

THE JANUARY 13, 2004 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Pastor Joyce Rich, Bethel United Methodist Church, Elkhorn, gave the invocation.

Roll call was read with all Supervisors present. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Gigante, seconded by Supervisor Grant, the agenda was approved.

Approval of the Minutes

On motion by Supervisor Kuhnke, seconded by Supervisor Ketchpaw, the minutes of the December 9, 2003 County Board meeting were approved.

Comment Period by Members of the Public

Timothy Farness, N8092 Hwy 89, Town of Whitewater, distributed a brochure prepared by the Constitution Party to the Supervisors. The brochure refers to a speech given by Congressman Crockett in the early 1800s regarding appropriation of tax dollars. Mr. Farness shared his thoughts regarding taxes and spending. Mr. Farness said that only the Government is benefiting from our tax system.

The Clerk announced that public comment on the rezones for Goessling, Cliff's View, and the Ice Age Trail would not be allowed. The Clerk said that there were a number of citizens wishing to provide both written and verbal opinions regarding zoning issues, which were on the agenda. Administrator Bretl explained that there are limits on the use of the public comment period on public zoning matters. Bretl said that the law prescribes a very strict process for hearing zoning matters. Public comment is not allowed on pending rezoning requests or conditional use issues as that may equate to an unnoticed public hearing. A public hearing has previously been held by the County Zoning Agency on the zoning matters on the agenda.

Clerk Bushey read the following comments from Wayne Redenius, W8411 Turtle Lake Road, Delavan, WI. The Town of Richmond would request that the County Board encourage the Land Management Department in their review of conditional uses to be on a voluntary basis per the property owner's discretion.

8. A letter from John Zimmerman regarding Guardian Pipeline was referred to the Land Conservation Committee.

9. Two letters from DNR regarding proposed state purchase of land from the Kettle Moraine State Forest were referred to the Land Conservation Committee.

10. A letter from Daniel Kilkenny in opposition to a proposed upgrade of power lines along his property was referred to the Land Conservation Committee.

11. Correspondence sent by Supervisor Joe Guido from Leroy Himebauch, Post 95, American Legion, regarding more space for the Veteran's Office and from Joan Schenk, Visitors' Bureau of Walworth County, requesting consideration for space in the Courthouse was referred to the Public Works Committee.

12. Correspondence from North American Mechanical Inc., was placed on file.

13. Report of County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was mailed with the agenda packet. The items were previously referred to various committees and were placed on file.

14. The following correspondence was received after the agenda mailing and distributed to the Supervisors prior to tonight's meeting:

- The claim of William Appelbaum and Silverstone Ranch vs. Town of LaFayette and Walworth County was referred to the Executive Committee.
- Cover letter from the Public Service Commission of Wisconsin with the application of American Transmission Company, LLC (ATC), for authority to upgrade, install, operate, and maintain certain electric transmission facilities, known as the Delavan-Darien Reliability Project. The application has been placed on file in the County Clerk's office and is available for public review.
- Monroe County Res. No. 1/04/1-Resolution Supporting Municipal Employment Relations Reform in Assembly Bills 598 & 599 was previously referred to the Human Resources Committee and was placed on file.
- Waushara County Res. No. 33-12-03-Resolution Opposing Modifications to Property Tax Payment System was previously referred to the Finance Committee and was placed on file.
- Correspondence from the Town of Whitewater in support of the rezone and conditional use permits for the Ralph & Robin Goessling property, which is on tonight's agenda, was placed on file.
- Correspondence signed by citizens of the Mound Park Acres Subdivision located on the west edge of the City of Whitewater, opposing the rezone of the Goessling Farm for manufacturing use, was placed on file.
- Information from the Wisconsin Travel Information Center of Genoa City regarding the impending closures of the Wisconsin Travel Information Centers and rest areas located in Genoa City and Hudson was placed on file.

Resolution No. 94-01/04 – Authorizing an Intergovernmental Transfer Agreement with the State of Wisconsin and Taxable Revenue Anticipation Borrowing in Amount Not to Exceed \$95,000,000 Pursuant to Section 67.12(1), Wis. Stats. In Connection with Intergovernmental Transfer Program was delivered by courier on January 9, 2004 with Administrator Bretl's Report and Update to the Board. The resolution is agenda item #3 under the Report of the Finance Committee.

15. The following Reports of Zoning Gone into Effect were read and placed on file:

- Marietta Voss, Town of LaGrange
- Land Conservation Committee, Text Amendment to Walworth County Code of Ordinances, Chapter 74, Division 6, Signs, All Sections and Division 13.
- William H. and Mary E. Lehner, Town of Lafayette
- Curt and Lisa Ziegler (Gary Ziegler, App.), Town of Lyons
- Charles D. Pearce, Town of Delavan
- Sylvester and Eileen Cribben (Wisconsin Power and Light Co., App.), Town of Darien

16. Report of Zoning Petitions Referred to the County Zoning Agency:

TO: The County Board of Walworth County

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

- Vaughn and Sylvia Shoemaker, Trustees Shoemaker Main Trust (Geneva Waterfront, Inc., App.), Town of Linn, R-1 to B-3
- Mann Bros., Inc., Town of Sugar Creek, M-3 & A-2 to M-2 & M-1
- Mann Sand & Gravel, LLC, Town of Lafayette, M-3 to M-2
- East Delavan Baptist Church (Steven B. Hollenbeck, Pastor, App.), Town of Delavan, A-1 to P-2
- Cornue Corp., Town of Linn, A-1 to C-2 & C-1

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency

The Clerk read the Report of Proposed Zoning Amendments.

1. Cliff's View, LLC, Town of Richmond, Rezone 31.05 acres of A-3 to C-2 – approved 7-0 (7-17-03 hearing)
2. George L. Kasnick, Town of Sugar Creek, Rezone 1.4 acres of C-4 to R-1 – approved 7-0 (10-16-03 hearing)
3. Waukau Storage Yard, LLP (Paul M. Kolosso, Owner), Town of Lyons, Rezone 1.28 acres of A-1 to P-2 – denied 7-0 (10-16-03 hearing)
4. Larry and Grace Payne (Grace Payne, App.), Town of East Troy, Rezone .21 acres of A-5 to A-4 – approved 7-0 (11-20-03 hearing)
5. Bradley S. and Elaine D. August, Town of Sugar Creek, Rezone 9.6 acres of A-1 to A-5 – approved 7-0 (11-20-03 hearing)

6. Ralph and Robin Goessling, Town of Whitewater, Rezone 9.25 acres of A-1 to M-1 – approved 7-0 (10-16-03 hearing) This item was referred back to the County Zoning Agency from the 11-10-03 County Board meeting.

Supervisor Grant made a motion to concur with the Report of the County Zoning Agency on items #1 through 5, seconded by Supervisor Kuhnke. Supervisor Hilbelink asked that item #1 be voted on separately. The motion carried to concur with the Report of the County Zoning on Items #2, George L. Kasnick, Town of Sugar Creek, approved; #3, Waukau Storage Yard, LLP (Paul M. Kolosso, Owner), Town of Lyons, denied; #4, Larry and Grace Payne (Grace Payne, App.), Town of East Troy, approved; #5, Bradley S. and Elaine D. August, Town of Sugar Creek, approved.

Discussion ensued on item #1, Cliff's View, LLC. Supervisor Hilbelink said that he has had negative feedback from the public on this issue. Supervisor Arnold said that he thinks that the public has misunderstood this rezone. This is giving the public notice that a conditional use allowing that the Ice Age Trail may go through this property at a later time, and he thinks the rezone should be passed. Supervisor Lohrmann asked that Michael Cotter, Director, Land Use & Resource Management, address the Board.

Cotter described the surrounding property and said that it is right on Whitewater Lake close to the Town of Richmond and Town of Whitewater line near Lakeview School. On motion by Supervisor Lothian, seconded by Supervisor Gigante the question was called. Item #1, Cliff's View, LLC, Town of Richmond, was approved by voice vote. Supervisors Hilbelink and Lohrmann requested that their votes be recorded as "No."

Supervisor Grant offered a motion, seconded by Supervisor Guido, to deny item #6, Ralph and Robin Goessling, Town of Whitewater. Discussion ensued. Supervisor Grant asked that Michael Cotter explain the uses of M-1 zoning. Cotter said that M-1 is primarily light industrial. Cotter read the principal uses from the Municipal Code of Ordinances, Chapter 74, Sec. 74-56, M-1 (1) Industrial Districts. Supervisor Grant said that he believes the Goessling property will be annexed to the city eventually. Grant said he also believes that there will be an industrial park in that area. He said that there is a great potential for a residential area and does not believe an industrial park should be in a residential area. Grant said that he presented a petition to each Supervisor containing 58 signatures of people who oppose this zoning.

Supervisor Gigante said this was before us last month, it was sent back and approved again, and he thinks we should concur with the County Zoning Agency recommendation to approve.

Supervisor Burwell said that she is upset because the City of Whitewater did not include the Town of Whitewater when they drew up their master plan, the Town of Whitewater did not insure that they were present when the City drew up that master plan, and she thinks Mr. Goessling should have rezoned his property to reflect his business when he started it in the 1980s. Supervisor Burwell said that she could only support this rezone if it is downsized.

Cotter said that the conditional use is required here for the purpose of the trucking business and can be used only for the trucking business. If the use was going to be changed, they would have to come back again for approval. Supervisor Arnold asked what land uses required a conditional use. Cotter read the list of potential conditional uses in an M-1 district from the Walworth County Code of Ordinances, Chapter 74, Sec. 74-56, M-1 (2) Conditional Uses. Supervisor Kuhnke said that the committee was comfortable with the decision to approve the rezone and the vote was unanimous to approve both times it was addressed. Cotter said a principle use does not have to go to a committee to be used but the conditional use would have to be removed by the committee to use for principle use. On motion by Supervisor Gigante, seconded by Supervisor Lothian, the question was called. A roll call vote was held. Total vote: 25; Ayes: 8 – Burwell, Grant, Guido, Hilbelink, Ketchpaw, Miles, Parker, Shroble; Noes: 17 – Arnold, Felten, Gigante, Kuhnke, Lightfield, Lohrmann, Lothian, Morrison, Palzkill, Peterson, Polyock, Russell, Schaefer, Scharine, Twyning, Wenglowksy, Norem; Absent: 0. The motion to deny item #6 failed.

Supervisor Lothian offered a motion to approve item #6, seconded by Supervisor Morrison. A roll call vote was held to approve item #6. Total vote: 25; Ayes: 17 - Arnold, Felten, Gigante, Kuhnke, Lightfield, Lohrmann, Lothian, Morrison, Palzkill, Peterson, Polyock, Russell, Schaefer, Scharine, Twyning, Wenglowksy, Norem; Noes: 8 – Burwell, Grant, Guido, Hilbelink, Ketchpaw, Miles, Parker, Shroble; Absent – 0. The motion carried to approve item #6, Ralph and Robin Goessling, Town of Whitewater.

REPORT OF COUNTY ZONING AGENCY
TO COUNTY BOARD ON HEARING ON PETITION
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

1. Cliff's View, LLC, Town of Richmond – filed a petition on the 7th day of May, 2003, to amend said zoning maps from A-3 Agricultural Land Holding District to C-2 Upland Resource Conservation District.

Recommendation: Said petition be approved.

2. George L. Kasnick, Town of Sugar Creek – filed a petition on the 27th day of August, 2003, to amend said zoning maps from C-4 Lowland Resource Conservation District (Shoreland) to R-1 Single-Family Residence District (Unsewered).

Recommendation: Said petition be approved.

3. Waukau Storage Yard, LLP (Paul M. Kolosso, Owner), Town of Lyons – filed a petition on the 27th day of August, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to P-2 Institutional Park District.

Recommendation: Said petition be denied based on the applicant's failure to respond to requests for additional information and to get on the next available agenda.

Part of Tax Parcel #N LY2700007B

(Legal description not provided by applicant)

4. Larry and Grace Payne (Grace Payne, App.), Town of East Troy – filed a petition on the 8th day of October, 2003, to amend said zoning maps from A-5 Agricultural-Rural Residential District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District.

Recommendation: Said petition be approved.

5. Bradley S. and Elaine D. August, Town of Sugar Creek – filed a petition on the 29th day of September, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

The area that would exceed the five acres for a farm separation would be difficult to farm if not added to the parcel.

6. Ralph and Robin Goessling, Town of Whitewater – filed a petition on the 3rd day of September, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to M-1 Industrial District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

The rezone is to allow for the relocation of an existing trucking business due to condemnation of lands by the Wisconsin Department of Transportation.

ORDINANCE AMENDING
WALWORTH COUNTY ZONING ORDINANCE

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

1. Cliff's View, LLC, Town of Richmond – filed a petition on the 7th day of May, 2003, to amend said zoning maps from A-3 Agricultural Land Holding District to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #C R 300005

A parcel of land to be rezoned as C-2, located in the Northwest ¼ of Section 3, Town 3 North, Range 15 East, Town of Richmond, Walworth County, Wisconsin, described as follows:

Commencing at the Northwest corner of said Section 3 (T3N, R15E); thence N 88DEG 30MIN 12SEC E, 996.41 feet along the North line of the Northwest ¼ of said Section 3 to the Point of Beginning; thence continue N 88DEG 30MIN 12SEC E, 1650.18 feet; thence S 02DEG 07MIN 32SEC E, 364.05 feet; thence N 62DEG 02MIN 25SEC W, 127.18 feet; thence S 02DEG 09MIN 38SEC E, 288.39 feet to the shore of Whitewater Lake; thence Southwesterly along the shore of said lake 1212 feet to the South line of the North ½ of the Northwest of said Section 3; thence S 87DEG 55MIN 05SEC W, 1937.92 feet to the West line of said Northwest ¼; thence N 02DEG 17MIN 21SEC W, 66.00 feet; thence N 87DEG 55MIN 05SEC E, 1512.02 feet; thence N 01DEG 46MIN 56SEC W, 1056.50 feet; thence 187.37 feet along the arc of a curve to the right having a radius of 75.00 feet and a chord which bears N 29DEG 56MIN 30SEC E, 142.31 feet; thence 32.68 feet along the arc of a curve to the left having a radius of 30.00 feet and a chord which bears N 70DEG 18MIN 27SEC E, 31.09 feet;; thence 194.69 feet along the arc of a curve to the left having a radius of 94.00 feet and a chord which bears N 20DEG 13MIN 58SEC W, 161.71 feet;; thence N 79DEG 34MIN 06SEC W, 105.76 feet; thence 77.58 feet along the arc of a curve to the left having a radius of 267.00 feet and a chord which bears N 87DEG 53MIN 30SEC W, 77.31 feet; thence S 83DEG 47MIN 01SEC W, 241.89 feet; thence 228.02 feet along the arc of a curve to the right having a radius of 150.00 feet and a chord which bears N 52DEG 40MIN 05SEC W, 206.69 feet to the Point of Beginning. Containing 31.05 acres of land more or less.

2. George L. Kasnick, Town of Sugar Creek – filed a petition on the 27th day of August, 2003, to amend said zoning maps from C-4 Lowland Resource Conservation District (Shoreland) to R-1 Single-Family Residence District (Unsewered) on the following described lands:

Part of Tax Parcel #'s G SC 500007A, GNLB3 00293 thru GNLB3 00295, and GNLB3 00342

A proposed rezone of a parcel of land located in the Southeast ¼ of Section 5, T3N,R16E, Walworth County, Wisconsin, described as follows: Commencing at the Northeast corner of Lot 1, Block 1 of North Lake Beach Tract No. 3, thence N88°49'31"E, 33.01 feet to the Place of Beginning; thence N0°08'25"E 112.98 feet; thence N88°51'02"W 288.79 feet; thence S1°43'10"E 31.16 feet;; thence S15°43'43"E 57.92 feet; thence S16°19'15"E 49.56 feet; thence S2°09'25"W 65.20 feet; thence S8°41'11"W 62.07 feet; thence S21°07'50"W 36.39 feet; thence S19°12'22"W 39.60 feet; thence S23°32'14"W 37.30 feet; thence N82°46'30"E 312.70 feet; thence N0°08'25"E 220.00 feet to the Place of Beginning.

Excepting therefrom a parcel of land located in the Southeast ¼ of Section 5, T3N, R16E, being a part of North Lake Beach Tract No. 3 and described as follows: Commencing at the Northeast corner of Lot 1, Block 1 of said North Lake Beach Tract No. 3, thence S28°02'35"W 67.71 feet to the Place of Beginning; thence S1°28'03"E 32.09 feet; thence S4°30'58"W 54.99 feet; thence S5°22'29"W 31.93 feet; thence S36°31'31"W 37.39 feet; thence S57°38'05"W 16.94 feet; thence N33°00'09"W 25.83 feet; thence N23°38'40"W 37.15 feet; thence N2°05'06"W 40.63 feet; thence N64°41'54"E 27.74 feet; thence N66°35'26"E 20.06 feet; thence S19°23'52"E 17.05 feet; thence N17°57'38"E 12.58 feet; thence N56°20'31"E 24.59 feet to the Place of Beginning.

3. Larry and Grace Payne (Grace Payne, App.), Town of East Troy – filed a petition on the 8th day of October, 2003, to amend said zoning maps from A-5 Agricultural-Rural Residential District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District on the following described lands:

Part of Tax Parcel #PA 76600001

Commencing at the NE corner of Parcel "A" Walworth County Certified Survey Map 766 thence N63°19'22" W along the North line of said Certified Survey 118.21 feet; thence S36°06'33" W 139.22 feet to the Point of Beginning; thence continue S36°06'33" W 230.00 feet; thence N53°53'27" W 40.00 feet; thence N36°06'33" W 230.00 feet; thence S53°53'27" W 40.00 feet to the Point of Beginning, said tract contains 9,200 sq. ft.

4. Bradley S. and Elaine D. August, Town of Sugar Creek – filed a petition on the 29th day of September, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District on the following described lands:

Part of Tax Parcel #G SC 900010

Located in the Northeast ¼ of the Southwest ¼ of Section 9, Town 3 North, Range 16 East, Walworth County, Wisconsin, described as follows:

Commencing at the West ¼ corner of said Section 9, T3N, R16E); thence S 89DEG 58MIN 27SEC E, 1644.66 feet along the North line of the Southwest ¼ to the Point of Beginning; thence continue S 89DEG 58MIN 27SEC E, 601.95 feet; thence S 00DEG 30MIN 41SEC W, 694.56 feet; thence N 89DEG 58MIN 27SEC W, 601.95 feet; thence N 00DEG 30MIN 41SEC E, 694.56 feet to the Point of Beginning. Containing 418,077 square feet of land (9.60 acres) more or less.

5. Ralph and Robin Goessling, Town of Whitewater – filed a petition on the 3rd day of September, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to M-1 Industrial District on the following described lands:

Part of Tax Parcel #'s D W 700004 and D W 700004B

A parcel of land located in the Northeast, Northwest, and Southeast quarters of the Northwest Quarter of Section 7, Township 4 North, Range 15 East, Town of Whitewater, Walworth County, Wisconsin, more fully described as follows:

Commencing at the north quarter corner of said Section 7; thence South 00 degrees 52 minutes 17 seconds West along the East line of the Northwest Quarter of Section 7, 1609.46 feet to the Southwesterly right-of-way line of U.S. Highway 12 and a point of curvature; thence 173.97 feet Northwesterly along said right-of-way line and the arc of a curve to the right, through a central angle of 03 degrees 13 minutes 56 seconds, a radius of 3083.99 feet, and a chord bearing North 55 degrees 02 minutes 27 seconds West, 173.95 feet; ;thence North 54 degrees 53 minutes 07 seconds West along said right-of-way line, 637.85 feet to the point of beginning; thence South 35 degrees 06 minutes 53 seconds West, 500.00 feet; thence South 89 degrees 40 minutes 44 seconds West, 376.84 feet; thence North 00 degrees 19 minutes 16 seconds West, 76.17 feet to a point of curvature; thence 356.51 feet Northwesterly along the arc of a curve to the left, through a central angle of 61 degrees 20 minutes 29 seconds, a radius of 333.00 feet, and a chord bearing North 30 degrees 59 minutes 30 seconds West, 339.73 feet; thence North 61 degrees 39 minutes 45 seconds West, 50.91 feet; thence North 38 degrees 15 minutes 25 seconds East, 478.40 feet to said Southwesterly right-of-way line of U.S. Highway 12; thence South 54 degrees 26 minutes 47 seconds East along said right-of-way line, 107.63 feet; ;thence North 89 degrees 23 minutes 52 seconds East along said right-of-way line, 66.80 feet; thence South 54 degrees 53 minutes 07 seconds East along said right-of-way line, 523.79 feet to the point of beginning subject to any easements and/or agreements, recorded or unrecorded. This description contains 402,889 square feet or 9.2491 acres.

The rezone is to allow for the relocation of an existing trucking business due to condemnation of lands by the Wisconsin Department of Transportation.

ATTEST this 13th day of January, 2004.
William M. Norem
County Board Chairman

ATTEST this 13th day of January, 2004.
Kimberly S. Bushey
County Clerk

Executive Committee

1. Ordinance No. 250-01/04 – Amending Chapter 2 of the Walworth County Code of Ordinances Relative to County Board Oversight of Economic Development and Creation of an Economic Development Advisory Committee (Recommended by the Executive Committee 7-0.)
2. Ordinance No. 251-01/04 – Amending Chapter 2 of the Walworth County Code of Ordinances Regarding County Board Committee Procedures (Recommended by the Executive Committee 7-0.)

Supervisor Gigante offered a motion, seconded by Supervisor Morrison, to approve Ordinance No. 250-01/04 and Ordinance No. 251-01/04. Ordinance No. 250-01/04 was approved by voice vote. Supervisor Grant offered a motion, seconded by Supervisor Lohrmann, to amend Ordinance No. 251-01/04 by adding on line 24, (c) Committee minutes are to be transcribed as soon as practical, and forwarded to the County Clerk to be in the County Board information packet. Committee meeting minutes not approved by the committee shall be designated as a draft copy. The amendment was approved by voice vote. Ordinance No. 251-01/04 was approved as amended by voice vote.

ORDINANCE NO. 250 – 01/04
AMENDING CHAPTER 2 OF THE WALWORTH COUNTY
CODE OF ORDINANCES RELATIVE TO COUNTY BOARD OVERSIGHT
OF ECONOMIC DEVELOPMENT AND CREATION OF
AN ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Section 2-131 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are shown by underline):

Sec. 2-131. Executive committee.

- (a) Purpose. In addition to any other duties specified in this Code, the executive committee shall have the following duties:
 - (1) Assign members of the county board, as may be required, to meet with the seven county Southeastern District of the Wisconsin Counties

Association and nominate, subject to county board approval, the county board's representative to the Southeast Wisconsin Regional Planning Commission.

- (2) Advise the county board regarding all resolutions and ordinances pertaining to:
 - a. Public safety;
 - b. County board organization and rules of procedure.
- (3) Review recommendations of the standing committees to remove supervisors from committees, boards or commissions for three (3) consecutive unexcused absences. If cause is found as pursuant to section 2-46(d), removal will be at the discretion of the county board.
- (4) With administrative assistance of the county administrator:
 - a. Interview and nominate candidates to fill vacated supervisory seats, subject to approval by the county board.
 - b. Nominate replacements when committee vacancies occur, subsequent to the biennial organizational meeting, subject to confirmation by the county board.
- (5) At least annually, review the performance of the county administrator.
- (6) Conduct the hiring process to fill any vacancy in the position of county administrator and nominate a candidate for appointment to the position, subject to approval by the county board.
- (7) When feasible advise the county board chair in making interim decisions on behalf of the county board in declared emergency administrative and management matters which decisions shall remain in effect only until the next convened county board session at which time the interim action shall be subject to review and affirmed or rescinded by majority vote of the county board members present at that session.
- (8) Provide policy oversight of county economic development activities. For purposes of carrying out this paragraph, there is hereby created an economic development advisory committee, which committee shall advise the executive committee with respect to establishment of economic development policy. Members of the economic development advisory committee shall be subject to confirmation by the county board and shall serve without per diem or reimbursement, and shall consist of the following:

- a. One representative from each city, village and town in the county;
- b. One representative from a business located in the county;
- c. One representative from an institution of higher education located in the county;
- d. One representative from a public utility that serves the county, with an interest in economic development issues.

