with Disabilities Act of 1990, 42 USC 12101 et seq.; and,

(6) Act on requests by local public bodies to be designated as coordinators of transportation services for elderly and disabled persons for the purpose of becoming eligible for assistance under the federal sec. 5310 program;

(7) Review and comment on federal transportation funding programs including 53.10 Capital Assistance, 53.16 Employment and 53.17 New Freedom.”

PART II: That Section 2-166 of the Code of Ordinances be amended to reflect that Transportation Coordinating Committee members shall serve without county paid per diem or county mileage reimbursement (additions are shown in underline).

Committee, Commission or Board	Mileage	Per Diem
<u>Transportation Coordinating Committee</u>	<u>No</u>	<u>No</u>

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

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of month May 2013.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: May 14, 2013

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

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

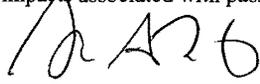
<u>DLA 26</u> <u>5/14/13</u> David A. Bretl County Administrator/Corporation Counsel	<u>N. Andersen</u> <u>5/10/13</u> Nicole Andersen Deputy County Administrator - Finance
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If unsigned, exceptions shall be so noted by the County Administrator.

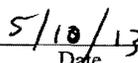
Ordinance No. 779 - 05/13
Fiscal Note and Policy Impact Statement

- I. Title:** Creating Division 7 of Article III of Chapter 2 of the Walworth County Code of Ordinances Relating to a Transportation Coordinating Committee
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance is to create a transportation coordinating committee.
- III. Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will not have any fiscal impact on the county budget.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**
- | | | | |
|------------|---------------------------------|-------|----------------|
| Committee: | Health and Human Services Board | Date: | April 24, 2013 |
| Vote: | 7 - 0 | | |
| Committee: | Executive Committee | Date: | May 14, 2013 |
| Vote: | | | |
- County Board Meeting Date: May 14, 2013

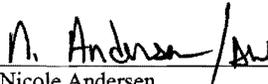
Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.



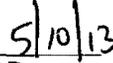
David A. Bretl
County Administrator/Corporation Counsel



Date



Nicole Andersen
Deputy County Administrator - Finance



Date

ORDINANCE NO. 780 – 05/13

CREATING SECTION 16-3 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO THE PUBLIC WORKS DEPARTMENT

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART II: That Article I of Chapter 16 of the Walworth County Code of Ordinances is hereby amended so as to create Section 16-3 thereof to read as follows:

“Sec. 16-3. Department of public works.

- (a) Administration. The Department of Public Works shall be administered by the Director – Central Services, under the supervision of the County Administrator. The Director shall also serve as the County Highway Commissioner. The Director shall be appointed by the County Administrator, which appointment shall be subject to confirmation by the County Board of Supervisors.
(b) Mission. The mission of the Public Works Department is to enhance the quality of life, health and safety of all citizens by providing top quality services through a very responsive and responsible team committed to high ethical standards, accountability and effective maintenance of the county’s infrastructure (facilities, highways, parks and open spaces).
(c) Values. The values of the Department of Public Works include high ethical standards, high responsiveness, teamwork, good stewardship of the county’s investment, quality service and data-driven decision making.”

PART II: This Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of May, 2013.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: May 14, 2013

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

David A. Bretl
Date 5/10/13
County Administrator/Corporation Counsel

N. Andersen
Date 5/10/13
Deputy County Administrator - Finance

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

ORDINANCE NO. 781 – 05/13

CREATING SECTION 46-5 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO THE COUNTY-OWNED RANGE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 PART II: That Section 46-5 of the Walworth County Code of Ordinances is hereby
2 created to read as follows:

3
4 “Sec. 46-5. County-owned range.

5
6 (a) *Purpose.* The Sheriff is responsible for maintaining the peace in Walworth County,
7 and therefore, is entitled to and responsible for running his or her office in a manner
8 consistent with the Statutes and Constitution of the State of Wisconsin as well as
9 common law. The County Board is responsible for levying taxes and appropriating
10 money for County operations including the Office of Sheriff. The County Board has
11 made a substantial investment of the taxpayers’ money in a range facility and did so
12 in reliance on the Sheriff’s representations that said facility would be operated in a
13 responsible manner, consistent with the health, safety, welfare and financial
14 wellbeing of the citizens of Walworth County. The purpose of this ordinance is to
15 memorialize that commitment and establish principles and procedures relative to
16 range operations.

17
18 (b) *Operational plan required.* The Sheriff shall have in place an operational plan for the
19 range, which plan will be consistent with factors set forth in (c).

20
21 (c) *Operational plan elements.* The operational plan shall contain the following
22 provisions:

23
24 (1) *Safety.* Rules shall be promulgated to ensure that the range operates safely, both
25 with respect to users and surrounding property owners. Those rules shall reflect
26 the current best practices regarding law enforcement and range safety.

27
28 (2) *Maintenance.* The Director of Central Services will be responsible for the
29 maintenance of the facility. The Sheriff’s Office will work with DPW on a
30 maintenance plan to ensure this facility is well-maintained. When repairs are
31 necessary to protect the County’s investment, the Director of Central Services will
32 be notified by the Sheriff.

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34 (3) *Use.* The range shall be open to the following groups subject to provisions of this
35 ordinance and procedures established by the Sheriff:

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37 a. Law enforcement agencies that have jurisdiction within Walworth County.