- (b) Membership. The executive committee shall consist of seven (7) supervisors, including the chairperson.

PART II: That Section 2-143 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions are shown by strike-through):

“Sec. 2-143. Land conservation committee.

- (a) Purpose. The land conservation committee shall have the following duties:
 - (1) Exercise those duties set forth in Wis. Stats. § 92.07, subject to ordinances and procedures established by the county board.
 - (2) Serve as a policy-making body, determining broad outlines and principles concerning ~~economic development, and~~ parks and recreation issues.
 - (3) Make recommendations to the county board concerning land use planning issues.
- (b) Relationship with county zoning agency.
 - (1) Nothing herein shall be deemed to abrogate the role of the county zoning agency with respect to the performance of its duties pursuant to state law.
 - (2) Review of planning recommendations of the county zoning agency by the land conservation committee shall consist only of a report to the county board, and no amendments to plans, resolutions or ordinances proposed by the county zoning agency shall be made by the land conservation committee.
 - (3) In no event shall petitions to amend zoning district boundaries be reviewed by the land conservation committee.
- (c) Parks advisory committee. Subject to approval by the county board, the land conservation committee may establish a parks advisory committee to assist it in the development of policy concerning parks and recreation issues. Appointment of all members of said advisory committee shall be subject to confirmation by the county board.

- (d) Membership. The land conservation committee shall consist of five supervisors, the chairperson or designee of the USDA Farm Service Agency, formerly known as the agricultural stabilization and conservation service committee and one citizen member."

Part III: Effective date of this ordinance shall be upon passage and publication.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: January 13, 2004

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

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

David A. Bretl
County Administrator/
Corporation Counsel

1/5/04
Date

N. Andersen
Finance Director

1/5/04
Date

Policy and Fiscal Note
ORDINANCE NO. 250 – 01/04

- I. Title: Amending Chapter 2 of the Walworth County Code of Ordinances Relative to County Board Oversight of Economic Development and Creation of an Economic Development Advisory Committee.
- II. Purpose and Policy Impact Statement: This ordinance amendment transfers oversight of county economic development activities from the land conservation to the executive committee and provides for the creation of an economic development advisory committee, which shall advise the executive committee regarding the establishment of economic development policy for the county and which shall serve without per diem or reimbursement.
- III. Budget and Fiscal Impact: There is no fiscal impact as a result of passage of this ordinance amendment. Funding already exists in the 2004 county budget for the economic development program.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive

Meeting Date: December 18, 2003

Vote: 7 – 0

County Board Meeting Date: January 13, 2004

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

David A. Bretl	1/5/04	N. Andersen	1/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

ORDINANCE NO. 251 – 01/04

AMENDING CHAPTER 2 OF THE WALWORTH COUNTY CODE OF ORDINANCES
REGARDING COUNTY BOARD COMMITTEE PROCEDURES
AS AMENDED

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

PART I: That Section 2-144 of the Walworth County Code of Ordinances is hereby created to read as follows:

“Sec. 2-144 Committee Procedures.

(a) Unless specific needs of a committee dictate a different format, the format of the agenda to be followed by standing committees of the county board shall be as follows:

1. Call to order
2. Roll call
3. Withdrawal from agenda
4. Approval of agenda
5. Approval of minutes of last meeting(s)
6. Public comment period
7. Unfinished business
8. New business
9. Report(s)
10. Set future meeting date and time
11. Adjournment

(b) Meetings of the standing committees shall normally be held at 100 W. Walworth St., Elkhorn, unless anticipated public attendance dictates use of a different facility.

(c) Committee minutes are to be transcribed as soon as practical, and forwarded to the County Clerk to be in the County Board information packet. Committee meeting minutes not approved by the committee shall be designated as a draft copy.”

PART II: BE IT ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 13th day of January, 2004.

1. Ordinance No. 249-01/04 – Amending Chapter 1 Section 1-2 and Recreating Chapter 30, Article VI of the Walworth County Code of Ordinances Relating to the Creation of a Capitalization Policy
2. Resolution No. 91-01/04 – Asking Governor James Doyle and the State Legislature to Examine and Study the Entire Taxing, Fees and Revenue-Raising Activities of the State and Local Governments
3. Resolution No. 94-01/04 – Authorizing an Intergovernmental Transfer Agreement with the State of Wisconsin and Taxable Revenue Anticipation Borrowing in Amount Not to Exceed \$95,000,000 Pursuant to Section 67.12(1), Wis. Stats. In Connection with Intergovernmental Transfer Program

Supervisor Gigante asked that items #1, #2, and #3 under the report of the Finance Committee be treated separately. On motion by Supervisor Lohrmann, seconded by Supervisor Lothian, Ordinance No. 249-01/04 was approved by voice vote.

ORDINANCE NO. 249-01/04

AMENDING CHAPTER 1 SECTION 1-2 AND RECREATING CHAPTER 30, ARTICLE VI OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO THE CREATION OF A CAPITALIZATION POLICY

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Chapter 1 Section 1-2 of the Walworth County Code of Ordinances is hereby amended so as to create the following definitions:

“Sec. 1-2. Definitions and Rules of Construction.

General Capital Asset – Land, improvements to land, easements, buildings, building improvements, vehicles, machinery, equipment, works of art and historical treasures and all other tangible and intangible assets that are used in operations and that have initial useful lives extending beyond a single reporting period (1 year).

Infrastructure – Long-lived capital assets that normally are stationary in nature and can be preserved for a significantly greater number of years than most general capital assets. Examples include roads, bridges, tunnels, drainage systems, water and sewer systems, dams and lighting systems. Infrastructure will be reported using three major networks consisting of roads, bridges and culverts.

Capitalization Threshold – The dollar value elected to capitalize tangible and intangible assets.

Personal property – All movable assets owned by the county which are not real property, money, investments or public documents.

Real property – All land and structures of a permanent nature owned by the county.

Surplus property – All property, determined pursuant to paragraph (d), to no longer be useful to the county.”

Part II: That Article VI, of Chapter 30 of the Walworth County Code of Ordinances is hereby repealed and recreated to read as follows:

“Sec. 30-256. Capitalization Threshold.

General capital assets having a value over \$2,000 shall be capitalized.

Infrastructure having a value over \$200,000 shall be capitalized with the exception of mill and overlay on roads which will be expensed.

Sec. 30-257. Salvage value.

The capital assets for all departments shall have a salvage value of \$0.00 except Highway Department equipment, of which 15% of the value will be salvage value.

Sec. 30-258. Depreciation method.

- (a) The straight-line depreciation method shall be used on all capital assets commencing with the date of acquisition and concluding with the date of disposition.
- (b) The date of acquisition of each asset shall be the year and month in which the asset is received, unless otherwise required by state or federal rule or regulation.
- (c) The date of disposition of each asset shall be the month and year it is sold or disposed of by the county.
- (d) The state highway cost manual will be used to determine appropriate accounting method with regard to highway division assets.

Sec. 30-259. Useful life.

The useful life of any capital asset shall be determined to be that as established for such asset by Government Finance Officers Association guidelines. The highway division shall follow the state department of transportation uniform account system.

Useful life of the three Infrastructure Networks will be as follows:

Roads: AC – Asphalt Concrete – 30 years
PPC – PC Concrete – 40 years

Bridges: Concrete – 40 years

Culverts: 30 years

Sec. 30-260. Tagging; updating list.

Each department shall tag or otherwise permanently mark all capital assets in its department, and prepare a list of such assets and submit a copy of said list to the Finance department. On a monthly basis, each department shall update such list to reflect any additions or deletions to said list. Each department shall also perform an annual physical inventory of all capital assets and file a copy of said inventory with the Finance department.

Sec. 30-261. Designation of capital asset officer; capital asset disposition.

Each department shall designate a person as the capital asset officer who shall have the responsibility of ensuring compliance with this article. Identification tags shall be removed prior to disposition of any asset, which disposition shall be in accordance with the Code. The disposition will be reported to the capital asset officer along with the date of disposition, the reason for disposal, and the sale price (if applicable)."

Sec. 30-262. Surplus Property

- (a) The purpose of this section is to:
 - (1) Provide for the timely disposition of surplus property;
 - (2) Maximize the county's return on its investment in surplus property consistent with the cost of disposing of the property;
 - (3) Ensure public confidence in process used to dispose of surplus property.
- (b) This article shall not apply to the following:
 - (1) Unclaimed funds and personal property for which different procedures are specified by Wis. Stats. § 59.66.
 - (2) Real property obtained by the county through in Rem tax procedures.
 - (3) Property, the disposition of which is governed by state or federal requirements.
 - (4) Donated property required to be held by the county for a special purpose.
- (c) Property shall be declared surplus as follows:
 - (1) In the case of all real property and personal property, the estimated value of which is \$20,000.00 or greater, by resolution of the county board.
 - (2) In the case of personal property, the estimated value of which is less than \$20,000.00 but more than \$500.00, by the finance committee.

- (3) In the case of personal property, the estimated value of which is \$500.00 or less, by appropriate county staff in accordance with procedures developed pursuant to paragraph (j).
 - (4) The county administrator shall ensure that all departments are made aware of property intended to be declared surplus in the event such department has use for the property.
- (d) Unless otherwise specified by resolution of the county board or finance committee, surplus property shall be disposed of in the manner most advantageous to the county in one of the following manners, consistent with procedures developed pursuant to paragraph (j).
- (1) Competitive bid;
 - (2) Public auction;
 - (3) Trade-in, in consideration for the acquisition of similar property where bid documents specified such treatment; or
 - (4) Public sale.
- (e) Notwithstanding (e), if it is determined by the county administrator that the estimated cost of disposing of surplus property exceeds the value which could be reasonably obtained pursuant to (e)(1), (2) or (3), said property may be disposed of as refuse in the manner most advantageous to the county.
- (f) Surplus property may be donated to another government agency or nonprofit organization upon a finding by the appropriate authority specified in paragraph (d) that such donation will serve a public purpose. Notwithstanding subparagraph (d)(3), donations of personal property, the estimated value of which is \$500.00 or less, shall require action of the finance committee.
- (g) No surplus property may be acquired by any county employee or official.
- (h) Proceeds received from the disposal of surplus property shall be deposited with the county treasurer and recorded in the appropriate account as determined by the finance director.
- (i) The county administrator is authorized to develop procedures to carry out the intent of this section.
- (j) The disposition of surplus property will be reported to the county clerk who will execute any documents which may be required, provided such action has been conducted in accordance with this section. The county clerk shall notify the finance director of all property declared surplus.”

BE IT ORDAINED by the Walworth County Board of Supervisors that all previous ordinances and resolutions pertaining to Chapter 30, Article VI are hereby superceded.

BE IT FURTHER ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 13th day of January 2003. 2004

William M. Norem	1/22/04	Kimberly S. Bushey	
County Board Chairman	Date	County Clerk	Date

County Board Meeting Date: January 13, 2003-2004

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	12/20/03	N. Andersen	12/23/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Ordinance No. 249-01/04
Fiscal Note and Policy Impact Statement

- I. Title Ordinance No. 249-01/04 Amending Chapter 1 Section 1-2 and Recreating Chapter 30, Article VI of the Walworth County Code of Ordinances Relating to The Creation of a Capitalization Policy.
- II. Purpose and Policy Impact Statement:
 - Pursuant to the Government Accounting Standards Board (GASB), the term "Capital Assets" replaces the term "Fixed Assets" as a general term to encompass all assets that are being capitalized.
 - Pursuant to GASB, Statement 34, for reporting periods after June 15, 2003, all government entities are required to record infrastructure assets on their government-wide financial statements.
 - A threshold of \$2,000 for general capital assets, and \$200,000 for infrastructure has been deemed a reasonable value in which to record and depreciate assets.

III. Budget and Fiscal Impact:

- Passage of this ordinance will have no budgetary impact. Currently all capital assets are recorded and budgeted for each year.
- If this ordinance is adopted, annual financial statements showing assets much higher than before, which will result in offsetting debt and giving a truer picture of the financial health of the County.

IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Finance Committee Date: December 18, 2003

Vote: 6 - 0

County Board Meeting Date: January 13, 2004

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

David A. Bretl	12/20/03	N. Andersen	12/23/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

On motion by Supervisor Lohrmann, seconded by Supervisor Gigante, Resolution No. 91-01/04 was approved by voice vote.

Resolution No. 91-01/04

Asking Governor James Doyle and the State Legislature to Examine and Study the Entire Taxing, Fees and Revenue-Raising Activities of the State and Local Governments

Moved/Sponsored by: Finance Committee

WHEREAS, there is a need to create a tax system which would help the state and local governments address their budget problems; and,

WHEREAS, there is a need to reform the state's taxation system to become more competitive with other states and to make Wisconsin fiscally healthier; and,

WHEREAS, taxation reform can be a component of the "Grow Wisconsin" initiative, an action agenda to get Wisconsin's economy moving again, producing the kind of good-paying jobs that permit people to support their families, buy a home and enjoy the great life Wisconsin has to offer.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that Walworth County requests Governor James Doyle and the State Legislature to

examine the current and all alternative methods of providing funding for state and local governments by examining such things as:

1. The proper mix between personal income tax, corporate income tax, sales tax, property tax and all other taxes to provide funding for government operation.
2. The proper role that fees for services should play in paying for the cost of government operations.
3. The proper funding mechanism for state-mandated services.
4. The overall tax burden imposed by the state and local government on families and businesses and whether the current tax climate in Wisconsin is hurting our ability to attract and retain family-supporting jobs.

BE IT FURTHER RESOLVED by the Walworth County Board of Supervisors that the County Clerk is hereby directed to send a copy of this resolution to Governor James Doyle, the Walworth County state legislative delegation, and the Wisconsin Counties Association.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: January 13, 2004

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

1/5/04
Date

N. Andersen
Finance Director

1/5/04
Date

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

Policy and Fiscal Note
Resolution No. 91-01/04

- I. Title: Asking Governor James Doyle and the State Legislature to Examine and Study the Entire Taxing, Fees and Revenue-Raising Activities of the State and Local Governments
- II. Purpose and Policy Impact Statement: This is an advisory resolution. The possible long-term impact will be improvements to taxation, fees, and revenue-raising systems in the state.

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

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

Committee: Finance Meeting Date: December 18, 2003

Vote: 6 - 0

County Board Meeting Date: January 13, 2004

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

David A. Bretl	1/5/04	N. Andersen	1/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Supervisor Lothian offered a motion, seconded by Supervisor Schaefer, to approve Resolution No. 94-01/04. The Clerk announced that the Finance Committee met prior to the Board meeting and approved the resolution 7-0. Supervisor Gigante asked that Nicki Andersen explain the Intergovernmental Transfer Program resolution. Andersen explained that this is the same kind of a transfer as in the past. Bond costs will be paid by the state. \$1,325,000 in IGT revenue is based on this transfer and Walworth County will receive an additional \$100,000 annually for our participation. A roll call vote was held. Total vote: 25; Ayes: 25 – Arnold, Burwell, Felten, Gigante, Grant, Guido, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Twyning, Wenglowsky, Norem; Noes: 0; Absent: 0. Resolution No. 94-01/04 was approved.

Resolution No. 94-01/04

Authorizing an Intergovernmental Transfer Agreement with the State of Wisconsin and Taxable Revenue Anticipation Borrowing in Amount Not to Exceed \$95,000,000 Pursuant to Section 67.12(1), Wis. Stats. In Connection With Intergovernmental Transfer Program

Moved/Sponsored by: Finance Committee

WHEREAS, Walworth County, Wisconsin (the "County") owns and operates a nursing/long-term care "facility" for the provision of healthcare-related services as defined in Section 49.45(6m), Wisconsin Statutes; and,

WHEREAS, pursuant to Section 49.45, Wisconsin Statutes, and Title XIX of the Social Security Act ("Medicaid"), the County receives reimbursement of part of the costs associated with the County's operation of its facility; and,

WHEREAS, the State Department of Health and Family Services is authorized at this time to make increased payments to nursing facilities for State Fiscal Year 2004 under applicable provisions of Wisconsin's Medicaid State Plan, including sections 1.304, 1.400, 4.100 and 4.500 of the Methods of Implementation for Wisconsin Medicaid Nursing Home Payment Rates for the Period July 1, 2003 through June 30, 2004; and,

WHEREAS, the total amount the State of Wisconsin can claim as reimbursement from the federal Centers for Medicare and Medicaid Services ("CMS") is limited by a calculation known as the Medicare Upper Limit; and,

WHEREAS, the State of Wisconsin has calculated that the State has an additional \$95,000,000 within its Medicare Upper Limit for State Fiscal Year 2004; and,

WHEREAS, under applicable federal law, Wisconsin can participate in an Intergovernmental Transfer Program ("IGT Program") whereby participating counties, as determined by certain criteria, would transfer a sum or sums of money in one (1) or more transactions to the State of Wisconsin; and the State of Wisconsin would, within the same calendar day, transfer such sum directly back to the participating county as a Medicaid payment to the nursing facility as outlined in the applicable provisions of the Methods of Implementation for Wisconsin Medicaid Nursing Home Payment Rates and seek federal financial participation in such payments from CMS under Title XIX of the Social Security Act and CMS regulations, thus maximizing the amount of federal reimbursement available to the State within the Medicare Upper Limit for State Fiscal Year 2004; and,

WHEREAS, the Secretary of the State of Wisconsin Department of Health and Family Services has directed that Medicaid payments for certain county-operated nursing facilities be increased to a level not to exceed the Medicare Upper Limit, contingent upon the occurrence of an "intergovernmental transfer" between certain counties that operate those facilities and the Department; and,

WHEREAS, the County desires to participate in the IGT Program with the State of Wisconsin and deems it to be in the County's best interest to enter into an Intergovernmental Transfer Agreement (the "IGT Agreement") with the State as provided herein and to participate in the IGT Program in order to enhance the County facility's reimbursement under Title XIX of the Social Security Act for State Fiscal Year 2004; and,

WHEREAS, under the IGT Agreement, the County will be entitled to receive in the current fiscal year certain payments from the State of Wisconsin (the "IGT Payments") attributable to State Fiscal Year 2004; and,

WHEREAS, the County has not yet received those payments and is temporarily in need of funds in an amount not to exceed \$95,000,000 for the purpose of paying the cost of general and current municipal expenses, consisting of making the payments it is required to make pursuant to the IGT Agreement; and,

WHEREAS, counties are authorized by the provisions of Section 67.12(1), Wisconsin Statutes, to borrow money and issue municipal obligations in anticipation of receiving federal and state aids, taxes levied and other deferred payments; and,

WHEREAS, this County Board of Supervisors (the "Governing Body") deems it necessary and in the best interest of the County that money be borrowed and municipal obligations be issued pursuant to the provisions of Section 67.12(1), Wisconsin Statutes; and,

WHEREAS, in accordance with Section 67.12(1), Wisconsin Statutes, the municipal obligations issued hereunder will not be in an amount exceeding sixty percent (60%) of the County's total actual and anticipated receipts for the current fiscal year and will be repaid no later than eighteen (18) months after the first day of the current fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors

1. Authorization of IGT Agreement. For the purpose of participating in the IGT Program in order to maximize the County's potential reimbursement under Title XIX of the Social Security Act and CMS regulations, the County shall enter into the IGT Agreement with the State of Wisconsin Department of Administration and the State of Wisconsin Department of Health and Family Services, which agreement shall be in substantially the form attached hereto as Exhibit A. The Chairperson and the County Clerk are hereby authorized, by and on behalf of the County, to execute the IGT Agreement.

2. Authorization of the Notes. In anticipation of receiving the IGT Payments and for the purpose of paying the cost of general and current municipal expenses, consisting of payments to be made by the County under the IGT Agreement, there shall be borrowed, pursuant to Section 67.12(1), Wisconsin Statutes, the principal sum of not to exceed \$95,000,000 from U.S. Bank, National Association, Milwaukee, Wisconsin (the "Purchaser").

3. Terms of the Note. To evidence such borrowing, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue, sell and deliver to the Purchaser for and on behalf of the County, the County's Taxable Revenue Anticipation Notes (the "Notes") in an aggregate principal amount of not to exceed \$95,000,000. The Notes shall be designated "Taxable Revenue Anticipation Notes"; shall be dated their date of issuance; shall mature on April 1, 2004 and shall bear interest at the rate set forth below:

a. in the event the Note is repaid before the close of the banking day on the date of the issuance of the Note, no interest shall be payable thereon. For purposes of this provision, the term "banking day" shall mean that period from 8:30 a.m. to 4:00 p.m. on any single day on which the Purchaser is open to conduct its banking business in the State of Wisconsin; and

b. in the event the Note is not repaid before the close of the banking day on the date of the issuance of the Note, interest thereon, payable at maturity, shall accrue from the date thereof at the following rate per annum (computed on the basis of a year of 360 days and twelve 30-day months):

i. if the Note is repaid within thirty (30) days or less from the date of issuance, the rate shall be the Purchaser's prime lending rate minus 2.50%;

ii. if the Note is repaid during the period starting thirty-one (31) days after the issuance of the Note until the maturity date of the Note, the rate shall be the Purchaser's prime lending rate minus 0.50%.

4. Redemption Provisions. The Notes shall be subject to call and prior payment at the option of the County in whole or from time to time in part by lot at any time at the price of par plus accrued interest to the date of redemption.

5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B incorporated herein by reference.

6. Irrevocable Pledge; Segregated Fund. The County is entitled to IGT Payments in the current fiscal year which are not yet paid or otherwise encumbered, sufficient to pay the principal and interest on the Notes when due. The County hereby irrevocably pledges such IGT Payments as security for the repayment of the Notes. So long as the Notes, or interest thereon, remain unpaid, the aforesaid pledge shall be and continues irrevocable. The County shall segregate in a special fund IGT Payments and, to the extent necessary, other available revenues received for operation and maintenance of the County sufficient to pay the principal of and interest on the Notes as the same becomes due. Said special fund shall be used for the sole purpose of paying the principal of and interest on the Notes. The Notes do not constitute an indebtedness for the purpose of determining the County's constitutional debt limitation. Rather, the Notes are payable only from the otherwise unencumbered IGT Payments which the County is entitled to receive and anticipates receiving during the current fiscal year and other available revenues, as set forth above.

The officers of the County are authorized to execute and deliver to the Purchaser such security documents and agreements as are necessary to evidence the pledge set forth above.

7. Execution of the Notes. The Notes shall be executed on behalf of the County by the Chairperson and County Clerk, or others authorized by law to sign on their behalf, sealed with the official or corporate seal, if any, and delivered to the Purchaser upon payment to the County of the purchase price of the principal amount thereof, plus any accrued interest to the date of delivery. A facsimile signature of either of the officers may be imprinted on the Notes in lieu of the manual signature of such

officer, but unless the County has contracted with a fiscal agent under Section 67.10(2) of the Wisconsin Statutes, at least one of the signatures shall be manual. In the event that any of the officers whose signatures appear on a Note shall cease to be such officers before the delivery of the Note, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery.

8. Payment of the Notes; Transfer of the Notes. The Notes shall be payable in lawful money of the United States of America by the County Treasurer. The transfer of a Note may be effected only by surrender of the old Note and either the reissuance by the County of the old Note to the new holder or the issuance by the County of a new Note to the new holder or through a book entry system maintained by the County or its agent. The County hereby appoints the Purchaser identified in Paragraph 2 above, or the Purchaser's designee, as its agent (the "Agent") for the purpose of maintaining a book entry system. The Agent is hereby directed to maintain a record of ownership that identifies all of the owners of interests in the Notes.

9. Resolution a Contract; Non-Impairment of Contract. This Resolution constitutes a contract with the holders of the Notes made, in part, for the purpose of securing, and inducing investors to buy the Notes. The County will take no action with respect to such contract which would contravene provisions of the United States Constitution and Constitution of the State of Wisconsin prohibiting the passage of laws impairing the obligations of contracts. In addition, the holder or holders of the Notes shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce his or their rights against the County, the governing body thereof, and any and all officers thereof.

10. Closing. The appropriate officers and agents of the County are hereby directed and authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the execution and delivery of the IGT Agreement and the execution, issuance and delivery of the Notes.

11. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Governing Body or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: January 13, 2004

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	1/7/04	N. Andersen	1/7/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 94-01/04

- I. Title: Authorizing an Intergovernmental Transfer agreement with the State of Wisconsin and Taxable Revenue Anticipation Borrowing in the Amount Not to Exceed \$95,000,000 Pursuant to Section 67.12(1), Wis. Stats. In Connection with Intergovernmental Transfer Program
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize Walworth County's participation, on behalf of Lakeland Health Care Center (LHCC), in an Intergovernmental Transfer Agreement (IGT) with the State of Wisconsin and to Authorize the issuance of Taxable Revenue Anticipation Notes not to exceed \$95,000,000.
- III. Budget and Fiscal Impact:

Revenues that will be received through the Intergovernmental Transfer Program as reimbursement to cover Lakeland Health Care Center's Medicaid operating deficit based on financial reports are budgeted in the amount of \$1,325,000 for 2004.

The transfer of \$95,000,000 will allow the State to seek federal financial match funds to provide Medicaid funding to Lakeland Health Care Center and the other nursing homes in Wisconsin. It is in the County's best interest to enter into an Intergovernmental Transfer Agreement with the State due to the importance of IGT to the operating budget and due to the increased IGT revenues this generates directly back to Walworth County.

As a transfer county, Walworth County will be entitled to receive an additional sum of \$100,000 annually. Other participating counties include Rock and Sheboygan counties. The remaining funds are divided by the total certified beds for rate setting of facilities operated by counties and other local units of government.

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

Committee: Finance

Meeting Date: January 13, 2004

Vote: To be reviewed by Finance Committee prior to County Board meeting.

County Board Meeting Date: January 13, 2004

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

David A. Bretl
County Administrator/
Corporation Counsel

1/7/04
Date

N. Andersen
Finance Director

1/7/04
Date

EXHIBIT A

(Form of Intergovernmental Transfer Agreement

INTERGOVERNMENTAL TRANSFER AGREEMENT

by and among

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION,

STATE OF WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES

and

WALWORTH COUNTY, WISCONSIN

Dated as of January 1, 2004

TABLE OF CONTENTS

I.	DEFINITIONS	11
II.	REPRESENTATIONS AND WARRANTIES	12
	2.1. Representations of DOA and DHFS	12
	2.2. Representations of the Signatory County.....	12
III.	ONGOING OBLIGATIONS OF THE PARTIES SUBSEQUENT TO SATISFACTION OF THE CONDITIONS PRECEDENT UNDER PART IV OF THIS AGREEMENT	13
	3.1. Cooperation	13
	3.2. Percentage Shares of Intergovernmental Transfer	13
	3.3. Payment Claim Adjustments or Offsets.....	13
	3.4. Agreement Regarding Allocation of Funds.....	13
	3.5. Agreement Regarding New Intergovernmental Transfer Funds.....	14
	3.6. Agreement Regarding Current GPR Funding	14
IV.	CONDITIONS PRECEDENT.....	14
	4.1. Conditions Precedent.....	14
V.	OBLIGATIONS OF THE PARTIES ARISING UPON SATISFACTION OF THE CONDITIONS PRECEDENT UNDER PART IV OF THIS AGREEMENT	15
	5.1. Intergovernmental Transfer.....	15
	5.2. Recoupment or Offset.....	16
	5.3. Subject to Appropriation.....	16
VI.	RIGHTS OF SPECIFIC PERFORMANCE	16
	6.1. Specific Performance Rights	16
VII.	TERMINATION	16
	7.1. State's Right to Terminate.....	16
	7.2. Effect and Termination	16
VIII.	MISCELLANEOUS PROVISIONS.....	17
	8.1. Counterparts	17
	8.2. Survival of Obligations	17
	8.3. Integration	17
	8.4. Persons to Whom Notice Shall be Given	18
	8.5. Limited Liability	19
	8.6. Headings.....	19
	8.7. Waiver.....	19
	8.8. Supersedes Prior Agreement.....	19
	8.9. Wisconsin Law	19

8.10.	Amendments.....	19
8.11.	Assignment.....	19
8.12.	No Third Party Beneficiaries	19
8.13.	Term.....	19

EXHIBIT A - Methods of Implementation for Wisconsin Medicaid Nursing Home Payment Rates

EXHIBIT B - Signatory Counties

EXHIBIT C - FY 2004 Intergovernmental Transfer

EXHIBIT D - FY 2004 Supplemental Payment

EXHIBIT E - State Instruction Letter

EXHIBIT F - Signatory County Instruction Letter

INTERGOVERNMENTAL TRANSFER AGREEMENT

This Agreement dated as of the 1st day of January, 2004, by and among the State of Wisconsin Department of Administration ("DOA"), State of Wisconsin Department of Health and Family Services ("DHFS") and Walworth County, Wisconsin (the "County" or "Signatory County"), a municipal corporation of the State of Wisconsin (the "State").

WHEREAS, the County owns and operates a nursing/long-term care "facility" for the provision of healthcare-related services as defined in Section 49.45(6m), Wisconsin Statutes ("County Nursing Facilities"); and

WHEREAS, pursuant to Section 49.45, Wisconsin Statutes, and Title XIX of the Social Security Act ("Medicaid"), the County receives reimbursement of part of the costs associated with the County's operation of its facility; and

WHEREAS, DHFS is authorized at this time to make increased payments to nursing facilities for FY 2004 under applicable provisions of Wisconsin's Medicaid State Plan, including sections 1.304, 1.400, 4.100 and 4.500 of the Methods of Implementation for Wisconsin Medicaid Nursing Home Payment Rates for the Period July 1, 2003 through June 30, 2004; and

WHEREAS, the total amount the State of Wisconsin can claim as reimbursement from the federal Centers for Medicare and Medicaid Services ("CMS") is limited by a calculation known as the Medicare Upper Limit; and

WHEREAS, the State of Wisconsin has calculated that the State has an additional \$95,000,000 within its Medicare Upper Limit for FY 2004; and

WHEREAS, under applicable federal law, Wisconsin can participate in an Intergovernmental Transfer Program ("IGT Program") whereby participating counties, as determined by certain criteria, would transfer a sum or sums of money in one (1) or more transactions to the State of Wisconsin; and the State of Wisconsin would, within the same calendar day, transfer such sum directly back to the participating county as a

Medicaid payment to the nursing facility as outlined in applicable provisions of the Methods of Implementation for Wisconsin Medicaid Nursing Home Payment Rates ("Methods") and seek federal financial participation in such payments from CMS under Title XIX of the Social Security Act and CMS regulations, thus maximizing the amount of federal reimbursement available to the State within the Medicare Upper Limit for FY 2004; and

WHEREAS, the Secretary of DHFS has directed that Medicaid payments for certain county-operated nursing facilities be increased to a level not to exceed the Medicare Upper Limit, contingent upon the occurrence of an "intergovernmental transfer" between certain counties that operate those facilities and DHFS; and

WHEREAS, the County desires to participate in the IGT Program with the State of Wisconsin and deems it to be in the County's best interest to enter into an Intergovernmental Transfer Agreement (the "IGT Agreement") with the State as provided herein and to participate in the IGT Program in order to enhance the County facility's reimbursement under Title XIX of the Social Security Act for FY 2004; and

WHEREAS, the Parties are entering into this Agreement in order to provide additional Medicaid payments to qualifying County Nursing Facilities providers that participate in the Medicaid program.

NOW, THEREFORE, in consideration of the covenants and agreements herein set forth, the Parties, intending to be legally bound, agree as follows:

I. DEFINITIONS

For purposes of this Agreement, all capitalized terms used herein shall have the following meanings, unless otherwise explicitly stated herein to the contrary.

"Agreement" means this Intergovernmental Transfer Agreement, as it may be amended and supplemented from time to time.

"Bank" means U.S. Bank, National Association, a national banking association selected by the Signatory County to purchase the note of the Signatory County, as contemplated by this Agreement, and perform the other functions of the Bank hereunder.

"Closing Date" means the date on which the transaction set forth in paragraph 5.1. of this Agreement shall occur.

"CMS" means the federal Centers for Medicare and Medicaid Services.

"County" means Walworth County, Wisconsin.

"County Nursing Facilities" means nursing homes licensed under Chapter 50 of the Wisconsin Statutes and operated by a county which are currently certified to participate in the Medicaid program.

"FFP" means the federal financial participation (i.e., payments to the State made pursuant to 42 U.S.C. Section 1396b).

"FY 2004" means the State fiscal year beginning July 1, 2003 and ending June 30, 2004.

"FY 2005" means the State fiscal year beginning July 1, 2004 and ending June 30, 2005.

"Intergovernmental Transfer" means the transfer of money to the State Account from the general funds of, or proceeds from the sale of notes by, Signatory Counties as contemplated by this Agreement.

"Medicaid" means the Wisconsin Medical Assistance Program under Section 49.45 of the Wisconsin Statutes.

"Methods of Implementation for Wisconsin Medicaid Nursing Home Payment Rates" or "Methods" means those provisions of the State Medicaid Plan, designated as Attachment 4.19D, governing Medicaid payments to nursing homes, as attached hereto as Exhibit "A".

"Party" means DOA, DHFS or the County. Collectively, all are referred to as Parties.

"Signatory County" means any county that operates a County Nursing Facility and that has signed an Intergovernmental Transfer Agreement. For purposes of this Agreement, the Signatory County is Walworth County.

"Signatory County Account" means the account maintained by the Signatory County at the Bank for the purpose of making the Signatory County's Intergovernmental Transfer and receiving the Signatory County's Supplemental Payment.

"State" means the State of Wisconsin.

"State Account" means an account designated by DOA established and maintained at the Bank for the purpose of receiving the Intergovernmental Transfer and making the Supplemental Payments.

"Supplemental Payments" means the Medical Assistance payments to be made by DHFS to the Signatory County for FY 2004, as described in paragraph 5.1 of this Agreement and, with respect to the County, as set forth in Exhibit "E" hereto. For the Signatory County, the amount of the Supplemental Payment shall be equal to the sum of (a) the amount of the Intergovernmental Transfer made by the Signatory County

pursuant to this Agreement and (b) the amount of the Bank's fees and program implementation costs incurred by the Signatory County in accordance with this Agreement.

II. REPRESENTATIONS AND WARRANTIES

2.1. Representations of DOA and DHFS

DOA and DHFS hereby represent and warrant as follows:

(a) The Secretary of DOA and the Secretary of DHFS are duly authorized under the Constitution and laws of the State to execute and deliver this Agreement, and DOA and DHFS have taken or are taking all actions required on their part for the execution and delivery of this Agreement and the performance of their obligations hereunder;

(b) Upon its execution by DOA and DHFS, this Agreement shall be a valid and binding obligation of DOA and DHFS, enforceable in accordance with its terms;

(c) To the best knowledge of DOA and DHFS at the time of execution, the execution and delivery of this Agreement and the performance by the State of its obligations hereunder do not conflict with any applicable law, rule or regulation and will not constitute a breach of or default under any agreement, instrument or undertaking to which the State is a party or by which it is bound; and

(d) No litigation or administrative action of any nature is now pending seeking to restrain or enjoin the execution and delivery of this Agreement by the Secretary of DOA and the Secretary of DHFS or the performance by the State of its obligations hereunder, or in any manner questioning the proceedings or authority under which the same have been effected or the validity or enforceability of this Agreement; and the State has not repealed, revoked or rescinded any authority or proceeding for the transactions on the part of the State contemplated by this Agreement.

2.2. Representations of the Signatory County

The Signatory County hereby represents and warrants as follows:

(a) The Signatory County has duly authorized the execution and delivery of this Agreement, and has taken all actions required on its part for the performance of its obligations hereunder;

(b) Upon its execution by duly authorized officers of the Signatory County, this Agreement shall be a valid and binding obligation of the Signatory County, enforceable in accordance with its terms;

(c) To the best knowledge of the Signatory County at the time of execution, the execution, delivery and performance of this Agreement by the Signatory County do not conflict with any applicable law, rule or regulation and will not constitute a breach of or default under any agreement, instrument or undertaking to which the Signatory County is a party or by which it is bound; and

(d) No litigation or administrative action of any nature is now pending seeking to restrain or enjoin the execution and delivery of this Agreement by the Signatory County or the performance by the Signatory County of its obligations hereunder, or in any manner questioning the proceedings or authority under which the same have been effected or the validity or enforceability of this Agreement; and the Signatory County has not repealed, revoked or rescinded any authority or proceeding for the transactions on the part of the Signatory County contemplated by this Agreement.

III. ONGOING OBLIGATIONS OF THE PARTIES SUBSEQUENT TO SATISFACTION OF THE CONDITIONS PRECEDENT UNDER PART IV OF THIS AGREEMENT

3.1. Cooperation. The State and Signatory County shall use their best efforts to supply to each other such reasonable assistance as may be needed to support the Intergovernmental Transfer under the terms of this Agreement.

3.2. Percentage Shares of Intergovernmental Transfer. Parties to this Agreement contemplate that the Signatory County listed on Exhibit "B" to this Agreement shall, in accordance with the terms of an Intergovernmental Transfer Agreement (substantially in the form of this Agreement), transfer to the State the amount of funds designated for such Signatory County as its percentage share of the Intergovernmental Transfer for FY 2004, as set forth in Exhibit "C".

3.3. Payment Claim Adjustments or Offsets. The State shall not reduce the amount of the Supplemental Payment due to the Signatory County in order to recover any amount alleged to have been overpaid to the Signatory County in connection with appropriations, bills or regulations of the State, provided, however, in no event shall the amount of the Supplemental Payment to the Signatory County be less than an aggregate amount equal to (i) the amount of the Signatory County's Intergovernmental Transfer and (ii) an amount equal to the County's percentage share of the Bank's fees and the program implementation costs to be paid by the State, as set forth in Exhibit "D".

3.4. Agreement Regarding Allocation of Funds. The Parties agree that the \$37.1 million intergovernmental transfer county allocation will be distributed to cover certain operating deficits of certain facilities operated by counties and other local units of government, in the priority order set forth below. All intergovernmental transfer payments to counties under this Agreement represent increased Medicaid payments

allocable to FY 2004, though the payments may actually be received by the counties during FY 2004 or FY 2005. For payments received during those years the priority of distribution shall be as follows:

(a) Transfer agreement participation payment. Each county or municipality that participates in the transfer will receive \$100,000 annually, distributed to a nursing home owned or operated by the county or municipality, as a payment for participating in the transfer. For purposes of this Section 3.4(a), each of Walworth County, Rock County and Sheboygan County shall be treated as participating in the transfer to occur under this Agreement.

(b) The remaining funds are divided by the total certified beds for rate setting of facilities operated by counties and other local units of government. An equal payment per bed shall be awarded to each such facility. However, awards will be limited to the Medicaid deficit of the facility.

3.5 Agreement Regarding New Intergovernmental Transfer Funds. The Parties agree to devote all new intergovernmental transfer funds to the Medicaid Program and agree that the vast majority of intergovernmental transfer funds will be used to address nursing home funding needs.

3.6 Agreement Regarding Current GPR Funding. The Parties agree that the intergovernmental transfer funds received by the State will not be utilized to reduce or replace current GPR (General Purpose Revenue) funding (as adjusted in the Medicaid base reestimate) for the nursing home payment system.

IV. CONDITIONS PRECEDENT

4.1. Conditions Precedent. Part V of this Agreement shall become effective, unless otherwise noted below, upon the occurrence of all of the following:

(a) Intergovernmental Transfer Agreements have been signed by all the Signatory Counties and are effective;

(b) The DOA has established the State Account and the Signatory County has established the Signatory County Account;

(c) The DOA and DHFS have submitted to the Signatory County and the Bank: (i) an opinion of counsel in a form satisfactory to the Signatory County and the Bank, to the effect that, with respect to the Intergovernmental Transfer, the Secretary of DOA and the Secretary of DHFS have full authority to execute this Agreement on behalf of the State, that all provisions of this Agreement are legally binding and enforceable against the State, and that the execution, delivery and performance by DOA and DHFS of their obligations hereunder do not conflict with any law, rule, regulation or judicial ruling binding upon it; and (ii) a certificate of the

Secretary of DOA and the Secretary of the DHFS, to the effect that each of the representations set forth in paragraph 2.1 hereof remains true and correct in all respects as of the Closing Date;

(d) The Signatory County has submitted to DOA and DHFS and the Bank: (i) an opinion of counsel in a form satisfactory to DOA and DHFS and the Bank, to the effect that such Signatory County has full authority to execute this Agreement, that all provisions of this Agreement are legally binding and enforceable against such Signatory County and that the execution, delivery and performance by such Signatory County of its obligations hereunder do not conflict with any law, rule, regulation or judicial ruling binding upon it; and (ii) a certificate of the Signatory County to the effect that each of the representations set forth in paragraph 2.2 hereof remains true and correct in all respects as of the Closing Date;

(e) The DOA and DHFS and the Signatory County shall otherwise be in compliance with the provisions hereof, as applicable, and DOA and DHFS shall not have given a notice of intent to terminate under paragraph 7.1; and

(f) The Signatory County has available adequate monies to meet its respective funding obligations hereunder as of the Closing Date whether through the Bank or otherwise.

V. OBLIGATIONS OF THE PARTIES ARISING UPON SATISFACTION OF THE CONDITIONS PRECEDENT UNDER PART IV OF THIS AGREEMENT

5.1. Intergovernmental Transfer.

(1) The DOA and the Bank shall set the Closing Date and shall determine prior to the Closing Date whether all circumstances and documents are in order to permit the transaction to proceed.

(2) On the Closing Date, the following shall occur in the following order:

(a) The Secretary of DOA and the Secretary of DHFS shall deliver a State Instruction Letter to the Bank, substantially in the form attached hereto as Exhibit "E" ("State Instruction Letter(s)"), with respect to the Signatory County. The DOA and DHFS covenant and agree, which covenant and agreement shall run in favor of the Bank, that neither shall revoke, recall or otherwise alter or modify any wire transfer or other transfer of funds effected by the Bank pursuant to any of the State Instruction Letters, or give other instructions with respect to the State Account or the contents therein.

(b) The DOA or DHFS shall deposit into the State Account available funds equal to the total amount of the Bank's fees and program implementation costs incurred by the Signatory Counties which are to be paid by the State.

(c) The Bank shall confirm to the DOA and the Signatory County that the amount referenced in Section 5.1.(2)(b) has been deposited in the State Account and that the State Instruction Letters have been received.

(d) The Signatory County will fund its Signatory County Account with general tax revenues or proceeds from the sale of notes to the Bank, in amounts equal to its Intergovernmental Transfer, as set forth on Exhibit "C".

(e) The Signatory County shall deliver its Signatory County Instruction Letter to the Bank substantially in the form attached hereto as Exhibit "F" ("Signatory County Instruction Letter(s)") and pursuant to such Signatory County Instruction Letter, the Bank shall transfer to the State Account from the Signatory County Account the Intergovernmental Transfer set forth in such letter.

(f) The Bank shall confirm to the Signatory County and the DOA that the aforesaid deposits have been made into the State Account.

(g) Pursuant to the State Instruction Letter, the Bank shall pay to the Signatory County its Supplemental Payment by withdrawing such amount from the State Account and depositing the same in the Signatory County Account.

(h) Upon deposit of the Supplemental Payment in the Signatory County Account, pursuant to the Signatory County Instruction Letter the Bank shall withdraw and apply the amounts stated in such letter to payment of that Signatory County's obligations to the Bank under its note, its pro rata share of the Bank's fees, and its program implementation costs. If the Signatory County funded its Signatory County Account with moneys other than proceeds from the sale of notes to the Bank, the Signatory County may withdraw the balance in its Signatory County Account after payment of its pro rata share of the Bank's fees and program implementation costs.

(i) Except as provided in paragraph 5.1.(2)(h), the County covenants and agrees, which covenant and agreement shall run in favor of the Bank, that it shall not revoke, recall or otherwise alter or modify any wire transfer or other transfer of funds effected by the Bank pursuant to the Signatory County Instruction Letter, and that no other instructions may be given with respect to its Signatory County Account or the contents therein.

5.2. Recoupment or Offset. No monies paid to the Signatory County under or resulting from this Agreement shall be recouped or offset in any way by DOA or DHFS. This provision will survive termination or expiration of this Agreement.

5.3. Subject to Appropriation. It is expressly understood and agreed by the Parties hereto that any obligation by DOA or DHFS under this Agreement shall be subject to and dependent upon appropriations being made from time to time by the State Legislature for the purposes set forth herein. The obligation of DOA or DHFS to pay the amounts provided for herein shall not constitute a debt or liability of the State

within the meaning of any constitutional or statutory provision or a pledge of the faith and credit of the State and shall be deemed executory only to the extent of moneys appropriated, and no liability shall be incurred by the State, DOA or DHFS beyond the moneys then appropriated.

VI. RIGHTS OF SPECIFIC PERFORMANCE

6.1. Specific Performance Rights. Notwithstanding the availability of remedies at law, all Parties hereto shall have the right to seek specific performance of the obligations under this Agreement.

VII. TERMINATION

7.1. State's Right to Terminate. The DOA or DHFS shall have the right to terminate this Agreement for any reason upon one (1) business day's prior notice to the Parties and the Bank, and payment of the Signatory County's reasonable expenses incurred in connection herewith up to \$30,000 provided, however, the DOA or DHFS shall not be obligated to pay fees and expenses of the Signatory County in the event that the Signatory County failed to make its percentage share of the Intergovernmental Transfer as required hereunder.

7.2. Effect and Termination. The Parties agree that:

(a) This Agreement was effective and the Parties had rights and obligations under this Agreement from the date of its execution until the date of its termination;

(b) Upon termination, each of them shall be in the same position and shall have the same rights prospectively as that Party had prior to the execution of this Agreement;

(c) No Party should be prejudiced by any delay between (i) the earlier of the date it seeks specific performance and the date the DOA or DHFS gives notice of termination and (ii) the date of any decision by any court that the Agreement has been terminated;

(d) The DOA or DHFS should not be prejudiced by the performance of its obligations under this Agreement or by actions reasonably taken in reliance on the expectation that this Agreement had not been terminated during the period between (i) the date it gives any notice of termination or the date any Party seeks specific performance, and (ii) the date of any decision by any court that the Agreement has been terminated; and

(e) Any Intergovernmental Transfer made by the Signatory County shall, under all circumstances, either be returned to the Signatory County or be matched by an equal amount from Supplemental Payments made by the State either

before or after the Intergovernmental Transfer.

(f) Notwithstanding anything to the contrary set forth in this Agreement, upon receiving the deposit required under paragraph 5.1.(2)(b) hereof, the Bank shall thereafter be entitled to rely completely on the corresponding State Instruction Letter and Signatory County Instruction Letter with respect to all matters pertaining to the State Account and the Signatory County Account.