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- b. Gateway Technical College.
- c. Non-profit groups sponsored by other State of Wisconsin Agencies for the sole purpose of firearms and hunting safety and education.
- d. Off-duty deputies provided said use is not on paid time and is conducted with their own ammunition. The deputy may be accompanied by one additional person.

(d) *Range Fees.* Except as may be otherwise provided in a lease, the County reserves the right to charge any user a fee for using the range. Fees shall be established by the County Board, upon recommendation of the Sheriff, and shall be included in Section 30-286 of the Walworth County Code of Ordinances.

(e) *Supervision of range operations.* Range operations shall be under the control of the Sheriff.

(1) The Sheriff will conduct biennial meetings with all range users to ensure proper utilization to minimize the impact on the neighborhood, environment and equipment. Every group that uses the range shall have a representative attend these sessions for training. This representative must be present at the range during all range activities for their group.

(2) Each agency, or group, is responsible for adhering to the range rules that are in place. Failure to comply with the range rules may result in a suspension of their use of the facility.

(3) Range rules will be posted on one or more bulletin boards at the range, and larger, permanent signs will be erected to provide proper warnings to everyone coming onto the property. Signs will state that the County and the Sheriff's Office are not responsible for injuries, damages or loss.

(4) The Sheriff shall ensure that users execute a waiver of liability before using the range.

(5) The Sheriff has the ability to expel any user from the range for violation of this ordinance or the operation plan or suspend the ability of any user to utilize the range. .

(6) The Sheriff shall be responsible for securing the range.

(f) *Hours of operation – outdoor range.* The hours of operation of the outdoor range will be restricted based on the time of year. Typical hours of operation of the outdoor range will be Monday through Friday, between the hours of 7 a.m. and 9 p.m.

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Saturday use will be 8 a.m. to 12:00 p.m. from Memorial Day to Labor Day each year. From Labor Day to Memorial Day, hours may be extended on Saturdays for outdoor shooting on an as-needed basis. Operation on Sundays will only be allowed under exigent circumstances, as determined by the Sheriff, or his designee. The Sheriff's Office will attempt to notify the neighbors of any exceptions to these hours.

(g) *Elkhorn Pistol Club.* Use of the range by the Elkhorn Pistol Club shall be governed by the lease by and between Walworth County and said Club dated July 21, 2005, as may be amended from time-to-time. This ordinance shall govern where the lease is silent.

(h) *Additional terms.* The Sheriff is free to include additional terms in the operational plan, which terms are not inconsistent with this ordinance.

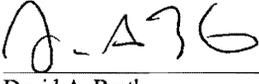
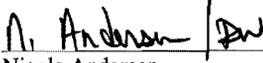
PART II: This Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of May, 2013.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: May 14, 2013

Policy and Fiscal Note is attached.	
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:	
	
5/10/13	5/10/13
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator - Finance
If unsigned, exceptions shall be so noted by the County Administrator.	

Ordinance No. 781 - 05/13
Fiscal Note and Policy Impact Statement

- I. Title:** Creating Section 46-5 of the Walworth County Code of Ordinances Relating to the County-Owned Range
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance is to set forth topics that must be included in the Sheriff's range operations plan. The Sheriff is free to add additional terms not inconsistent with the ordinance.
- III. Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will have certain fiscal impacts on the County. One of the conditions imposed by the County Board as a prerequisite to releasing funds for renovation of the range is adoption of a range plan. Passage of this ordinance will complete that requirement. Provided the other conditions are met, the sum of \$1,250,000 is available for the renovation. The County has operated a range for many years. The cost of operation is subject to the Board's approval in the annual budget process, as are user fees.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

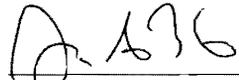
Committee: Public Works

Date: April 22, 3013

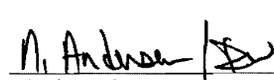
Vote: 5 - 0

County Board Meeting Date: May 14, 2013

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

 5/10/13

Date
David A. Bretl
County Administrator/Corporation Counsel

 5/10/13

Date
Nicole Andersen
Deputy County Administrator - Finance

Policy and Fiscal Note
Resolution No. 23-05/13

- I. Title:** Urging the State Legislature to Re-Examine Section 968.255 of the Wisconsin Statutes Regarding Strip Searches and to Clarify the Language Therein in Consideration of the Recent United States Supreme Court Decision Pertaining to this Matter
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is to urge the State legislature to re-examine Section 968.255 of the Wisconsin Statutes regarding strip searches and to clarify the language therein in consideration of the recent united states supreme court decision pertaining to this matter.
- III. Budget and Fiscal Impact:** Passage of this resolution will have no fiscal impact on the county budget.
- IV. Referred to the following standing committees for consideration and date of referral:**

Committee: Executive Committee

Meeting Date: April 22, 2013

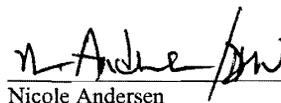
Vote: 5 – 0

County Board Meeting Date: May 14, 2013

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

 5/8/13

David A. Bretl
County Administrator/Corporation Counsel

 5/10/13

Nicole Andersen
Deputy County Administrator – Finance

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