VIII. MISCELLANEOUS PROVISIONS

8.1. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any Party whose signature appears thereon, and all of which shall together constitute one and the same instrument. This Agreement shall become effective and binding when one or more counterparts hereof, individually or taken together, shall bear the signature of the Parties.

8.2. Survival of Obligations. All obligations of the Parties shall survive until termination of the Agreement in accordance with Part VII, unless otherwise provided.

8.3. Integration. There are no oral promises, terms, conditions or obligations other than those expressly contained herein; this Agreement shall supersede all previous oral communications, representations or agreements.

8.4. Persons to Whom Notice Shall be Given. Notices to the Parties and the Bank shall be addressed as follows:

(a) Notices concerning the State shall be sent to:

Peggy Handrich
Associate Administrator
Division of Health Care Financing
1 West Wilson Street
P.O. Box 309
Madison, Wisconsin 53707-0309

Susan Reinardy
Administrator, Division of Management
and Department of Health and
Family Technology Services
P.O. Box 7850
Madison, Wisconsin 53707-7850

Frank Hoadley
Capital Finance Director
Wisconsin Department of Administration
101 East Wilson Street
10th Floor
Madison, WI 53707-7864

with a copy to:

Neil Gebhart
Office of Legal Counsel
Department of Health and Family Services
P.O. Box 7850
Madison, WI 53707-7850

(b) Notices concerning the Bank shall be sent to:

Jim Spredemann
Vice President
U.S. Bank, National Association
777 East Wisconsin Avenue
Milwaukee, WI 53202

(c) Notices concerning the County shall be sent to:

William M. Norem
County Board Chairman
Walworth County Courthouse
P.O. Box 1001
Elkhorn, WI 53121

with a copy to:

David A. Bretl
Corporation Counsel and County Administrator
Walworth County Courthouse
P.O. Box 1001
Elkhorn, WI 53121

Each recipient of notice, above, shall notify his or her counterparts by first class mail and at the earliest possible date of any substitutions of persons or change in address, telephone or facsimile transmission number.

8.5. Limited Liability. It is the intention of this Agreement that no Party shall be liable for any obligations of any other Party.

8.6. Headings. The headings in this Agreement are solely for convenience and shall have no effect in the legal interpretation of any provision hereof.

8.7. Waiver. The failure of a Party hereto to insist upon strict performance of this Agreement or of any of the terms or conditions hereof shall not be construed as a waiver of any of its rights hereunder.

8.8. Supersedes Prior Agreement. This Agreement supersedes and repeals any prior agreement, contracts, and understandings written or oral, by or among the parties hereto with respect to the subject matter contained herein.

8.9. Wisconsin Law. This Agreement shall be construed according to, be subject to and be governed by the laws of the State of Wisconsin.

8.10. Amendments. This Agreement may not be amended without the written approval of all Parties.

8.11. Assignment. No Party may assign its interest in this Agreement without the prior written approval of all Parties.

8.12. No Third Party Beneficiaries. This Agreement is not intended under any circumstances to be for the benefit of any third party, or to create in favor of any third party any interest in this Agreement, provided that it is intended that the Bank shall be a third party beneficiary of this Agreement for the purpose of enforcing the obligation of the State acting through the DOA to pay the Supplemental Payment to the County pursuant to paragraph 5.1.(2)(g) of this Agreement. To that extent, this Agreement shall benefit the Bank, its successors and assigns.

8.13. Term. This Agreement shall terminate on April 1, 2004, unless terminated sooner pursuant to the provisions of Part VII.

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be executed in its name and in its behalf by its proper officials and officers, as of the day and year first above written.

WALWORTH COUNTY, WISCONSIN

(SEAL)

By: William M. Norem, Chairperson

Attest: Kimberly S. Bushey,
County Clerk

WISCONSIN DEPARTMENT OF
ADMINISTRATION

By: _____
Marc J. Marotta, Secretary

WISCONSIN DEPARTMENT OF HEALTH
AND FAMILY SERVICES

By: _____
Helene Nelson, Secretary

EXHIBIT "A"

Methods of Implementation for Wisconsin
Medicaid Nursing Home Payment Rates

(Guidelines are on file in the Walworth County Clerk's Office)

EXHIBIT "B"

Signatory County

Walworth County

EXHIBIT "C"

Intergovernmental Transfer

Signatory County:	Percentage Share:	Amount:
Walworth	100.000%	\$95,000,000
TOTAL	100.000%	\$95,000,000

EXHIBIT "D"

Supplemental Payment - Walworth County

Percentage Share of Intergovernmental Transfer:	\$95,000,000
Percentage Share of Bank Fees:	20,596
Program Implementation Costs:	30,000
Supplemental Payment Amount:	\$95,050,596

EXHIBIT "E"

State Instruction Letter

January 21, 2004

U.S. Bank, National Association
777 East Wisconsin Avenue
Milwaukee, WI 53202

Ladies and Gentlemen:

Pursuant to and in consideration of the execution of the Intergovernmental Transfer Agreement dated as of January 1, 2004, by and among the Department of Administration, the Department of Health and Family Services and Walworth County (the "Signatory County"), upon receipt of a deposit of immediately available funds (by wire transfer or interbank transfer or any combination thereof) in the amount of \$95,000,000 by the Signatory County into our State Account No. 4346842729 maintained with you, you are hereby irrevocably and unconditionally instructed instantaneously to transfer immediately available funds from said State Account to the Signatory County Account maintained with you in the amount set forth in Schedule A attached hereto and made a part hereof.

Very truly yours,

Secretary, Department of
Administration

Secretary, Department of Health
and Family Services

Acknowledged and accepted
this 21st day of January,
2004.

U.S. BANK, NATIONAL ASSOCIATION

By: _____

Title: _____

Schedule A to State Instruction Letter

Name and Account No.	Amount of Transfer/Deposit
Walworth County, Account No. 4346842711	\$95,050,596

EXHIBIT "F"

Signatory County Instruction Letter

Date: January 21, 2004

U.S. Bank, National Association
777 East Wisconsin Avenue
Milwaukee, WI 53202

Ladies and Gentlemen:

Pursuant to and in consideration of the execution of the Intergovernmental Transfer Agreement dated as of January 1, 2004 (the "IGT Agreement") by and among the Wisconsin Department of Administration, the Wisconsin Department of Health and Family Services and Walworth County, Wisconsin (the "County"), and in connection with the Bank's purchase of the County's Taxable Revenue Anticipation Note dated January 21, 2004 in the aggregate principal amount of \$95,000,000 (the "Note"), you are hereby instructed as follows:

1. Upon the deposit of immediately available funds in the amount of \$95,000,000 into our Signatory County Account No. 4346842711 maintained with you, representing the purchase price of the Note, you are hereby irrevocably and unconditionally authorized to debit said Signatory County Account and transfer said amount, representing the County's Percentage Share of the Intergovernmental Transfer under the IGT Agreement, to the State of Wisconsin Account No. 4346842729 (the "State Account") maintained with you.

2. Upon receipt of a transfer or transfers of immediately available funds in the aggregate amount of \$95,050,596 from the State Account into our Signatory County Account No. 4346842711 maintained with you, you are hereby irrevocably and unconditionally authorized to debit said Signatory County Account and transfer immediately available funds in the amounts and to the persons set forth on Schedule I attached hereto and made a part hereof.

Very truly yours,

WALWORTH COUNTY, WISCONSIN

By: William M. Norem

Name: William M. Norem

Title: County Board Chairman

Acknowledged and accepted
this 21st day of January,
2004.

U.S. BANK, NATIONAL ASSOCIATION

By: _____

Title: _____

Schedule I to Walworth County Instruction Letter

Payment of Funds on Closing Date
from Signatory County Account No. 4346842711

Payee/Instructions	Amount	Reason for Payment
U.S. Bank, National Association	\$95,000,000.00	Principal due on Note
U.S. Bank, National Association Transfer to following consultants (per County instructions):	\$ 20,596.00	Percentage Share of Bank's Fees
Public Financial Management, Inc.	\$ 5,000.00	Program implementation costs (financial advisory and legal fees and expenses)
Quarles & Brady LLP	25,000.00	

TAXABLE REVENUE ANTICIPATION NOTE

No. 1

Dated January 21, 2004

KNOW ALL MEN BY THESE PRESENTS that Walworth County, Wisconsin (the "County") hereby acknowledges itself to owe and promises to pay, solely from the sources pledged below, in lawful money of the United States of America to U.S. Bank, National Association, or registered assigns (the "Bank"), on April 1, 2004, the sum of Ninety-Five Million Dollars (\$95,000,000) together with interest thereon and at a rate set forth below:

a. in the event this Note is repaid before the close of the banking day on the date hereof, no interest shall be payable thereon. For purposes of this provision, the term "banking day" shall mean that period from 8:30 a.m. to

4:00 p.m. on any single day on which the Bank is open to conduct its banking business in the State of Wisconsin; and

b. in the event this Note is not repaid before the close of the banking day on the date hereof, interest thereon, payable at maturity, shall accrue from the date hereof at the following rate per annum (computed on the basis of a year of 360 days and twelve 30-day months):

i. if the Note is repaid within thirty (30) days or less from the date of issuance, the rate shall be the Bank's prime lending rate minus 2.50%;

ii. if the Note is repaid during the period starting thirty-one (31) days after the issuance of the Note until the maturity date of the Note, the rate shall be the Bank's prime lending rate minus 0.50%.

This Note shall be subject to call and prior payment at the option of the County in whole or from time to time in part by lot at any time at the price of par plus accrued interest to the date of redemption.

This Note is issued pursuant to Section 67.12(1) of the Wisconsin Statutes in anticipation of receiving payments to which the County is entitled under an Intergovernmental Transfer Agreement between the County and the State of Wisconsin dated as of January 1, 2004 (the "IGT Agreement"), and for the purpose of paying the cost of general and current municipal expenses, consisting of payments to be made by the County under the IGT Agreement, as authorized by a resolution of the Governing Body of the County duly adopted at a lawful open meeting held on January 13, 2004. Said resolution is recorded in the official minutes of said Governing Body for said date.

THIS NOTE IS PAYABLE ONLY FROM PAYMENTS MADE UNDER THE IGT AGREEMENT WHICH THE COUNTY IS ENTITLED TO RECEIVE AND ANTICIPATES RECEIVING IN THE CURRENT FISCAL YEAR (THE "IGT PAYMENTS"), AND, TO THE EXTENT NECESSARY, OTHER AVAILABLE REVENUES RECEIVED FOR OPERATION AND MAINTENANCE OF THE COUNTY. THIS NOTE DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION OR PROVISION. BOTH THE PRINCIPAL OF AND INTEREST ON THIS NOTE ARE PAYABLE IN LAWFUL MONEY OF THE UNITED STATES AT THE OFFICE OF THE COUNTY TREASURER, COURTHOUSE SQUARE, ELKHORN, WISCONSIN.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; and that the County has irrevocably pledged the IGT Payments to pay this Note, together with interest thereon, when and as payable.

IN WITNESS WHEREOF, the County, by its Governing Body, has caused this Note to be executed by its duly qualified Chairperson and County Clerk and to be sealed with its official or corporate seal, if any, as of the day and year first above written.

WALWORTH COUNTY, WISCONSIN

By: William M. Norem
Chairperson

(SEAL)

And: Kimberly S. Bushey
County Clerk

Land Conservation Committee

1. Resolution No. 90-01/04 – Opposing Assembly Bill 655 Commonly Known as the “Job Creation Act.” Supervisor Burwell said that the Assembly is discussing and voting on this matter tonight. On motion by Supervisor Burwell, seconded by Supervisor Scharine, Resolution No. 90-01/04 was tabled indefinitely.

Resolution No. 90-01/04

TABLED

Opposing Assembly Bill 655 commonly known as the “Job Creation Act”

WHEREAS, recently the Wisconsin Legislature hastily introduced Assembly Bill 655 and Senate Bill 313, known as the Job Creation Act, without even a customary period of public review and comment; and

WHEREAS, the Job Creation Act amends Chapter 30 of the Wisconsin Statutes to provide, among other things, the elimination of many Wisconsin Department of Natural Resources (WDNR) permits now required which protect our lakes, streams, wetlands, and other natural resources by regulating disturbances to their beds and banks; and

WHEREAS, a regional briefing paper recently issued by the University of Wisconsin supports previous findings by many sources when it states, “The environment and natural resources are keys to a successful future in all regions of Wisconsin”; and

WHEREAS, water and land quality are all important for the economy, jobs, families, communities, and health in Wisconsin whether used for industry, recreation, or consumption; and

WHEREAS, Wisconsin's natural resources must be safeguarded and to unwisely compromise their protection would ultimately cost jobs; and

WHEREAS, the permitting process is nevertheless in need of some streamlining; and

WHEREAS, cooperation between the WDNR and local governmental agencies should be encouraged; and

WHEREAS, on December 5, 2003 the Wisconsin Land and Water Conservation Association passed a similar resolution encouraging the Wisconsin Legislators to vote against the "Job Creation Act" as introduced.

NOW, THEREFORE BE IT RESOLVED by the Walworth County Board of Supervisors that the Walworth County Board encourages the Wisconsin Legislators to vote against the "Job Creation Act" as introduced.

BE IT FURTHER RESOLVED by the Walworth County Board of Supervisors that a broad coalition of groups be a part of a thorough and thoughtful legislative process which creates an atmosphere of trust between all levels of government and the private sector in effectively amending the permitting requirements of Chapter 30 of the Wisconsin Statutes to better serve the needs of the residents of the State of Wisconsin.

BE IT FURTHER RESOLVED by the Walworth County Board of Supervisors that the County Clerk is directed to send a copy of this resolution to Governor Doyle, the Walworth County legislative delegation and the Wisconsin Counties Association.

William M. Norem
Walworth County Board Chairman

Kimberly S. Bushey
Walworth County Clerk

County Board Meeting Date: January 13, 2004

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

1/5/04
Date

N. Andersen
Finance Director

1/5/04
Date

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

Policy and Fiscal Note
Resolution No. 90-01/04

- I. Title: Opposing Assembly Bill 655 commonly known as the "Job Creation Act"
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to oppose Assembly Bill 655 commonly known as the "Job Creation Act." The "Job Creation Act" eliminates many permits now required by the Wisconsin Department of Natural Resources. These permits help to protect our lakes, streams, wetlands, and other natural resources.
- 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: Land Conservation Meeting Date: December 15, 2003

Vote: 7-0

County Board Meeting Date: January 13, 2004

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

David A. Bretl	1/5/04	N. Andersen	1/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Public Works Committee

- 1. Resolution No. 92-01/04 – Supporting the Installation of 40 m.p.h. Speed Limit Signs at the Intersection of STH120 and STH11
- 2. Resolution No. 93-01/04 – Supporting the Installation of Permanent Traffic Signal at U.S.H. 12 and CTH "ES"

On motion by Supervisor Polyock, seconded by Supervisor Lightfield, Resolution No. 92-01/04 and Resolution No. 93-01/04 were approved by voice vote.

Resolution No. 92-01/04
Supporting the Installation of 40 m.p.h. Speed Limit Signs
at the Intersection of STH 120 and STH 11

Moved/Sponsored by: Public Works Committee

WHEREAS, the Walworth County Public Works Committee has determined that the intersection of STH 120 and STH 11 presents a peril to public safety; and,

WHEREAS, representatives of the Public Works Committee have requested that Department of Transportation officials to impose a lower speed limit to alleviate said hazard; and,

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors, in the interest of public safety, hereby petitions the Department of Transportation to install 40 m.p.h. speed zone signs on STH 11 heading west (located after the speed limit reduction sign) pursuant to Department of Transportation sign regulations, approaching the intersection of STH 120 and STH 11 (heading in a westerly direction on STH 11 on the north side of the roadway).

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: January 13, 2004

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

1/5/04
Date

N. Andersen
Finance Director

1/5/04
Date

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

Policy and Fiscal Note
Resolution No. 92-01/04

- I. Title: Supporting the Installation of 40 m.p.h. Speed Limit Signs at the Intersection of STH 120 and STH 11
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to enhance public safety and reduce the potential of fatalities at the intersection of STH 120 and STH 11.
- III. Budget and Fiscal Impact: Passage of this resolution will not impact the Walworth County budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Public Works

Meeting Date: December 16, 2003

Vote: 8 - 0

County Board Meeting Date: January 13, 2004

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

David A. Bretl	1/5/04	N. Andersen	1/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 93-01/04
Supporting the Installation of Permanent Traffic Signal at
U.S.H. 12 and CTH "ES"

Moved/Sponsored by: Public Works Committee

WHEREAS, the Walworth County Public Works Committee has determined that the intersection of U.S. Highway 12 and County Trunk "ES" presents a peril to public safety; and,

WHEREAS, representatives of the Public Works Committee have requested that Department of Transportation officials to place appropriate signage to alleviate said hazard; and,

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors hereby petitions the Department of Transportation to install four-way stop signs with flashing lights at the above referenced intersection until such time as the State can install permanent traffic signals in the interest of public safety.

William M. Norem	Kimberly S. Bushey
County Board Chairman	County Clerk

County Board Meeting Date: January 13, 2004

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	1/5/04	N. Andersen	1/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 93-01/04

- I. Title: Supporting the Installation of Permanent Traffic Signal at U.S.H. 12 and CTH "ES"
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to enhance public safety and reduce the potential of fatalities at the intersection of U.S.H. 12 and CTH "ES".
- III. Budget and Fiscal Impact: Passage of this resolution will have no fiscal impact on the Walworth County budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Public Works Meeting Date: December 16, 2003

Vote: 8 - 0

County Board Meeting Date: January 13, 2004

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

David A. Bretl 1/5/04
County Administrator/ Date
Corporation Counsel

N. Andersen 1/5/04
Finance Director Date

Reports of Special Committees

There were no special reports.

Chairman's Report

On motion by Supervisor Gigante, seconded by Supervisor Lohrmann, the meeting of the Walworth County Board adjourned at 7:12 p.m.

The next regularly scheduled meeting of the Walworth County Board will be held on Tuesday, February 10, 2004, at 6:00 p.m.

Kimberly S. Bushey
County Clerk

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the January 13, 2004 meeting.

THE FEBRUARY 10, 2004 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Pastor Jerry Dean, Brick Church of Walworth, Walworth, WI, gave the invocation.

Roll call was read with all Supervisors present. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Grant, seconded by Supervisor Kuhnke, Communications and Matters to be Referred, item #4, Petition for Detachment from the Whitewater-Rice Lake Management District from Property Owners of Pine Knolls Subdivision, was removed from the agenda and will be brought back for referral at the March County Board meeting.

A motion was offered by Supervisor Morrison, seconded by Supervisor Gigante, to amend the agenda by removing the following ordinances under the Human Resources Committee to be laid over until next month:

Ordinance No. 252-02/04 – Creating Article III (“Pay Practices”) and Divisions 1 to 6 of Chapter 15 of the Walworth County Code of Ordinances Relating to Elected Officer Compensation, Classification and Compensation, Pay and Benefit Administration, Management Pay Policies, Employee Performance Evaluation, and Timekeeping Policy

Ordinance No. 253-02/04 – Creating Divisions 1 to 3 and Sections 15-400 to 15-499 of the Walworth County Code of Ordinances Relating to Business Expense Reimbursement; Conferences, Conventions, and Seminars; and Memberships and Dues

Ordinance No. 254-02/04 – Creating Divisions 1 to 7 and Sections 15-500 to 15-599 of the Walworth County Code of Ordinances Relating to Employee Benefits in General; Accrued Time-off Benefits; Group Health and Dental Insurance Benefits; Other Group Insurance Benefits; Retirement Benefits; Unemployment Compensation; Workers Compensation; and Employee Services

On motion by Supervisor Lohrmann, seconded by Supervisor Grant the agenda was further amended by moving the Executive Committee agenda items after the Finance Committee items.

On motion by Supervisor Gigante, seconded by Supervisor Grant, the agenda was approved as amended.

Approval of the Minutes

On motion by Supervisor Grant, seconded by Supervisor Scharine, the minutes of the January 13, 2004 County Board meeting were approved.

Comment Period by Members of the Public

No comments were offered at this time.

Special Presentation

- GFOA Certificate of Achievement for Excellence in Financial Reporting

Kathryn Kasza, Finance Director for the Village of Brown Deer and President of the Wisconsin Chapter of the Government Finance Officers Association, addressed the Supervisors. Ms. Kasza gave an overview of the program. Ms. Kasza presented the Certificate of Achievement for Excellence in Financial Reporting to the Walworth County Finance Department. Nicki Andersen accepted the award on behalf of the Finance Department and thanked the dedicated staff of the Finance Department as well as the Board of Supervisors for their support over the years.

Appointments/Elections

1. Civil Service Board
 - Gene Krauklis
2. Lakeland Health Care Center Board of Trustees
 - Supervisor Thomas Lothian

On motion by Supervisor Gigante, seconded by Supervisor Burwell, the above appointments were approved as read by the Clerk.

CIVIL SERVICE BOARD

STATE OF WISCONSIN)
)SS
 COUNTY OF WALWORTH)

I, the undersigned Chairman of the Walworth County Board of Supervisors do hereby reappoint Gene Krauklis to serve on the Civil Service Board for a five-year term. Said term to expire December 31, 2008 or until a successor is appointed or named.

9. Report of County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was mailed with the agenda packet. The items were previously referred to various committees and were placed on file.

The following correspondence was received after the agenda mailing and distributed to the Supervisors prior to tonight's meeting:

- The claim of Bonnie Brae Condominium Association, Bonnie Deutsch, and Owen Deutsch vs. Walworth County was referred to the Executive Committee.
- The claim of James A. Frame was referred to the Executive Committee.
- Racine County Resolution Supporting AB 433 Concerning Compliance with Certain State Mandates and Recommending that the Bill be Amended to Define Unfunded or Non-Funded State Mandates as State Mandates for Which the State Does Not Provide 100% Reimbursement was referred to the Executive Committee.
- A letter of appreciation from Kenneth Micheloni regarding work of the County Highway department and efforts of Dell Gigante was placed on file.
- A letter from Supervisor Dorothy Burwell regarding proposed revision of Walworth County Subdivision Plan was placed on file.
- The February 9, 2004 edition of The Legislative Review was placed on file.

The following agenda items were sent under separate cover via courier:

- Amended agenda for tonight's County Board meeting.
- Ord. No. 258-02/04 – Creating Section 2-166 of the Walworth County Code of Ordinances Relating to Compensation of Citizen Members (Recommended by the Executive Committee 7-0)
- Res. No. 100-02/04 – Authorizing and Directing the Construction of a New 120-Bed Nursing Home (Recommended by the Public Works Committee 8-0)
- Ord. No. 255-02/04 – Amending Sections 30-67 to 30-70 of Chapter 30 of the Walworth County Code of Ordinances Relating to Employment Agreements (Recommended by the Human Resources Committee 7-0)
- Ord. No. 256-02/04 – Creating Section 30-170 in Article IV of Chapter 30 of the Walworth County Code of Ordinances Relating to Employee Benefit Internal Service Funds (Recommended by the Human Resources Committee 7-0)
- Res. No. 95-02/04 – Repealing Chapters of the Personnel Code and Replacing them with a Human Resources Ordinance (This resolution has been redrafted to only repeal those sections of the personnel code that are being adopted by ordinance.)
- Res. No. 103-02/04 – Approving an Agreement and General Release by and between Janice St. John and Walworth County (Recommended unanimously by the Human Resources Committee at their February 4 meeting.)
- Letter of Commitment: Affiliation to Provide Skilled Nursing Home Services from Extencicare Health Services, Inc., was referred for a joint meeting of the Finance Committee and the Lakeland Health Care Center Board of Trustees.

10. The following Reports of Zoning Gone into Effect were read and placed on file:

- Cliff's View, LLC (Catherine Durkin, App.), Town of Richmond

- George L. Kasnick, Town of Sugar Creek
- Larry and Grace Payne (Grace Payne, App.), Town of East Troy
- Bradley S. and Elaine D. August, Town of Sugar Creek
- Ralph and Robin Goessling (Rezone A-1 to M-1), Town of Whitewater

11. Report of Zoning Petitions Referred to the County Zoning Agency:

TO: The County Board of Walworth County

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

- David L. and Sally E. Bitter (David L. Bitter, App.), Town of East Troy, R-1 to R-3
- Lorraine Lanser (Lana Lanser, App.), Town of Sugar Creek, M-1 to B-2
- Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Zoning), Sections 74-34 & 74-48
- Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Shoreland Zoning), Sections 74-159, 74-167, 74-175, & 74-260
- Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Zoning), Section 74-28, 74-29, 74-49, 74-50, 74-51, 74-52, 74-54, 74-58, 74-59, 74-63, & 74-131
- Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Shoreland Zoning), Sections 74-153, 74-154, 74-176, 74-177, 74-178, 74-179, 74-181, 74-185, 74-186, 74-190, & 74-263
- Text Amendment to Walworth County Code of Ordinances, Chapter 58 (Subdivisions), Sections 58-1.1, 58-2.3, 58-2.4, 58-4.1, 58-4.11, 58-5-A, 58-5-A.1, 58-5-A.2, 58-5-A.3, 58-5-A.4, 58-5.2, 58-5.3, 58-5.11.9-A, 58-11.9B, 58-12.8 & 58-12.15

Unfinished Business

Chairman's Report

Chairman Norem gave an overview of the County's decisions regarding various capital projects over the last few years. Norem stated the reasons why the Board made the decisions to build the new Courthouse as well as put the additions on the Huber dorm and Health & Human Services facilities. Norem said that because of funding cuts by the State and Federal governments another decision has to be made tonight regarding the Lakeland Health Care Center.

Chairman Norem also announced that Mr. Scharine would be going in for surgery on February 16 and wished him well.

New Business

Reports of Standing Committees

County Zoning Agency

The Clerk read the Report of Proposed Zoning Amendments.

1. Proposed Amendments to the Walworth County Land Use Plan: 2020 pertaining to the following sewer service areas: the City of Elkhorn (two separate amendments); the Village of Fontana/Village of Walworth; Pell Lake Sanitary District No. 1; the Village of Mukwonago; and the City of Whitewater – approved 5-0 (12-18-03 public hearing)
2. Arnold and Marie Sweno (Kevin L. Williams, App.), Town of LaGrange, Rezone 29 acres of A-1 to A-2 and 11.8 acres of A-1 to C-2 – approved 5-0 (8-21-03 public hearing)
3. David M. Helbling, Town of Troy, Rezone 1 acre of A-1 & C-1 to A-5 & A-1 – approved 5-0 (12-18-03 public hearing)
4. Vivian J. George, Town of Lyons, Rezone 1.83 acres of A-1 to R-1 – approved 5-0 (12-18-03 public hearing)
5. Accolade Enterprises, LLP, Town of Bloomfield, Rezone B-1 to R-2 – approved 5-0 (7-17-03 public hearing)

A motion offered by Supervisor Schaefer, seconded by Supervisor Kuhnke, to concur with the following Report of the County Zoning Agency, items #1 through #5 above, was approved.

REPORT OF COUNTY ZONING AGENCY
TO COUNTY BOARD ON HEARING ON PETITION
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

2. Arnold and Marie Sweno (Kevin L. Williams, App.), Town of LaGrange – filed a petition on the 7th day of July, 2003, to rezone from A-1 Prime Agricultural Land District to A-2 Agricultural Land District & C-2 Upland Resource Conservation District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

1. Rezoning to the A-2 district prevents the creation of a substandard A-1 parcel.
2. The C-2 area is a rolling, sloped area with 45% non-prime agricultural soils.
3. The applicant will not develop the site.

3. David M. Helbling, Town of Troy– filed a petition on the 1st day of November, 2003, to rezone from A-1 Prime Agricultural Land District & C-1 Lowland Resource Conservation District to A-5 Agricultural-Rural Residential District & A-1 Prime Agricultural Land District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

1. The parcel is already substandard and has not been historically farmed.
2. No new residential development would occur on the remnant.

4. Vivian George, Town of Lyons – filed a petition on the 5th day of November, 2003, to rezone from A-1 Prime Agricultural Land District to R-1 Single-Family Residence District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

1. The surrounding property is already R-1.
2. The parcel is substandard and has not been historically farmed.

5. Accolade Enterprises, LLP, Town of Bloomfield (Amended) – filed a petition on the 3rd day of June, 2003, to rezone from B-1 Local Business District to R-2 Single-Family Residence District (Sewered).

Recommendation: Said petition be approved.

ORDINANCE AMENDING WALWORTH COUNTY ZONING ORDINANCE

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

2. Arnold and Marie Sweno (Kevin L. Williams, App.), Town of LaGrange – to amend said zoning maps from A-1 Prime Agricultural Land District to A-2 Agricultural Land District & C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #H LG 100005

11.8 acres from A-1 to C-2 A parcel of land located in the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 1, Town 4 North, Range 16 East, Walworth County, Wisconsin, described as follows: Commencing at the Northeast corner of the Southwest $\frac{1}{4}$ of said Section 1; thence S 89°59'25" W along the North line of the Southwest $\frac{1}{4}$ of said Section 1, a distance of 452.08 feet to the Point of Beginning; thence S 01°36'14" W 550.62 feet; thence S 06°39'43" W 667.28 feet; thence S 89°44'33" W 773.68 feet; thence N 00°58'40" E 169.03 feet; thence N 50°06'18" E 206.70 feet; thence N 00°27'16" E 339.99 feet; thence N 87°44'41" E 652.44 feet; thence N 01°36'1" E 549.63 feet to the North line of the Southwest $\frac{1}{4}$ of said Section 1; thence N 89°59'25" E 35.01 feet to the Point of Beginning. Said described parcel containing 480767 square feet, more or less.

29 acres of A-1 to A-2 Tax Parcel #H LG 100005, excluding 11.8 acres as described above.

1. Rezoning to the A-2 district prevents the creation of a substandard A-1 parcel.
2. The C-2 area is a rolling, sloped area with 45% non-prime agricultural soils.
3. The applicant will not develop the site.

3. David M. Helbling, Town of Troy – to amend said zoning maps from A-1 Prime Agricultural Land District & C-1 Lowland Resource Conservation District to A-5 Agricultural-Rural Residential District & A-1 Prime Agricultural Land District on the following described lands:

Part of Tax Parcel #LA180600001

Located in part of Certified Survey Map Number 1806, recorded as Document Number 176495 in Volume 8 on Page 279, located in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Town 4 North, Range 17 East, Walworth County, Wisconsin; currently A-1 zoning to be rezoned to A-5 zoning; more particularly described as follows:

Commencing at the Northwest corner of said C.S.M. 1806 and the North $\frac{1}{4}$ corner of said Section 30 (T4N, R17E); thence S 67DEG 25MIN 37SEC E, 651.02 feet to the Point of Beginning; thence S 61DEG 16MIN 26SEC E, 266.67 feet; thence S 28DEG

43MIN 34SEC W, 150.00 feet; thence N 61DEG 16MIN 26SEC W, 266.67 feet; thence N 28DEG 43MIN 34SEC E, 150.00 feet to the Point of Beginning. Containing 40,000 square feet (0.92 acres) more or less.

1. The parcel is already substandard and has not been historically farmed.
2. No new residential development would occur on the remnant.

4. Vivian George, Town of Lyons – to amend said zoning maps from A-1 Prime Agricultural Land District to R-1 Single-Family Residence District on the following described lands:

Part of Tax Parcel #N LY 100002

Part of the Southeast ¼ of the Southeast ¼ of Section 1, Township 2 North, Range 18 East of the Fourth Principal Meridian, in the Township of Lyons, Walworth County, Wisconsin and being more particularly described as follows: Commence at the Southeast corner of said Section 1; thence North 00°55'24" West along the East line of said Southeast ¼ Section 650.58 feet; thence South 89°54'18" West 337.41 feet to the Place of Beginning of this description; thence continue South 89°54'18" West 598.22 feet to a point in the center line of Spring Valley Road; thence North 21°29'14" East along said center line 161.31 feet; thence North 89°54'18" East 538.82 feet; thence South 00°07'11" East 150.00 feet to the Place of Beginning. Containing 1.96 acres of land more or less, dedicating the Westerly 33 feet thereof for public road purposes (Spring Valley Road).

1. The surrounding property is already R-1.
2. The parcel is substandard and has not been historically farmed.

5. Accolade Enterprises, LLP, Town of Bloomfield (Amended) – to amend said zoning maps from B-1 Local Business District to R-2 Single-Family Residence District (Sewered) on the following described lands:

Tax Parcel #MPL 01960

Lots 9666-9671, Block 212 of Section 7 of Pell Lake Subdivision, located in T1N, R18E, Walworth County, Wisconsin

(This eliminates Lots 9548 – 9553 which were included in error on the previous forms sent to the October 14, 2003 County Board meeting. The rezone was requested only for Lots 9666 – 9671)

ATTEST this 10th day of February 2004.
William M. Norem
County Board Chairman

ATTEST this 10th day of February 2004.

Kimberly S. Bushey
County Clerk

County Zoning Agency

1. Resolution No. 99-02/04 – Amending Walworth County Land Use Plan: 2020

On motion by Supervisor Schaefer, seconded by Supervisor Russell, Resolution No. 99-02/04 was approved by voice vote.

Resolution No. 99-2/04
Amending Walworth County Land Use Plan: 2020

Moved/Sponsored by: County Zoning Agency

WHEREAS, the Walworth County Board of Supervisors, pursuant to Sec. 59.69(3) of the Wisconsin Statutes, on April 17, 2001 adopted as the Walworth County Development Plan, the document titled, "A Land Use Plan for Walworth County, Wisconsin: 2020", as set forth in SEWRPC Community Assistance Planning Report No. 252; and

WHEREAS, the Land Use Plan Document includes a Recommended Land Use Plan Map which delineates land use categories including Urban Service Areas, which reflect adopted public sanitary sewer areas; and

WHEREAS, since the adoption of the Plan several amendments have occurred to local sanitary sewer service area plans. These amendments pertain to the following sewer service areas: the City of Elkhorn (two separate amendments); the Village of Fontana/Village of Walworth; Pell Lake Sanitary District No. 1; the Village of Mukwonago; and the City of Whitewater; and

WHEREAS, the Walworth County Land Use and Resource Management Department, with the assistance of SEWRPC, has prepared a map identifying the proposed changes to the Land Use Plan for Walworth County, which reflects the sewer service area amendments listed above;

NOW, THEREFORE BE IT RESOLVED; that pursuant to Section 59.69 (3) of the Wisconsin Statutes, the Walworth County Board of Supervisors hereby amends the County Land Use Plan to reflect the amendments to local sanitary sewer service area plans identified above.

BE IT FURTHER RESOLVED that a more detailed description and maps of the aforementioned properties are on file in the office of the Walworth County Land Use and Resource Management Department.

BE IT FURTHER RESOLVED that the Walworth County Land Use and Resource Management Department shall transmit a copy of the amended map to the affected Walworth County local units of government along with a copy of this resolution.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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

1/26/04
Date

N. Andersen
Finance Director

1/27/04
Date

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

Policy and Fiscal Note
Resolution No. 99-2/04

- I. Title: Amending Walworth County Land Use Plan: 2020
- II. Purpose and Policy Impact Statement: To update the Walworth County Land Use Plan: 2020 to reflect amendments to local sanitary sewer service plans that have been adopted since the preparation of the County Land Use Plan in 2001.
- III. Budget and Fiscal Impact: Passage of this resolution will not have any fiscal impact on the 2004 budget. The major cost incurred in the project is staff time. The Southeastern Wisconsin Regional Planning Commission is providing mapping assistance, which, to date, includes the preparation of a 1" = 4000' map of the currently adopted year 2020 Walworth County Land Use Plan, annotated to identify the proposed amendments and a 1" = 4000' map of the year 2020 Walworth County Land Use Plan revised to reflect the proposed amendments identified on the first map. If approved, the amended maps will need to be included in the County Land Use Plan Report Document. Additional copies of the amended maps, produced at 1" = 4000' and 1" = 2000', will have to be produced and distributed to the affected local units of government. Corrections to the County Digital Plan Map File will also be needed.
- IV. Additional Key Information: The proposed amendments were reviewed by both the Land Conservation Committee and the Zoning Agency prior to a public

hearing, which was held December 18, 2003, following Class II public hearing requirements.

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

Committee: County Zoning Agency Meeting Date: January 16, 2004

Vote: 7 – 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl	1/26/04	N. Andersen	1/24/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Public Works Committee

1. Resolution No. 107-02/04 – Approving Lease with Habitat for Humanity
2. Resolution No. 108-02/04 – Approving Lease with the Association for Prevention of Family Violence
3. Resolution No. 100-02/04 – Authorizing and Directing the Construction of a New 120-Bed Nursing Home

On motion by Supervisor Grant, seconded by Supervisor Polyock, Resolution No. 107-02/04 and Resolution No. 108-02/04 were approved.

Resolution No. 107 – 02/04
Approving Lease with Habitat for Humanity

Moved/Sponsored by: Public Property Committee

WHEREAS, the Public Property Committee recommended that the rates for lease of County-owned space be standardized and formalized by a written lease agreement; and

WHEREAS, the Corporation Counsel has negotiated a lease with Habitat for Humanity, a not-for profit agency assisting in the housing needs of low-income County residents; and

WHEREAS, the rental rate for the space to be occupied is consistent with the rate recommended by the Public Property Committee; and

WHEREAS, it is in the best interests of the citizens of Walworth County to have a definitive agreement for the use of County-owned space;

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does authorize the lease of office space located at the County Annex Building, County Highway NN, Elkhorn, Wisconsin to Habitat for Humanity on the terms and conditions specified in the attached lease;

BE IT FURTHER RESOLVED that the County Clerk is authorized to execute the lease on behalf of the County.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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/SH	2/3/04	Nicki Andersen (pw)	2/3/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 107 – 02/04

- I. Title: Approving Lease with Habitat for Humanity
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize the lease of office space located at the County Annex Building, County Highway NN, Elkhorn, Wisconsin to Habitat for Humanity on the terms and conditions specified in the attached lease.
- III. Budget and Fiscal Impact:
Passage of this resolution will result in an increase in revenue of \$768.00 from the rental of this space for fiscal year 2004.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Public Property

Meeting Date: January 28, 2003

Vote: 4 - 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl/SH	2/3/04	Nicki Andersen (pw)	2/3/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Resolution No. 108 – 02/04
Approving Lease with the Association for Prevention of Family Violence

Moved/Sponsored by: Public Property Committee

WHEREAS, the Public Property Committee recommended that the rates for lease of County-owned space be standardized and formalized by a written lease agreement; and

WHEREAS, the Corporation Counsel has negotiated a lease with the Association for the Prevention of Family Violence, a not-for-profit agency assisting the Walworth County Human Services Department in working with victims of domestic violence; and

WHEREAS, the rental rate for the space to be occupied is consistent with the rate recommended by the Public Property Committee; and

WHEREAS, it is in the best interests of the citizens of Walworth County to have a definitive agreement for the use of County-owned space;

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does authorize the lease of office space located at the County Annex Building, County Highway NN, Elkhorn, Wisconsin to the Association for the Prevention of Family Violence on the terms and conditions specified in the attached lease;

BE IT FURTHER RESOLVED that the County Clerk is authorized to execute the lease on behalf of the County.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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

Policy and Fiscal Note is attached.

COMMERCIAL LEASE

In consideration of the mutual promises and covenants contained in this Lease, WALWORTH COUNTY, WISCONSIN, a municipal corporation (the "Landlord") and Habitat for Humanity (the "Tenant") agree as follows:

1. PREMISES. Landlord agrees to lease to Tenant and Tenant agrees to lease from Landlord the following premises in the building located at the County Annex, W3929 HWY NN, Elkhorn, WI (the "Building"): approximately 192 square feet of space as depicted on Exhibit A attached hereto and incorporated herein by reference (the "Premises").

2. ACCEPTANCE AND DELIVERY OF PREMISES. Except as expressly set forth herein, Tenant agrees to accept the Premises "AS IS" and Landlord shall not be required to perform any work or otherwise improve the Premises prior to the commencement date of this Lease. Landlord agrees to install an accessible lever-style doorknob on the door to the premises leased by Tenant.

3. COMMON AREAS. Tenant shall be entitled to the reasonable nonexclusive use, during normal business hours, of the common areas within or serving the Building, all as they may from time to time exist, but such use shall be subject to such rules and regulations as Landlord may from time to time adopt governing the same. Landlord may amend the rules and regulations during the term. Landlord reserves the right to reduce, increase or otherwise change from time to time the configuration, size, location and nature of the common areas.

4. TERM. The term of this Lease shall be year to year, commencing at noon on January 1 and terminating at midnight on December 31.

5. RENT. Tenant agrees to pay, without prior demand and without deduction or set-off, rent for the Premises of \$4.00 per square foot per year for a total of \$768 per year payable at the beginning of each year. Receipt of annual rental for the year 2004 is hereby acknowledged. All rent shall be paid to Landlord or its authorized agent, at the following address: 100 West Walworth Street, Elkhorn, Wisconsin 53121-1001, or at such other place as may be designated by Landlord from time to time.

written notice of any adjustment shall be supplied to Tenant. If Tenant does not wish to continue the lease at the adjusted rent, Tenant shall provide Landlord thirty days written notice of its election to terminate the lease and shall vacate the premises within the thirty day notice period.

6. UTILITIES AND SERVICES.

Check if paid by:	Landlord	Tenant
Electricity	<u> x </u>	_____
Gas	<u> x </u>	_____
Heat	<u> x </u>	_____
Air Conditioning	<u> x </u>	_____
Sewer Water	<u> x </u>	_____
Janitorial	<u> x </u>	_____
Other/telephone/ Internet/ computer access	_____	<u> x </u>

No interruption, curtailment or suspension of utility service shall be deemed an eviction or render Landlord liable to Tenant for damages, or relieve Tenant from the full and complete performance of all of Tenant's obligations under this Lease.

7. USE. The Premises shall be used and occupied during normal business hours only for general office purposes related to Tenant's business and for no other purpose without the prior written consent of Landlord. Tenant will not use the Premises in any manner that may increase the insurance risk or prevent the obtaining of insurance.

8. MAINTENANCE AND REPAIR.

(a) Landlord's Obligations. Landlord shall, at its expense, maintain in good condition and repair the Building structure, the common areas and the mechanical systems including the heating, ventilating, air conditioning, plumbing and electrical systems serving the Premises. However, Landlord shall not be liable for repairs (including replacement of parts and equipment) which in any one instance cost less than \$5.00. Landlord shall not be liable for any failure to make any repairs or to perform any maintenance unless such failure shall persist for an unreasonable time after written notice of the need for such repairs or

maintenance is given to Landlord by Tenant. There shall be no abatement of rent and no liability of Landlord by reason of any injury to or interference with Tenant's business arising from the making of any repairs, alterations or improvements in or to any portion of the Building, including the Premises.

(b) Tenant's Obligations. Tenant shall maintain in good condition and repair all portions of the Premises and the fixtures and equipment therein not expressly the responsibility of Landlord. Tenant shall reimburse Landlord for all repairs to the Premises or to the Building which are made necessary as a result of any misuse or neglect by Tenant or any of its officers, agents, employees, contractors, licensees or invitees.

9. ADDITIONAL COVENANTS OF TENANT.

(a) Signs. Tenant agrees not to place any signs upon the Building or the land on which it sits or the Premises or any lettering on the windows or doors thereof except pursuant to Landlord's prior written consent. Within the last 90 days of the term, Landlord may place "For Lease/Sale" signs upon the Premises or Building.

(b) Compliance with Laws. Tenant agrees to comply with all laws, orders, ordinances and regulations and with any direction made pursuant to law of any public officer, relating to Tenant's use of the Premises.

(c) Surrender. Tenant agrees upon the termination of this Lease for any reason, to remove Tenant's personal property and trade fixtures and those of any other persons claiming under Tenant, and to quit and deliver up the Premises to Landlord peaceably and quietly in as good order and condition as the same are at the commencement of this Lease or thereafter may be improved by Landlord and Tenant, reasonable use and wear excepted.

(d) Personal Property Taxes. Tenant agrees to pay, before delinquency, any and all taxes levied or assessed and which become payable during the term hereof upon Tenant's equipment, furniture, fixtures, and other personal property located in the Premises.

(e) Hazardous Substances. Tenant agrees not to use, dispose or store or permit the use, disposal or storage of any hazardous substances or materials at the Premises or Building; except as needed in the ordinary conduct of

Landlord's property and shall remain upon the Premises, all without compensation to Tenant. Tenant agrees not to create, incur, impose or permit any lien against the Premises or Landlord by reason of any Improvement and Tenant agrees to hold Landlord harmless from and against any such lien claim. At its expense, Tenant shall cause to be discharged, within ten days of the filing thereof, any construction lien claim filed against the Premises or the Building for work claimed to have been done for, or materials claimed to have been furnished to, or on behalf of Tenant.

15. EMINENT DOMAIN. In the event the entire Premises or Building are lawfully condemned or taken in any manner for any public or quasi-public use or purpose, or sold or conveyed in lieu of condemnation, this Lease shall terminate as of the date of such taking or conveyance and rent shall be prorated to such date. In the event only a portion of the Premises or Building is taken or conveyed, the rent shall be equitably adjusted, unless Landlord or Tenant shall elect to terminate this Lease as of the date of such taking or conveyance, provided Tenant's right to terminate this Lease as a result of a partial taking shall only arise if a portion of the Premises is taken, or in the event of a partial taking otherwise affecting the Building, if such partial taking materially affects the conduct of Tenant's business from the Premises. Tenant may terminate this Lease upon written notice thereof within 30 days of such taking or conveyance. Landlord shall notify Tenant of such equitable adjustment or its election to terminate this Lease within 60 days of such taking or conveyance. Tenant shall have no interest in any award resulting from a taking except for moving expenses.

16. ASSIGNMENT AND SUBLETTING. Tenant shall not voluntarily, involuntarily or by operation of law assign, transfer, mortgage or encumber this Lease, nor sublet the whole or any part of the Premises without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld.

17. DEFAULT BY TENANT AND RIGHTS OF LANDLORD.

(a) Defaults. If Tenant (i) fails to pay any installment of rent or other charges hereunder when due, or (ii) fails to perform any other covenant, term, agreement or condition of this Lease, then, Landlord, in addition to all other rights and remedies available to Landlord at law or equity or by other provisions hereof, may, immediately re-enter the Premises and remove all persons and property, and, at Landlord's option, terminate this Lease or terminate Tenant's right to possession of the Premises without terminating the Lease. Tenant further agrees that in case of any such termination Tenant will indemnify Landlord against all

loss of rents and other damage which Landlord may incur by reason of such termination, including, without limitation, reasonable attorneys' fees.

(b) Right of Landlord to Cure Defaults. If Tenant shall default in the observance or performance of any term or covenant of this Lease, or if Tenant shall fail to pay any sum of money, other than rent required to be paid by Tenant hereunder, Landlord may, without waiving or releasing Tenant, remedy such default at the expense of Tenant, immediately and without notice in case of emergency, or in any other case after notice and expiration of any applicable cure period. If Landlord makes any expenditures or incurs any obligations for the payment of money in connection with Tenant's default including, but not limited to, attorneys' fees, Tenant shall pay to Landlord as additional rent such sums paid or obligations incurred, with costs and interest at the rate of 18% per year.

(c) Unpaid Sums. Any amounts owing from Tenant to Landlord under this Lease shall bear interest at the annual rate of 12% calculated from the date due until the date of payment.

18. **ESTOPPEL CERTIFICATE.** Within ten (10) days after written request from Landlord, Tenant shall execute, acknowledge and deliver to Landlord an estoppel certificate in form and content acceptable to Landlord.

19. **SUBORDINATION.** This Lease, and the term and estate hereby granted, and all of the rights of Tenant hereunder, are subject and subordinate to any underlying leases and the liens of any mortgage or mortgages now or hereafter in force against the Building and/or the land on which it sits, as well as to any and all zoning laws, ordinances and regulations, conditions and agreements affecting said real estate at any time, and Tenant shall execute such further instruments subordinating this Lease to the lien or liens of any such lease or mortgage as shall be requested by Landlord.

20. **QUIET ENJOYMENT.** Landlord covenants that if Tenant shall pay the rent and observe and perform all the terms, covenants and conditions of this Lease on its part to be observed and performed, Tenant may peaceably and quietly enjoy the Premises subject to the terms and conditions of this Lease.

21. **MISCELLANEOUS PROVISIONS.**

(a) Heirs and Assigns. This Lease shall inure to and be binding upon Landlord and Tenant and their respective heirs, executors, administrators, successors and assigns.

(b) Non-waiver. Waiver by Landlord of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition of this Lease.

(c) Entire Agreement. This Lease contains all covenants and agreements between Landlord and Tenant relating in any manner to the Premises and the Building. No prior agreements or understandings pertaining thereto shall be valid or of any force or effect. This Lease shall not be altered, modified or amended except in writing signed by Landlord and Tenant.

(d) Severability. Any provision of this Lease which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof and the remaining provisions hereof shall nevertheless remain in full force and effect.

(e) Notices. All notices which Landlord or Tenant may be required, or may desire, to serve on the other may be served by personal service or by mailing by registered or certified mail, postage prepaid, at such address as the parties may from time to time designate to the other in writing. The time of rendition of such notice shall be deemed to be the time when the notice is either personally delivered or deposited in the mail as herein provided.

(f) Time is of the Essence. Time is of the essence as to the payment of rent and the performance of all other obligations of Tenant under this Lease.

22. EXHIBIT. Exhibit A is attached hereto and incorporated herein.

Dated this 19th day of December, 2003.

Address:

LANDLORD:

WALWORTH COUNTY, WISCONSIN,
a municipal corporation

BY _____

(Attest:)

TENANT:

Address:

Habitat for Humanity

PO Box 174
LAKE GENEVA WI 53147 BY LAWRENCE A GREEN

EXEC. DIRECTOR

(Attest:)

Lawrence A Green

APPROVED AS TO FORM

By Mina E. [Signature] 19 Dec 2003
Deputy Corporation Counsel Date

FUNDING AVAILABLE

N/A

FINANCE DEPARTMENT

BOND PROJECT YES NO

12/19/03 H. [Signature]

DATE

EXHIBIT A

Depiction of the Premises

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

David A. Bretl/SH County Administrator/ Corporation Counsel	2/3/04 Date	Nicki Andersen (pw) Finance Director	2/3/04 Date
---	----------------	---	----------------

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

Policy and Fiscal Note
Resolution No. 108 – 02/04

- I. Title: Approving Lease with the Association for Prevention of Family Violence
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize the lease of office space located at the County Annex Building, County Highway NN, Elkhorn, Wisconsin to the Association for the Prevention of Family Violence on the terms and conditions specified in the attached lease.
- III. Budget and Fiscal Impact:
Passage of this resolution will have no impact on Walworth County 2004 budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Public Property

Meeting Date: January 28, 2003

Vote: 4 – 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl/SH/ County Administrator/ Corporation Counsel	2/3/04 Date	Nicki Andersen (pw) Finance Director	2/3/04 Date
--	----------------	---	----------------

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

County Administrator Bretl explained the order and content of the resolutions presented tonight regarding the Lakeland Health Care Center. Bretl explained the history of the Lakeland Health Care Center and the financial crisis the County is facing because of State and Federal cuts. Bretl then explained the options that were available to continue to run the nursing home. Bretl said that in discussions with Moodys in October 2003, they reiterated our Aa2 bond rating. With the drop in IGT funding in fiscal 2004 and to

LEASE

In consideration of the mutual promises and covenants contained in this Lease, WALWORTH COUNTY, WISCONSIN, a municipal corporation (the "Landlord") and Association for the Prevention of Family Violence (the "tenant") agree as follows :

1. PREMISES. Landlord agrees to lease to Tenant and Tenant agrees to lease from Landlord the following premises in the building located at the County Annex, W3929 HWY NN, Elkhorn, WI (the "Building"): approximately 1173 square feet of space in the location depicted on Exhibit A attached hereto and incorporated herein by reference (the "Premises").

2. ACCEPTANCE AND DELIVERY OF PREMISES. Except as expressly set forth herein, Tenant agrees to accept the Premises "AS IS".

3. COMMON AREAS. Tenant shall be entitled to the reasonable nonexclusive use, during normal business hours, of the common areas within or serving the Building, all as they may from time to time exist, but such use shall be subject to such rules and regulations as Landlord may from time to time adopt governing the same. Landlord may amend the rules and regulations during the term. Landlord reserves the right to reduce, increase or otherwise change from time to time the configuration, size, location and nature of the common areas.

4. TERM. The term of this Lease shall be year to year, commencing at noon on January 1, 2004 and terminating at midnight on December 31, 2004. This lease shall renew from year to year unless terminated by the Walworth County Board.

5. RENT. In consideration of the nature of the services performed by Tenant and its legal status as a not-for-profit organization, there shall be no charge to Tenant for its occupancy of the premises.

RENT ADJUSTMENT. The amount of rent may be adjusted by Landlord effective on the anniversary of this Lease. Sixty days prior written notice of any adjustment shall be supplied to Tenant. If Tenant does not wish to continue the lease at the adjusted rent, Tenant shall provide Landlord thirty days written notice of its election to terminate the lease and shall vacate the premises within the thirty day notice period.

6. UTILITIES AND SERVICES.

Check if paid by:	Landlord	Tenant
Electricity	<u> x </u>	<u> </u>
Gas	<u> x </u>	<u> </u>
Heat	<u> x </u>	<u> </u>
Air Conditioning	<u> x </u>	<u> </u>
Sewer Water	<u> x </u>	<u> </u>
Janitorial	<u> x </u>	<u> </u>
Other/telephone/ Internet/ computer access	<u> </u>	<u> x </u>

No interruption, curtailment or suspension of utility service shall be deemed an eviction or render Landlord liable to Tenant for damages, or relieve Tenant from the full and complete performance of all of Tenant's obligations under this Lease.

7. USE. The Premises shall be used and occupied during normal business hours only for general office purposes related to Tenant's business and for no other purpose without the prior written consent of Landlord. Tenant will not use the Premises in any manner that may increase the insurance risk or prevent the obtaining of insurance.

8. MAINTENANCE AND REPAIR.

(a) Landlord's Obligations. Landlord shall, at its expense, maintain in good condition and repair the Building structure, the common areas and the mechanical systems including the heating, ventilating, air conditioning, plumbing and electrical systems serving the Premises. However, Landlord shall not be liable for repairs (including replacement of parts and equipment) which in any one instance cost less than \$5.00. Landlord shall not be liable for any failure to make any repairs or to perform any maintenance unless such failure shall persist for an unreasonable time after written notice of the need for such repairs or maintenance is given to Landlord by Tenant. There shall be no abatement of rent and no liability of Landlord by reason of any injury to or interference with Tenant's business arising from the making of any repairs, alterations or improvements in or to any portion of the Building, including the Premises.

- (b) Tenant's Obligations. Tenant shall maintain in good condition and repair all portions of the Premises and the fixtures and equipment therein not expressly the responsibility of Landlord.

9. ADDITIONAL COVENANTS OF TENANT.

(a) Signs. Tenant agrees not to place any signs upon the Building or the land on which it sits or the Premises or any lettering on the windows or doors thereof except pursuant to Landlord's prior written consent. Within the last 90 days of the term, Landlord may place "For Lease/Sale" signs upon the Premises or Building.

(b) Compliance with Laws. Tenant agrees to comply with all laws, orders, ordinances and regulations and with any direction made pursuant to law of any public officer, relating to Tenant's use of the Premises.

(c) Surrender. Tenant agrees upon the termination of this Lease for any reason, to remove Tenant's personal property and trade fixtures and those of any other persons claiming under Tenant, and to quit and deliver up the Premises to Landlord peaceably and quietly in as good order and condition as the same are at the commencement of this Lease or thereafter may be improved by Landlord and Tenant, reasonable use and wear excepted.

(d) Personal Property Taxes. Tenant agrees to pay, before delinquency, any and all taxes levied or assessed and which become payable during the term hereof upon Tenant's equipment, furniture, fixtures, and other personal property located in the Premises.

(e) Hazardous Substances. Tenant agrees not to use, dispose or store or permit the use, disposal or storage of any hazardous substances or materials at the Premises or Building; except as needed in the ordinary conduct of Tenant's business and in compliance with all applicable laws, regulations and ordinances. Hazardous substances or materials means any hazardous waste, substance or toxic material regulated under any local, state or federal environmental laws or regulations applicable to the Building or Premises.

10. WAIVER OF SUBROGATION. Notwithstanding anything in this Lease to the contrary, neither Landlord nor Tenant shall be liable to the other for loss arising out of damage or destruction of the Premises, the Building or other improvement, or personal property or contents therein if such damage or destruction is caused by a peril included within a standard form of fire insurance policy, with full extended coverage endorsement added, as from time to time issued in Wisconsin, to the extent that proceeds from such insurance are realized. Each party shall carry insurance on its own property at its own expense, and each party shall look to its insurer for reimbursement of any loss, and the insurer involved shall have no subrogation rights against the other party. Each party shall advise its insurance company of this release and such policy shall, if necessary, contain a waiver of any right of subrogation by the insurer against the other party.

11. DAMAGE OR DESTRUCTION. In case of damage to the Premises or the Building by fire, vandalism, malicious mischief or any other casualty, Landlord shall (unless this Lease shall be terminated as hereinafter provided) diligently proceed to make all the repairs necessary to restore the Premises (excluding any property of Tenant or improvements installed by Tenant) and the Building to the condition in which they existed immediately prior to such destruction or damage subject to delays which may arise by reason of adjustment of loss under insurance policies and delays beyond the reasonable control of Landlord. To the extent that the Premises are rendered untenable, the rent shall proportionately abate. If more than 25% of the square footage of the Premises and/or Building are damaged or destroyed, Landlord may terminate this Lease upon written notice to Tenant within 60 days of the date of such damage, in which event this Lease shall terminate as of the date of such damage, the rent shall be adjusted to the date of such damage and Tenant shall promptly vacate the Premises.

12. INDEMNIFICATION. Tenant shall defend and indemnify Landlord and save it harmless from and against any and all liability, damages, costs, or expenses, including attorneys fees, arising from any act, omission or negligence of Tenant or its officers, contractors, licensees, agents, servants, employees, guests, invitees, or visitors in or about the Building or Premises, or arising from any default under this Lease by Tenant. Landlord shall not be liable to Tenant except for loss, damage, liability or expense resulting from injuries caused solely by the active negligence of Landlord or its officers, agents or employees but only to the extent Tenant is not compensated therefor by insurance. In no event shall Landlord be liable to Tenant for any damage to the Premises or for any loss,

damage or injury to any property of Tenant occasioned by bursting, rupture, leakage or overflow of any plumbing or other pipes (including without limitation, water, steam or refrigerant lines), sprinklers, tanks, drains, drinking fountains or washstands, the failure of any systems or facilities in the Premises or the Building or other similar cause in, above, upon or about the Premises or the Building. Landlord shall not be liable for any loss or damage to person or property sustained by Tenant which may be caused by theft, or by vandalism, or by any act or neglect of any tenant or occupant of the Building.

13. IMPROVEMENTS AND ALTERATIONS. Tenant may not make alterations or improvements ("Improvements") to the Premises without the prior written consent of Landlord. Improvements shall be made at Tenant's sole cost and any contractor must first be approved by Landlord. Tenant shall obtain all necessary permits and provide Landlord with copies. Tenant shall promptly repair any damage and perform any necessary cleanup resulting from any Improvements. All Improvements (except trade fixtures, furniture and equipment belonging to Tenant which are removable without causing damage to the Building) shall be Landlord's property and shall remain upon the Premises, all without compensation to Tenant. Tenant agrees not to create, incur, impose or permit any lien against the Premises or Landlord by reason of any Improvement and Tenant agrees to hold Landlord harmless from and against any such lien claim. At its expense, Tenant shall cause to be discharged, within ten days of the filing thereof, any construction lien claim filed against the Premises or the Building for work claimed to have been done for, or materials claimed to have been furnished to, or on behalf of Tenant.

14. EMINENT DOMAIN. In the event the entire Premises or Building are lawfully condemned or taken in any manner for any public or quasi-public use or purpose, or sold or conveyed in lieu of condemnation, this Lease shall terminate as of the date of such taking or conveyance and rent shall be prorated to such date. In the event only a portion of the Premises or Building is taken or conveyed, the rent shall be equitably adjusted, unless Landlord or Tenant shall elect to terminate this Lease as of the date of such taking or conveyance, provided Tenant's right to terminate this Lease as a result of a partial taking shall only arise if a portion of the Premises is taken, or in the event of a partial taking otherwise affecting the Building, if such partial taking materially affects the conduct of Tenant's business from the Premises. Tenant may terminate this Lease upon written notice thereof within 30 days of such taking or conveyance. Landlord shall notify Tenant of such equitable adjustment or its election to terminate this Lease within 60 days of such

taking or conveyance. Tenant shall have no interest in any award resulting from a taking except for moving expenses.

15. **ASSIGNMENT AND SUBLETTING.** Tenant shall not voluntarily, involuntarily or by operation of law assign, transfer, mortgage or encumber this Lease, nor sublet the whole or any part of the Premises without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld.

16. **DEFAULT BY TENANT AND RIGHTS OF LANDLORD.**

(a) Defaults. If Tenant fails to perform any covenant, term, agreement or condition of this Lease, then, Landlord, in addition to all other rights and remedies available to Landlord at law or equity or by other provisions hereof, may, immediately re-enter the Premises and remove all persons and property, and, at Landlord's option, terminate this Lease or terminate Tenant's right to possession of the Premises without terminating the Lease.

(b) Right of Landlord to Cure Defaults. If Tenant shall default in the observance or performance of any term or covenant of this Lease, or if Tenant shall fail to pay any sum of money, other than rent required to be paid by Tenant hereunder, Landlord may, without waiving or releasing Tenant, remedy such default at the expense of Tenant, immediately and without notice in case of emergency, or in any other case after notice and expiration of any applicable cure period. If Landlord makes any expenditures or incurs any obligations for the payment of money in connection with Tenant's default including, but not limited to, attorneys' fees, Tenant shall pay to Landlord as additional rent such sums paid or obligations incurred, with costs and interest at the rate of 18% per year.

17. **ESTOPPEL CERTIFICATE.** Within ten (10) days after written request from Landlord, Tenant shall execute, acknowledge and deliver to Landlord an estoppel certificate in form and content acceptable to Landlord.

18. **SUBORDINATION.** This Lease, and the term and estate hereby granted, and all of the rights of Tenant hereunder, are subject and subordinate to any underlying leases and the liens of any mortgage or mortgages now or hereafter in force against the Building and/or the land on which it sits, as well as to any and all zoning laws, ordinances and regulations, conditions and agreements affecting said real estate at any time, and Tenant shall execute such further instruments

subordinating this Lease to the lien or liens of any such lease or mortgage as shall be requested by Landlord.

19. **QUIET ENJOYMENT.** Landlord covenants that if Tenant shall pay the rent and observe and perform all the terms, covenants and conditions of this Lease on its part to be observed and performed, Tenant may peaceably and quietly enjoy the Premises subject to the terms and conditions of this Lease.

20. **MISCELLANEOUS PROVISIONS.**

(a) **Heirs and Assigns.** This Lease shall inure to and be binding upon Landlord and Tenant and their respective heirs, executors, administrators, successors and assigns.

(b) **Non-waiver.** Waiver by Landlord of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition of this Lease.

(c) **Entire Agreement.** This Lease contains all covenants and agreements between Landlord and Tenant relating in any manner to the Premises and the Building. No prior agreements or understandings pertaining thereto shall be valid or of any force or effect. This Lease shall not be altered, modified or amended except in writing signed by Landlord and Tenant.

(d) **Severability.** Any provision of this Lease which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof and the remaining provisions hereof shall nevertheless remain in full force and effect.

(e) **Notices.** All notices which Landlord or Tenant may be required, or may desire, to serve on the other may be served by personal service or by mailing by registered or certified mail, postage prepaid, at such address as the parties may from time to time designate to the other in writing. The time of rendition of such notice shall be deemed to be the time when the notice is either personally delivered or deposited in the mail as herein provided.

(f) Time is of the Essence. Time is of the essence as to the payment of rent and the performance of all other obligations of Tenant under this Lease.

21. EXHIBIT. Exhibit A is attached hereto and incorporated herein.

Dated this ____ day of _____, 2004.

Address:

LANDLORD:

WALWORTH COUNTY, WISCONSIN,
a municipal corporation

BY _____

(Attest:)

Address:

TENANT:

Association for Prevention of Family
Violence

BY _____

(Attest:)

offset the loss of revenue, the County is increasing the amount of property tax levy for the nursing home to approximately \$3,200,000. Bretl said that Moodys viewed this as a temporary fix to finance the operations and indicated that their officials see the structural imbalance as temporary. Bretl said that from Moodys' perspective they are looking at our operating budget and to use either debt or cash on hand in order to lower future operating expenses will play a crucial analysis on the rating of our next bond issue.

Bretl announced that there would be a brief synopsis of the architect's presentation to the Public Works Committee. After the presentation by the architects, Bretl said that Mark Knuth, Schenck Business Solutions, would follow with a financial analysis. Bretl introduced Kim Dale Hassell, Partner, Gregg R. Golden, Project Manager, and Larry Schneider, Project Executive of Plunkett Raysich Architects.

Kim Hassell began the presentation stating that they had looked at two options: Option A which is the design for the addition and remodeling of the existing facility and Option B which is the design for new construction. Assumptions were made that the new facility would be designed for 120 beds and the remodeled facility would be 120 beds or more should the design facilitate more beds without major additional cost. Gregg Golden gave an overview of the existing facility analysis.

The total cost for Option A – Remodeling would be approximately \$17.8 million dollars and a total project cost for Option B – New construction of approximately \$15.9 million dollars.

Mark Knuth, Schenck Business Solutions, said that the new facility would be more efficient in terms of staff. There would be a reduction in staff cost and benefit cost. Utility cost would be lower because there would be less square feet. There is also an advantage in borrowing right now because of low interest rates. The new facility would be finished in 2006. Knuth projected that operating costs (losses) for a renovated building in 2006 would be \$3.6 million and operating costs (losses) for a new building would be \$2.2 million dollars.

Supervisor Polyock offered a motion, seconded by Supervisor Hilbelink, to approve Resolution No. 100-02/04 – Authorizing and Directing the Construction of a New 120-Bed Nursing Home. Discussion ensued.

Bretl said that Resolution No. 100-02/04 states that the Authorizing Resolution, Resolution No. 61-10/03, directed that a report be prepared by Schenck Business Solutions to analyze the tax levy impact of operating costs for the options of Construction and Renovation and authorized Debt only in the event the report demonstrated that the tax levy impact resulting from the first year of operation of either remodeling or construction would not exceed \$3.5 million dollars. The Schenck Report demonstrated that the tax levy impact of new Construction would be less than \$3.5 million in its first year. The Authorizing Resolution also stated that the Schenck Report

be received by the Clerk on or before February 10, 2004. The County Clerk's Certification of Receipt of the Schenck Report is on file in the County Clerk's Office.

Supervisor Guido expressed concern that 120 beds is too small. Guido said he would like to see an independent audit done to see if the figure of \$3.5 million is an accurate figure. He would like to delay voting on this until more information can be obtained.

Chairman Norem asked Administrator Bretl to comment on the timing. In terms of the timing issue and the consequences of deciding or not deciding tonight, Bretl said that in September of 2002 we actually levied more taxes than it cost to run the facility so that we could bank the money to cover the loss in IGT revenues, which started occurring late last year and early this year. We put enough money in the account to last us until January 1, 2006 when we anticipated having a new facility open. We added an additional four months to conclude this study and pushed out the opening date until October 1, 2006. Bretl said we are now studying how to fill the gap as we have money to run the present operation until January 1, 2006.

Supervisor Russell said that we cannot delay this decision any longer because interest rates are rising and if we delay any further that could increase the cost of bonding and building. Russell thinks that the cost to run the new facility is too conservative because of the increased cost of insurance.

Supervisor Felten said we were charged with keeping operational costs under \$3.5 million in the first year of operation of either a new or remodeled nursing home. The study showed that we could operate a new 120-bed facility for \$2.6 million in the first year. Felten asked why not build a 150-bed facility with operational costs of \$3.3 million? Felten expressed concern that it would be difficult to get more private pay patients with a 120-bed nursing home. Felten said she would like to delay this for one or two months. Felten said she would like to see concrete numbers from the Extendicare proposal and other proposals from other private operations. Supervisor Felten offered a motion, seconded by Supervisor Burwell, to postpone the vote on Resolution 100-02/04 until March 9, 2004. Discussion ensued on postponement.

Bretl stated that if the vote were held on Resolution 100-02/04, the initial resolution authorizing the debt would expire tonight.

Bretl said that a letter of intent was received from Extendicare and was distributed via courier. Bretl explained that rather than having the County's licensed beds lapse to be gone forever, you would give them to another vendor to use. He said it is something that we could do but we would need more time to explore the concept to be able to understand all the aspects.

On motion by Supervisor Hilbelink, seconded by Supervisor Ketchpaw, the question was called. A roll call vote was held on postponement. Total votes: 25; Ayes: 4 –

Burwell, Felten, Guido, Lightfield; Noes: 21 – Arnold, Gigante, Grant, Hilbelink, Ketchpaw, Kuhnke, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Twyning, Wenglowisky, Norem; Absent – 0. The motion to postpone the vote on Resolution No. 100-02/04 failed.

Discussion ensued on the original motion to approve Resolution No. 100-02/04.

Chairman Norem asked for comments from the public regarding the nursing home.

Bret Strong, N9159 Maple Street, Town of East Troy, addressed the Board. Mr. Strong said that he commended Supervisors Guido and Felten for sticking up for the taxpayers. He said that the taxpayers are seriously questioning more spending. Mr. Strong said that we should have more information before the County proceeds with building. Mr. Strong felt there should have been a referendum for the Huber dorm addition and the new Courthouse and now the new nursing home.

Mary Burpee, 609 West Walworth, Elkhorn, addressed the Board. Ms. Burpee said she has had family members at Lakeland Nursing Home for the past 15 years. Ms. Burpee said she is a resident of Elkhorn and she works with AFSCME. Ms. Burpee said that in her 15 years of experience, when nursing homes have been reduced, taxpayers do not get a refund of taxes. Ms. Burpee said that we pay more for our administrative people but what about the workers who make the whole system work. She said we hear that we cannot afford to pay them those outrageous wages and health insurance. Ms. Burpee said we attack the employees who are also taxpayers in this county. She said she hopes that this governing body will take the initiative and have a clear vision for the future of Walworth County for all of us and not just a few.

Charlie Grant, 5035 Mound Road, Elkhorn, addressed the Board. Mr. Grant asked about the Extencicare proposal. Mr. Grant thinks we should look into putting the nursing home into the private sector so that more people would get more jobs and there would be more beds to satisfy more of the people.

On motion by Supervisor Polyock, seconded by Supervisor Lohrmann, the question was called.

A roll call vote was held to approve Resolution 100-02/04. Total vote: 25; Ayes: 23 – Arnold, Burwell, Gigante, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Twyning, Wenglowisky, Norem; Noes: 2 – Felten, Guido; Absent: 0. Resolution 100-02/04 – Authorizing and Directing the Construction of a New 120-Bed Nursing Home was approved.

Resolution No. 100 - 02/04
Authorizing and Directing the Construction of a New 120-Bed Nursing Home

Moved/Sponsored by: Public Works Committee

WHEREAS, pursuant to Resolution No. 61-10/03 (hereinafter "Authorizing Resolution"), the County Board authorized the issuance of up to \$9,930,000 in general obligation bonds or promissory notes (hereinafter "Debt"), subject to certain contingencies; and,

WHEREAS, the purpose of issuing the Debt was for the construction of a new nursing home facility (hereinafter "Construction") or the renovation and equipping of the county's present nursing home facility, known as the 1978 building (hereinafter "Renovation");

WHEREAS, the Authorizing Resolution directed that a report be prepared by Schenck Business Solutions (hereinafter "Report"), the purpose of which report was to analyze the tax levy impact of operating the options of Construction and Renovation; and

WHEREAS, the Authorizing Resolution authorized Debt only in the event the Report demonstrated that the tax levy impact resulting from the first year of operation of either the option of Construction or Renovation will not exceed \$3.5 Million; and

WHEREAS, the Report demonstrated that the tax levy impact of Construction would be less than \$3.5 Million in its first year of operation; and

WHEREAS, the public works committee has carefully studied this matter and recommends Construction, to wit: Construction of a new 120-bed facility for reasons including that Construction would be less expensive than Renovation, and Construction would be more economical to staff, resulting in lower operating costs in the future.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors authorizes and directs the construction of a new 120-bed nursing home and that the Debt, which was approved by the Authorizing Resolution, be used for the option of Construction.

BE IT FURTHER RESOLVED THAT the Walworth County Board of Supervisors acknowledges receipt of the Report and further acknowledges that the Report follows the same methodology utilized in the Report of Schenck Business Solutions dated February 2003 and that the Report demonstrates that the estimated tax levy impact of Construction will not exceed \$3.5 Million in its first full year of operation.

BE IT FURTHER RESOLVED that this resolution constitutes Final Approval as that term is used in the Authorizing Resolution, and that the contingency of Final Approval contained in the Authorizing Resolution be and the same is satisfied.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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	2/5/04	Nicki Andersen (pw)	2/6/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 100 - 02/04

- I. Title: Authorizing and Directing the Construction of a New 120-Bed Nursing Home
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize and direct the construction of a new 120-bed nursing home.
- III. Budget and Fiscal Impact: Passage of this resolution satisfies the condition established in Resolution No. 61-10/03 that authorized bond issuance in an amount not to exceed \$9,930,000, subject to a final vote by the county board as to whether new construction or remodeling should be pursued. Therefore, approval of this resolution authorizes the issuance of \$9,930,000.00 of debt.

It appears from the Plunkett Raysich study that a new 120-bed nursing home will cost more than the original estimate developed by staff. Therefore, the bonds authorized by this resolution would need to be supplemented by additional funds in order to approve contracts for construction. This resolution does not address the additional funding. Passage of Resolution No. 102 – 02/04 or Resolution No. 106 – 02/04 would be needed to proceed with the project.

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

Committee: Public Works
Vote: 7 – 0

Meeting Date: January 20, 2004

The Lakeland Health Center Board of Trustees considered this matter on January 21, 2004 and supported new construction, although the Trustees favor construction of more than 120 beds.

Vote:

County Board Meeting Date: February 10, 2004

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

David A. Bretl	2/6/04	Nicki Andersen (pw)	2/6/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Finance Committee

1. Res. No. 102-02/04 – Authorizing Not to Exceed \$4,070,000 General Obligation Promissory Notes for Nursing Home Facility
2. Res. No. 106-02/04 – Authorizing Additional Funding for Construction of a New 120-Bed Nursing Home
3. Ordinance No. 257-02/04 – Amending Chapter 30 of the Walworth County Code of Ordinances Relating to Assets and Creating Section 30-263 Thereof
4. Res. No. 101-02/04 – Authorizing Not to Exceed \$4,500,000 General Obligation Promissory Notes for Highway Projects and Courthouse Improvements

Supervisor Schaefer offered a motion, seconded by Supervisor Lohrmann, to approve Resolution No. 102-02/04 – Authorizing Not to Exceed \$4,070,000 General Obligation Promissory Notes for Nursing Home Facility. Discussion ensued.

Bretl explained that the action to approve Resolution 100-02/04 directed the construction of a 120-bed nursing home and with that approval you released the \$9.93 million which was passed in October. Bretl said that the study showed that the new Lakeland Health Care Center building would cost \$15,252,300 to build. Resolution No. 102-02/04 authorizes the \$4,070,000 additional funding that is needed in bonding and requires a ¾ vote of the members. Resolution 106-02/04 requires a 2/3 vote to use undesignated general funds for the additional funding but would bring reserves to an estimated 17-18% of the combined general fund revenues and property tax revenue for other county funds. Resolution No. 106-02/04 also authorizes use of reserve nursing home funds in the amount of \$1.5 million. Supervisor Peterson asked if using the undesignated general funds would affect our bond rating. Bretl said that Moodys does not like it when we use undesignated funds but in this case since we are using it for building they are not concerned.

On motion by Supervisor Grant, seconded by Supervisor Polyock, the question was called.

A roll call vote was held to approve Resolution No. 102-02/04. Total vote: 25; Ayes: 22 – Arnold, Burwell, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Twynning, Wenglowsky, Norem; Noes: 3 – Felten, Gigante, Guido; Absent: 0.

Resolution No. 102-02/04 – Authorizing Not to Exceed \$4,070,000 General Obligation Promissory Notes for Nursing Home Facility was approved.

Resolution No. 102-02/04
Authorizing Not To Exceed \$4,070,000
General Obligation Promissory Notes For Nursing Home Facility

Moved/Sponsored by: Finance Committee

WHEREAS, Walworth County, Wisconsin (the "County") is in need of an amount not to exceed \$4,070,000 for the public purpose of financing the construction and equipping of a new nursing home facility; and

WHEREAS, it is desirable to authorize the issuance of general obligation promissory notes for such purpose pursuant to Chapter 67 of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the County borrow an amount not to exceed \$4,070,000 by issuing its general obligation promissory notes for the public purpose of financing the construction and equipping of a new nursing home facility. There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on such notes.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

Action Required: Majority Vote _____ Two-thirds Vote _____ Other 3/4

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

David A. Bretl	1/30/04	N. Andersen	1/30/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 102-02/04

I. Title: Authorizing Not To Exceed \$4,070,000 General Obligation Promissory Notes For Nursing Home Facility

**Walworth County Capital Improvement Funding Summary
LHCC Project - Option A - Without Demolition**

Project	2004	2005	2006	2007	2008	Total
New Court Facility (Amt of funding still required)	2,670,000	-	-	-	-	2,670,000
Road Construction	2,200,000	2,300,000	2,400,000	2,500,000	2,500,000	11,900,000
Lakeland Health Care Center	1,252,300	8,000,000	6,000,000	-	-	15,252,300
Remodel Existing Courthouse	2,860,000		290,000	-	-	3,150,000
LEC Communication Upgrade	244,500	500,000	117,110	-	-	861,610
Remodel West Wing Ctise per auth. Agreement		150,000	-	-	-	150,000
Sheriff's Evidence Building	-	446,700	-	-	-	446,700
Radio Trunking System (Sheriff)	-	-	2,000,000	1,500,000		3,500,000
Demolition of County Structures	-	-	-	494,000	-	494,000
All Other Capital Requests	2,282,770	1,830,162	1,372,771	1,798,575	1,271,480	8,555,758
TOTAL	11,509,570	13,226,862	12,179,881	6,292,575	3,771,480	46,980,368

Funding Source	2004	2005	2006	2007	2008	Total
Bond Issuance	6,070,000	9,800,000	9,690,000	3,500,000	2,000,000	31,060,000
Board of Commissioners of Public Lands	-	-	-		-	-
Use of General Funds	1,914,050	150,000	500,000		-	2,564,050
Use of LHCC Funds						-
Use of Public Works Funds	700,000	700,000	700,000	700,000	700,000	3,500,000
Jail Assessment - Annual Operations	269,280	50,000	50,000	50,000	50,000	469,280
Information Systems Funds				-	-	-
Land Information Funds		-	-	-	-	-
Existing Bond Funds	1,100,000					1,100,000
Other Existing Funds	215,000	-	-	-	-	215,000
Grant / Other Financing	101,400	-	-	-	-	101,400
Tax Levy	1,139,840	-	-	-	-	1,139,840
To Be Determined	-	2,526,862	1,239,881	2,042,575	1,021,480	6,830,798
TOTAL	11,509,570	13,226,862	12,179,881	6,292,575	3,771,480	46,980,368

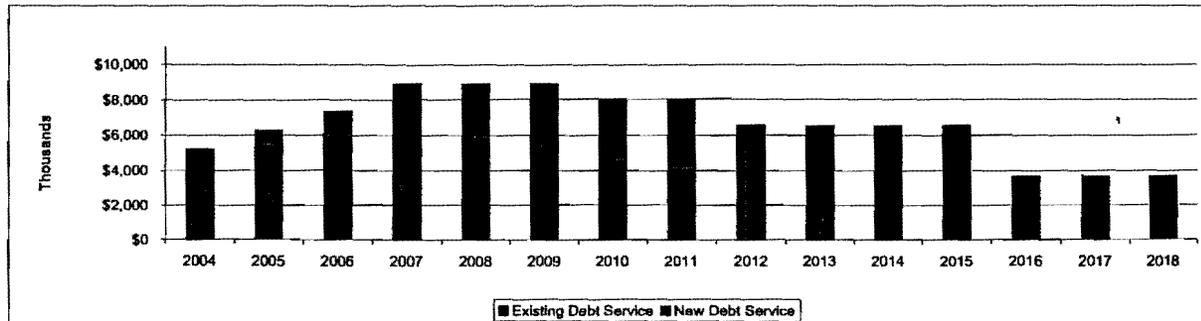
497A

Walworth County Financing Plan Option A (2006 Borrowing of \$9,690,000)

LEVY YEAR	YEAR DUE	EXISTING DEBT SERVICE	EXISTING MILL RATE (A)	Preliminary \$6,070,000 G.O. Promissory Notes Dated: September 1, 2004 (First interest 4/01/2005)			NEW ISSUE MILL RATE (A)	EXAMPLE FUTURE FINANCINGS				Hypothetical Not in CIP (B)	COMBINED DEBT SERVICE	COMBINED MILL RATE (A)	IMPACT OVER PRIOR YEAR	
				PRINCIPAL (4/1)	INTEREST (4/1 & 10/1) AVG= 3.25%	TOTAL		\$9,800,000 G.O. Notes Dated: 7/1/05 AVG= 4.50%	\$9,690,000 G.O. Notes Dated: 7/1/06 AVG= 4.75%	\$3,500,000 G.O. Notes Dated: 7/1/07 AVG= 4.75%	\$2,000,000 G.O. Notes Dated: 7/1/08 AVG= 4.75%					AVG= 4.75%
2003	2004	\$5,256,487	\$0.58													
2004	2005	\$5,591,052	\$0.58	\$530,000	\$183,661	\$713,661	\$0.07									
2005	2006	\$6,097,946	\$0.61	\$550,000	\$160,165	\$710,165	\$0.07									
2006	2007	\$6,415,355	\$0.61	\$560,000	\$149,058	\$709,058	\$0.07	\$551,250								
2007	2008	\$6,025,468	\$0.54	\$575,000	\$135,850	\$710,850	\$0.06	\$1,223,000	\$575,344							
2008	2009	\$5,531,218	\$0.48	\$590,000	\$120,550	\$710,550	\$0.06	\$1,260,313	\$718,981	\$207,813						
2009	2010	\$4,765,480	\$0.39	\$590,000	\$120,550	\$710,550	\$0.06	\$1,264,925	\$989,506	\$312,688	\$118,750					
2010	2011	\$4,208,158	\$0.33	\$610,000	\$103,288	\$713,288	\$0.06	\$1,120,888	\$782,538	\$305,563	\$143,813	\$255,425				
2011	2012	\$2,333,885	\$0.17	\$630,000	\$83,900	\$713,900	\$0.06	\$1,269,938	\$940,688	\$298,438	\$141,438	\$509,738				
2012	2013	\$1,271,250	\$0.09	\$650,000	\$62,450	\$712,450	\$0.05	\$682,200	\$1,612,581	\$325,481	\$139,063	\$765,738				
2013	2014			\$675,000	\$38,919	\$713,919	\$0.05	\$1,199,575	\$1,840,488	\$350,863	\$175,738	\$1,018,069				
2014	2015			\$700,000	\$13,300	\$713,300	\$0.05	\$1,301,200	\$2,698,706	\$413,631	\$171,463	\$1,271,375				
2015	2016							\$2,847,663	\$1,510,250	\$521,650	\$167,188	\$1,525,181				
2016	2017								\$1,218,263	\$545,631	\$162,913	\$1,779,013				
2017	2018									\$1,499,794	\$173,281	\$2,032,394				
											\$1,417,894	\$2,284,850				
		<u>\$47,496,297</u>		<u>\$6,070,000</u>	<u>\$1,051,140</u>	<u>\$7,121,140</u>		<u>\$12,720,950</u>	<u>\$12,887,344</u>	<u>\$4,781,550</u>	<u>\$2,811,538</u>	<u>\$11,441,781</u>	<u>\$99,260,599</u>			

(A) Mill rate based on 2003 Equalized Valuation (TID-OUT) \$9,117,161,800 with 5% annual growth.

(B) Assumes annual borrowings of \$2,000,000 starting in July 1, 2009.



On motion by Supervisor Lothian, seconded by Supervisor Schaefer, Resolution No. 106-02/04 was placed on file.

Resolution No. 106-02/04

NOT ADOPTED-PLACED ON FILE

Authorizing Additional Funding for the Construction of a New 120 Bed Nursing Home Facility

Moved/Sponsored by: Finance Committee

WHEREAS, the initial estimate to construct and/or remodel a nursing home facility was \$10,648,300; and

WHEREAS, pursuant to Resolution No. 61-10/03, the Walworth County Board authorized the issuance of general obligation bonds or promissory notes in an amount not to exceed \$9,930,000 for the purpose of financing the construction and equipping of a new nursing home facility and/or the renovation and equipping of that portion of the county's present nursing home facility known as the 1978 building contingent upon contracting with Schenck Business Solutions (hereinafter "Schenck") to evaluate the specified options and estimate the tax levy impact for each option; and,

WHEREAS, the remaining costs were scheduled to be funded using \$215,000 of existing Lakeland Health Care Center funds and \$503,300 of undesignated general fund balance; and

WHEREAS, the County Clerk has certified that Schenck Business Solutions evaluated the specified options and submitted a report as required in Resolution No. 61-10/03; and,

WHEREAS, Resolution No. 61-10/03 also required that the estimated tax levy impact of a new or remodeled facility not exceed \$3.5 million during its first full year of operation; and,

WHEREAS, the Schenck report estimates the levy impact of a new facility to be \$2.65 million during its first full year of operation; and,

WHEREAS, the Schenck report estimates the levy impact of the remodeling option to be \$4.25 million during its first full year of operation; and

WHEREAS, the option to remodel does not meet the requirements as set forth in the initial resolution to authorize the issuance of long-term debt in an amount not to exceed \$9.93 million; and

WHEREAS, the Public Works Committee recommends that the county construct a new facility with an estimated project cost of \$15,252,300 (excludes cost of demolition); and

WHEREAS, the revised project cost will require \$4,604,000 of additional funding; and

WHEREAS, Resolution No. 100-02/04 authorizes the construction of a 120 bed nursing home facility at a cost not to exceed \$15,252,300.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors specifies the following sources of funding for the construction of a new nursing home facility:

Existing Project Funds	\$ 215,000
Previously Authorized Bond/Notes (Res. No. 61-10/03)	9,930,000
Reallocation of 2004 Road Construction (Levy Portion)	200,000
Use of Undesignated General Fund Balance	3,000,000
Furniture Allocation - 2006 Tax Levy	380,000
Use of Lakeland Health Care Center Reserves	<u>1,527,300</u>
Total Funding Sources	\$15,252,300

BE IT FURTHER RESOLVED that the Finance Director is hereby directed to designate \$3 million of general fund balance and \$1.5273 million of Lakeland Health Care Center funds for the purpose of funding the construction of a nursing home facility; and

BE IT FURTHER RESOLVED that \$200,000 of tax levy funds be transferred from 2004 road construction projects to the nursing home project; and

BE IT FURTHER RESOLVED that a \$380,000 furniture allocation be included in the 2006 budget for the purpose of equipping the new facility.

_____ William M. Norem County Board Chairman	Date	_____ Kimberly S. Bushey County Clerk	Date
--	------	---	------

County Board Meeting Date: February 10, 2004

Action Required: Majority Vote _____ Two-thirds Vote XX 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	1/30/04 Date	Nicki Andersen (pw) Finance Director	2/2/04 Date
--	-----------------	---	----------------

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

Policy and Fiscal Note
Resolution No. 106-02/04

I. Title: Authorizing Additional Funding for the Construction of a New 120 Bed Nursing Home Facility

II. Purpose and Policy Impact Statement:
Section 30-157 of the Walworth County Code of Ordinances specifies that the undesignated general fund balance be 15 to 20 percent of the total of the county's general fund revenues plus the property tax revenue allocated to each county fund. The code identifies 6 guidelines for using general fund balance. Section 30-157(c)(1) of the Code is applicable in this instance. It specifies that general fund balance may be used for capital expenditures "to the extent that a cash contribution to pay for all or part of the capital program will reduce the reliance on borrowed funds and future debt service costs."

III. Budget and Fiscal Impact:

This resolution reflects a second funding option for the Lakeland Health Care Center project. The use of \$3 million of undesignated general fund balance will bring the reserves to an estimated 17-18% of the combined general fund revenues and property tax revenues for other county funds. This calculation is only an estimate, as a number of end-of-year adjustments are still pending for fiscal year 2003.

The county has set up a reserve in the Lakeland Health Care Center (LHCC) fund to offset the levy impact resulting from the significant decrease in Intergovernmental Transfer funding. The initial levy impact was based upon an assumption that the county would continue to house 235 residents. Due to the recent downsizing, it is anticipated that the use of \$1,527,300 from LHCC reserves may be absorbed, however, this cannot be guaranteed due to the unknown impact from future changes in nursing home funding.

A copy of the county's revised Capital Improvement Plan and the proposed financing plan are attached.

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

Committee: Finance Meeting Date: January 22, 2004

Vote: 6-0

County Board Meeting Date: February 10, 2004

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

David A. Bretl	1/30/04	Nicki Andersen (pw)	2/2/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

The Board took a five-minute break.

On motion by Supervisor Gigante, seconded by Supervisor Grant, Ordinance 257-02/04 – Amending Chapter 30 of the Walworth County Code of Ordinances Relating to Assets and Creating Section 30-263 Thereof was approved by voice vote.

ORDINANCE NO. 257 – 02/04

AMENDING CHAPTER 30 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO ASSETS AND CREATING SECTION 30-263 THEREOF

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Article VI of Chapter 30 of the Walworth County Code of Ordinances presently entitled “Fixed Asset Policy” is hereby amended so as to rename the Article “Asset Policy”.

PART II: That Section 30-263 of Article VI is hereby created to read as follows:

“Sec. 30-263. Acquisition of real property.

- (a) All real property shall be acquired in the name of the county in accordance with this section.
- (b) Real property may be acquired for the purpose of mitigating conditions, appurtenant to county highways, that pose a threat to public health or safety based upon recommendation of the public works committee, if other sources of funding do not exist for this purpose.”

BE IT ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 10th day of February, 2004.

William M. Norem	2/16/04	Kimberly S. Bushey	
County Board Chairman	Date	County Clerk	Date

**Walworth County Capital Improvement Funding Summary
LHCC Project - Option B - Without Demolition**

Project	2004	2005	2006	2007	2008	Total
New Court Facility (Amt of funding still required)	2,670,000	-	-	-	-	2,670,000
Road Construction	2,200,000	2,300,000	2,400,000	2,500,000	2,500,000	11,900,000
Lakeland Health Care Center	4,942,300	8,000,000	2,310,000	-	-	15,252,300
Remodel Existing Courthouse	2,860,000	-	290,000	-	-	3,150,000
LEC Communication Upgrade	244,500	500,000	117,110	-	-	861,610
Remodel West Wing Ctise per auth. Agreement	-	150,000	-	-	-	150,000
Sheriff's Evidence Building	-	446,700	-	-	-	446,700
Radio Trunking System (Sheriff)	-	-	2,000,000	1,500,000	-	3,500,000
Demolition of County Structures	-	-	-	494,000	-	494,000
All Other Capital Requests	2,282,770	1,830,162	1,372,771	1,798,575	1,271,480	8,555,758
TOTAL	15,199,570	13,226,862	8,489,881	6,292,575	3,771,480	46,980,368

Funding Source	2004	2005	2006	2007	2008	Total
Bond Issuance	6,070,000	9,800,000	5,620,000	3,500,000	2,000,000	26,990,000
Board of Commissioners of Public Lands	-	-	-	-	-	-
Use of General Funds	3,876,750	150,000	500,000	-	-	4,526,750
Use of LHCC Funds	1,527,300	-	-	-	-	1,527,300
Use of Public Works Funds	700,000	700,000	700,000	700,000	700,000	3,500,000
Jail Assessment - Annual Operations	269,280	50,000	50,000	50,000	50,000	469,280
Information Systems Funds	-	-	-	-	-	-
Land Information Funds	-	-	-	-	-	-
Existing Bond Funds	1,100,000	-	-	-	-	1,100,000
Other Existing Funds	215,000	-	-	-	-	215,000
Grant / Other Financing	101,400	-	-	-	-	101,400
Tax Levy	1,339,840	-	-	-	-	1,339,840
To Be Determined	-	2,526,862	1,619,881	2,042,575	1,021,480	7,210,798
TOTAL	15,199,570	13,226,862	8,489,881	6,292,575	3,771,480	46,980,368

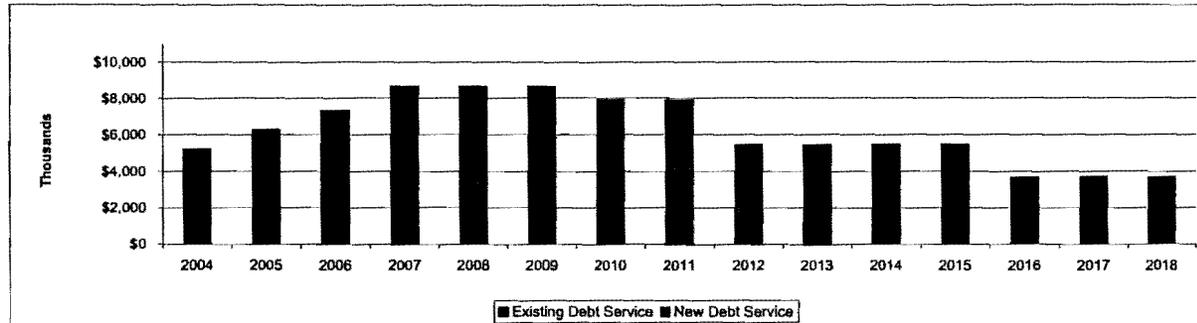
501A

Walworth County Financing Plan Option B (2006 Borrowing of \$5,620,000)

LEVY YEAR	YEAR DUE	EXISTING DEBT SERVICE	EXISTING MILL RATE (A)	Preliminary			NEW ISSUE MILL RATE (A)	EXAMPLE FUTURE FINANCINGS				Hypothetical Not in CIP (B)	COMBINED DEBT SERVICE	COMBINED MILL RATE (A)	IMPACT OVER PRIOR YEAR		
				PRINCIPAL (4/1)	INTEREST (4/1 & 10/1)	TOTAL		\$9,800,000 G.O. Notes Dated: 7/1/05	\$5,620,000 G.O. Notes Dated: 7/1/06	\$3,500,000 G.O. Notes Dated: 7/1/07	\$2,000,000 G.O. Notes Dated: 7/1/08					AVG= 4.75%	
				\$6,070,000													
				G.O. Promissory Notes Dated: September 1, 2004 (First interest 4/01/2005)													
2003	2004	\$5,256,487	\$0.58										\$5,256,487	\$0.58			
2004	2005	\$5,591,052	\$0.58	\$530,000	\$183,661	\$713,661	\$0.07						\$6,304,713	\$0.66	\$0.08		
2005	2006	\$6,097,946	\$0.61	\$550,000	\$160,165	\$710,165	\$0.07	\$551,250					\$7,359,361	\$0.73	\$0.07		
2006	2007	\$6,415,355	\$0.61	\$560,000	\$149,058	\$709,058	\$0.07	\$1,223,000	\$333,688				\$8,681,100	\$0.82	\$0.09		
2007	2008	\$6,025,468	\$0.54	\$575,000	\$135,850	\$710,850	\$0.06	\$1,260,313	\$476,844	\$207,813		\$0	\$8,681,286	\$0.78	(\$0.04)		
2008	2009	\$5,531,218	\$0.48	\$590,000	\$120,550	\$710,550	\$0.06	\$1,264,925	\$744,863	\$312,688	\$118,750	\$0	\$8,682,993	\$0.75	(\$0.03)		
2009	2010	\$4,765,480	\$0.39	\$610,000	\$103,288	\$713,288	\$0.06	\$1,120,888	\$594,200	\$305,563	\$143,813	\$255,425	\$7,898,655	\$0.65	(\$0.10)		
2010	2011	\$4,208,158	\$0.33	\$630,000	\$83,900	\$713,900	\$0.06	\$1,269,938	\$752,350	\$298,438	\$141,438	\$509,738	\$7,893,958	\$0.62	(\$0.03)		
2011	2012	\$2,333,885	\$0.17	\$650,000	\$62,450	\$712,450	\$0.05	\$682,200	\$526,094	\$325,481	\$139,063	\$765,738	\$5,484,910	\$0.41	(\$0.21)		
2012	2013	\$1,271,250	\$0.09	\$675,000	\$38,919	\$713,919	\$0.05	\$1,199,575	\$753,769	\$350,863	\$175,738	\$1,018,069	\$5,483,181	\$0.39	(\$0.02)		
2013	2014			\$700,000	\$13,300	\$713,300	\$0.05	\$1,301,200	\$1,609,013	\$413,631	\$171,463	\$1,271,375	\$5,479,981	\$0.37	(\$0.02)		
2014	2015							\$2,847,663	\$419,956	\$521,650	\$167,188	\$1,525,181	\$5,481,638	\$0.35	(\$0.02)		
2015	2016								\$1,218,263	\$545,631	\$162,913	\$1,779,013	\$3,705,819	\$0.23	(\$0.12)		
2016	2017									\$1,499,794	\$173,281	\$2,032,394	\$3,705,469	\$0.22	(\$0.01)		
2017	2018										\$1,417,894	\$2,284,850	\$3,702,744	\$0.21	(\$0.01)		
\$47,496,297				\$6,070,000	\$1,051,140	\$7,121,140		\$12,720,950	\$7,429,038	\$4,781,550	\$2,811,538	\$11,441,781	\$93,802,293				

(A) Mill rate based on 2003 Equalized Valuation (TID-OUT) \$9,117,161,800 with 5% annual growth.

(B) Assumes annual borrowings of \$2,000,000 starting in July 1, 2009.



property to be acquired must be located appurtenant to a county highway and that the county will acquire the land only if other funds are not available for that purpose.

County Board Meeting Date: February 10, 2004

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

David A. Bretl	1/30/04	N. Andersen	1/30/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Supervisor Schaefer offered a motion, seconded by Supervisor Lohrmann, to approve Resolution 101-02/04 – Authorizing Not to Exceed \$4,500,000 General Obligation Promissory Notes For Highway Projects and Courthouse Improvements. Supervisor Grant offered a motion for unanimous consent, seconded by Supervisor Gigante. Discussion ensued. Finance Director Andersen addressed the Board and said that \$2,000,000 of the amount would be used for road construction and the remaining \$2,500,000 for remodeling the existing courthouse.

A roll call vote was held to approve Resolution 101-02/04. Total vote: 25; Ayes: 22 – Arnold, Burwell, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Twyring, Wenglowisky, Norem; Noes: 3 – Felten, Gigante, Guido; Absent: 0. Resolution No. 101-02/04 was approved.

Resolution No. 101-02/04
Authorizing Not To Exceed \$4,500,000
General Obligation Promissory Notes For Highway Projects
And Courthouse Improvements

Moved/Sponsored by: Finance Committee

WHEREAS, Walworth County, Wisconsin (the "County") is in need of an amount not to exceed \$4,500,000 for the public purposes of financing the construction and improvement of highways and the upgrading and remodeling of the existing County Courthouse; and,

WHEREAS, it is desirable to authorize the issuance of general obligation promissory notes for such purpose pursuant to Chapter 67 of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the County borrow an amount not to exceed \$4,500,000 by issuing its general obligation promissory notes for the public purposes of financing the construction and improvement of highways and the upgrading and remodeling of the existing County

Courthouse. There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on such notes.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

Action Required: Majority Vote _____ Two-thirds Vote _____ Other 3/4

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

David A. Bretl	1/30/04	N. Andersen	1/30/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 101-02/04

- I. Title: Authorizing Not to Exceed \$4,500,000 General Obligation Promissory Notes for Highway Projects and Courthouse Improvements
- II. Purpose and Policy Impact Statement: State statutes stipulate that the authorization of long-term debt requires a vote of 3/4 of the members elected to the County Board of Supervisors to allow its exclusion from the 1992 mill rate freeze. Upon authorization, it is anticipated that these securities will be issued in conjunction with other projects in fiscal year 2004 to meet spend down requirements of the projects. The size and timing of the issuance will be based upon the recommendation of the Finance Committee, in consultation with the county's financial advisor. The County Board must approve the future sale of each individual issue.
- III. Budget and Fiscal Impact: The 2004 budget includes \$2 million of road construction projects scheduled to be funded with long-term debt. In addition, the 2004 Capital Improvement Program reflected that \$4.17 million of debt be issued to fund the Lakeland Health Care Center project, however, due to the revised construction schedule, the funding for this project has been moved to 2005 -2006. To balance the yearly debt issuance, the Finance Committee is recommending that \$2.5 million of debt be issued in 2004 for the purpose of remodeling the existing courthouse. This project was originally scheduled for 2005.

A copy of the revised capital improvement summary, as recommended by the Finance Committee, and a copy of the proposed financing plan are attached.

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

Committee: Finance Meeting Date: To be reviewed at special meeting
on February 10, 2004

Vote: 7 – 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl	1/30/04	N. Andersen	1/30/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Executive Committee

1. Res. No. 104-02/04 – Creating a Task Force to Study Ways to Reduce the Jail Population
2. Res. No. 105-02/04 – Adopting a County Logo
3. Ord. No. 258-02/04 – Creating Section 2-166 of the Walworth County Code of Ordinances Relating to Compensation of Citizen Members

Supervisor Scharine offered a motion, seconded by Supervisor Ketchpaw, to approve all three items under the Executive Committee. Supervisor Burwell asked to separate all three items.

Discussion ensued on item #1, Resolution No. 104-02/04 – Creating a Task Force to Study Ways to Reduce the Jail Population.

Resolution No. 104-02/04 – Creating a Task Force to Study Ways to Reduce the Jail Population was approved by voice vote.

Resolution No. 104-02/04
Creating a Task Force to Study Ways to Reduce the Jail Population

Moved/Sponsored by: Executive Committee

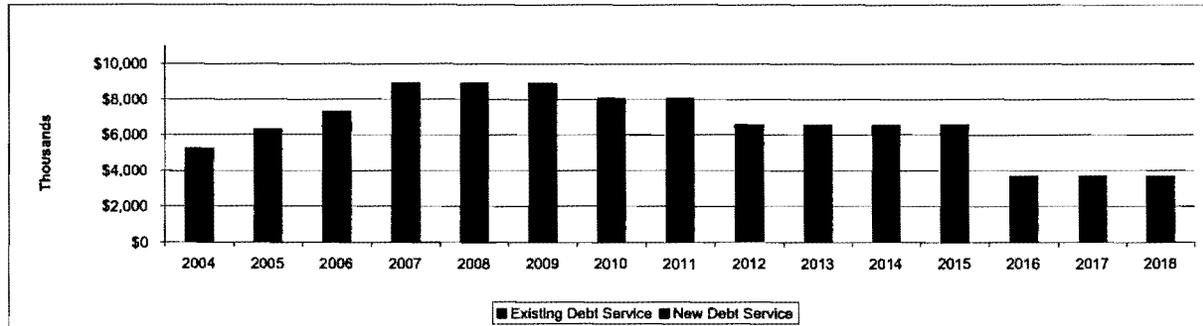
WHEREAS, Walworth County has seen a 25% increase in its population from 1990 to 2000; and,

Walworth County Financing Plan Option A (2006 Borrowing of \$9,690,000)

LEVY YEAR	YEAR DUE	EXISTING DEBT SERVICE	EXISTING MILL RATE (A)	Preliminary			NEW ISSUE MILL RATE (A)	EXAMPLE FUTURE FINANCINGS				Hypothetical Not in CIP (B)	COMBINED DEBT SERVICE	COMBINED MILL RATE (A)	IMPACT OVER PRIOR YEAR		
				PRINCIPAL (4/1)	INTEREST (4/1 & 10/1)	TOTAL		\$9,800,000 G.O. Notes Dated: 7/1/05	\$9,690,000 G.O. Notes Dated: 7/1/06	\$3,500,000 G.O. Notes Dated: 7/1/07	\$2,000,000 G.O. Notes Dated: 7/1/08					AVG=	AVG=
				\$6,070,000													
				G.O. Promissory Notes Dated: September 1, 2004 (First interest 4/01/2005)													
2003	2004	\$5,256,487	\$0.58	\$530,000	\$183,661	\$713,661	\$0.07	\$1,223,000	\$575,344				\$5,256,487	\$0.58			
2004	2005	\$5,591,052	\$0.58	\$575,000	\$135,850	\$710,850	\$0.07	\$1,260,313	\$718,981				\$6,304,713	\$0.66	\$0.08		
2005	2006	\$6,097,946	\$0.61	\$590,000	\$120,550	\$710,550	\$0.06	\$1,264,925	\$989,506	\$207,813			\$7,359,361	\$0.73	\$0.07		
2006	2007	\$6,415,355	\$0.61	\$610,000	\$103,288	\$713,288	\$0.06	\$1,120,888	\$782,538	\$305,563	\$118,750		\$8,922,756	\$0.85	\$0.12		
2007	2008	\$6,025,468	\$0.54	\$630,000	\$83,900	\$713,900	\$0.06	\$1,269,938	\$940,688	\$298,438	\$143,813	\$0	\$8,923,424	\$0.81	(\$0.04)		
2008	2009	\$5,531,218	\$0.48	\$650,000	\$62,450	\$712,450	\$0.05	\$682,200	\$1,612,581	\$325,481	\$139,063	\$255,425	\$8,927,636	\$0.77	(\$0.04)		
2009	2010	\$4,765,480	\$0.39	\$675,000	\$38,919	\$713,919	\$0.05	\$1,199,575	\$1,840,488	\$350,863	\$175,738	\$509,738	\$8,086,993	\$0.66	(\$0.11)		
2010	2011	\$4,208,158	\$0.33	\$700,000	\$13,300	\$713,300	\$0.05	\$1,301,200	\$2,698,706	\$413,631	\$171,463	\$509,738	\$8,082,295	\$0.63	(\$0.03)		
2011	2012	\$2,333,885	\$0.17					\$2,847,663	\$1,510,250	\$521,650	\$167,188	\$765,738	\$6,571,398	\$0.49	(\$0.14)		
2012	2013	\$1,271,250	\$0.09							\$1,499,794	\$162,913	\$1,018,069	\$6,569,900	\$0.46	(\$0.03)		
2013	2014											\$1,271,375	\$6,569,675	\$0.44	(\$0.02)		
2014	2015											\$1,525,181	\$6,571,931	\$0.42	(\$0.02)		
2015	2016											\$3,705,819	\$3,705,819	\$0.23	(\$0.19)		
2016	2017											\$2,032,394	\$3,705,469	\$0.22	(\$0.01)		
2017	2018											\$2,284,850	\$3,702,744	\$0.21	(\$0.01)		
				\$6,070,000	\$1,051,140	\$7,121,140		\$12,720,950	\$12,887,344	\$4,781,550	\$2,811,538	\$11,441,781	\$99,260,599				

(A) Mill rate based on 2003 Equalized Valuation (TID-OUT) \$9,117,161,800 with 5% annual growth.

(B) Assumes annual borrowings of \$2,000,000 starting in July 1, 2009.



**Walworth County Capital Improvement Funding Summary
LHCC Project - Option A - Without Demolition**

Project	2004	2005	2006	2007	2008	Total
New Court Facility (Amt of funding still required)	2,670,000	-	-	-	-	2,670,000
Road Construction	2,200,000	2,300,000	2,400,000	2,500,000	2,500,000	11,900,000
Lakeland Health Care Center	1,252,300	8,000,000	6,000,000	-	-	15,252,300
Remodel Existing Courthouse	2,860,000		290,000	-	-	3,150,000
LEC Communication Upgrade	244,500	500,000	117,110	-	-	861,610
Remodel West Wing Cthse per auth. Agreement		150,000	-	-	-	150,000
Sheriff's Evidence Building	-	446,700	-	-	-	446,700
Radio Trunking System (Sheriff)	-	-	2,000,000	1,500,000		3,500,000
Demolition of County Structures	-	-	-	494,000	-	494,000
All Other Capital Requests	2,282,770	1,830,162	1,372,771	1,798,575	1,271,480	8,555,758
TOTAL	11,509,570	13,226,862	12,179,881	6,292,575	3,771,480	46,980,368

Funding Source	2004	2005	2006	2007	2008	Total
Bond Issuance	6,070,000	9,800,000	9,690,000	3,500,000	2,000,000	31,060,000
Board of Commissioners of Public Lands	-	-	-		-	-
Use of General Funds	1,914,050	150,000	500,000		-	2,564,050
Use of LHCC Funds						-
Use of Public Works Funds	700,000	700,000	700,000	700,000	700,000	3,500,000
Jail Assessment - Annual Operations	269,280	50,000	50,000	50,000	50,000	469,280
Information Systems Funds				-	-	-
Land Information Funds		-	-	-	-	-
Existing Bond Funds	1,100,000					1,100,000
Other Existing Funds	215,000	-	-	-	-	215,000
Grant / Other Financing	101,400	-	-	-	-	101,400
Tax Levy	1,139,840	-	-	-	-	1,139,840
To Be Determined	-	2,526,862	1,239,881	2,042,575	1,021,480	6,830,798
TOTAL	11,509,570	13,226,862	12,179,881	6,292,575	3,771,480	46,980,368

505B

WHEREAS, Walworth County is encountering ever-increasing pressures on its criminal justice system resulting in the expansion of jail and court facilities; and,

WHEREAS, the Walworth County jail population continues to increase and alternatives to jail need to be reviewed and considered.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors hereby establishes a task force to reduce the population of Walworth County's jail and work release facilities.

BE IT FURTHER RESOLVED that said task force shall study the criminal justice system in Walworth County including:

1. Court procedures
2. Jail trends
3. Prosecution policies
4. Law enforcement practices
5. Community-oriented programs
6. Juvenile justice activities
7. Other justice-related agencies

BE IT FURTHER RESOLVED that said task force shall consist of the following members:

1. Chief Judge for Walworth County or his designee
2. County Board Supervisor
3. Jail Administrator
4. District Attorney
5. Health and human services director
6. Public defender
7. Probation and parole agent
8. Representative from Walworth County Chief of Police Association
9. Representative from higher education as a non-voting member

BE IT FURTHER RESOLVED that the duties of said task force will be:

1. To provide a clear understanding of the needs of the Walworth County criminal justice system.
2. To produce data and analysis requested by elected officials and justice administrators to evaluate management, operations and programs of the system.
3. To provide a framework to make recommendations regarding the allocation of resources to achieve justice goals.
4. To consider criminal justice programs designed to reduce the inmate population, including in-house jail programming.
5. To promote the most effective use of available jail space.

BE IT FURTHER RESOLVED that said task force will report periodically to the Executive Committee and will produce a final report within one year from the effective date of this resolution.

BE IT FURTHER RESOLVED that mileage and per diem for citizen members of the task force is not authorized.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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

2/2/04
Date

Nicki Andersen (pw)
Finance Director

2/2/04
Date

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

Policy and Fiscal Note
Resolution No. 104-02/04

- I. Title: Creating a Task Force to Study Ways to Reduce the Jail Population
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to create the criminal justice task force to study the Walworth County criminal justice system.
- III. Budget and Fiscal Impact: Aside from staff time involved in meetings, the Walworth County criminal justice task force is not anticipated to have a significant budget impact. Mileage and per diem for citizen members of the task force is not authorized. The supervisor appointee, as well as staff, would be eligible for mileage. It is anticipated that this expense can be covered within existing departmental budgets.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive

Meeting Date: January 22, 2004

Vote: 7 - 0

County Board Meeting Date: January 13, 2004

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

David A. Bretl	2/2/04	Nicki Andersen	2/2/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Discussion ensued on Resolution No. 105-02/04 – Adopting a County Logo.

Supervisor Scharine, seconded by Supervisor Guido, offered a motion to call the question. Supervisor Arnold voted no to calling the question.

A roll call vote was held on the motion to approve Resolution 105-02/04. Total vote: 25; Ayes: 15 – Gigante, Grant, Hilbelink, Ketchpaw, Lohrmann, Lothian, Miles, Parker, Russell, Schaefer, Scharine, Shroble, Twyning, Wenglowisky, Norem; Noes: 10 – Arnold, Burwell, Felten, Guido, Kuhnke, Lightfield, Morrison, Palzkill, Peterson, Polyock; Absent: 0. Resolution 105-02/04 was approved.

Resolution No. 105-02/04
Adopting a County Logo

Moved/Sponsored by: Executive Committee

WHEREAS, the executive committee has studied the matter of adopting a new county logo; and,

WHEREAS the purpose of a logo is to promote the county, particularly with respect to enhancing economic development opportunities, in a manner that the current “cupola” or wheat and plough designs cannot; and,

WHEREAS a logo highlighting agriculture, industry and recreation represents the county’s rich heritage, exceptional quality of life, and promising future.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the design represented by the attached rendering be and the same is hereby adopted by the County Board as a logo and its use shall be authorized to promote Walworth County.

William M. Norem	Kimberly S. Bushey
County Board Chairman	County Clerk

County Board Meeting Date: February 10, 2004

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	2/2/04	Nicki Andersen (pw)	2/2/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 105-02/04

- I. Title: Adopting a County Logo
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to adopt a county logo to represent and promote Walworth County.
- III. Budget and Fiscal Impact: Adoption of this resolution will have no fiscal impact on the 2004 county budget as there are no plans to abandon existing stocks of stationery, signs, decals, etc. Use of the logo for these purposes would be subject to normal budgetary procedures.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive	Meeting Date: January 22, 2003
Vote: 7 - 0	

County Board Meeting Date: February 10, 2004

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

David A. Bretl	2/2/04	Nicki Andersen (pw)	2/2/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Discussion ensued on Ord. 258-02/04 – Creating Section 2-166 of the Walworth County Code of Ordinances Relating to Compensation of Citizen Members. Discussion ensued. Supervisor Felten said she thinks the committees that are listed here are the committees that have members that get paid mileage.



A COLOR COPY WILL BE AVAILABLE AT THE COUNTY BOARD MEETING.

On motion by Supervisor Lohrmann, seconded by Supervisor Gigante, Ordinance No. 258-02/04 was amended by adding the following committees: Parks Advisory Board, Economic Development Advisory Committee, and the Local Emergency Planning Committee and by adding "No" in the Mileage and Per Diem columns for each of these committees. Ordinance No. 258-02/04 was approved as amended by voice vote.

ORDINANCE NO. 258 – 02/04
AMENDED
 CREATING SECTION 2-166 OF THE WALWORTH COUNTY CODE OF
 ORDINANCES RELATING TO COMPENSATION OF CITIZEN MEMBERS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
 FOLLOWS:

PART I: THAT Section 2-166 of the Walworth County Code of Ordinances is created to read as follows:

"Sec. 2-166. Compensation of Citizen Members.

(a) Definition. For purposes of this section, "citizen member" means any person appointed by the County Board to serve on a board, committee or commission but excludes a County Board supervisor or an employee of the County.

(b) Authorization for Mileage and/or Per Diem. A citizen member is eligible for the payment of per diem and mileage only as provided below:

Committee, Commission or Board	Mileage	Per Diem
Affirmative Action Commission	Yes	Yes
Agriculture & Extension Education Committee	Yes	Yes
Civil Service Board	Yes	Yes
Health & Human Services Board	Yes	Yes
Lake District Members – appointed by the County Board	Yes	Yes
Lakeland Health Care Center Board of Trustees	Yes	Yes
County Zoning Agency	Yes	Yes
Solid Waste Management Board	Yes	Yes
Veterans Service Commission	Yes	Yes
Wisconsin River Rail Transit Commission	Yes	Yes
Zoning Board of Adjustment	Yes	Yes
Commission on Aging (citizen members of Health & Human Services Board only)	Yes	Yes
Long Term Care Support Committee (citizen members of Health & Human Services Board only)	Yes	Yes
Land Conservation Committee	Yes	Yes

* See amended additions below.

(c) Per Diem. Per diem shall be payable at the rate of \$50 per day for each day the citizen member attends a meeting of the committee, board or commission for which per diem has been authorized. Only one per diem may be paid per day even though the member may attend more than one meeting in each day. As a condition of payment, the meeting must be held in compliance with the open meetings law. Payment of per diem does not apply to attendance at conferences, conventions or seminars.

(d) Mileage Allowance. Each citizen member entitled to receive a mileage allowance shall be paid at the same rate and upon the same basis as mileage is paid to County Board supervisors.

<u>*Committee</u>	<u>Mileage</u>	<u>Per Diem</u>
<u>Economic Development Advisory Committee</u>	<u>No</u>	<u>No</u>
<u>Parks Advisory Board</u>	<u>No</u>	<u>No</u>
<u>Local Emergency Planning Committee</u>	<u>No</u>	<u>No</u>

(e) No Other Benefits. Citizen members of a board, committee or commission are not eligible for any compensation, reimbursement or benefits other than provided in this section.

(f) Claim for Payments. Claims for payment shall be submitted to the County Clerk in a form and manner provided by the Clerk and no claim shall be paid except as provided by this section. Claims shall be submitted to the Clerk as soon as possible. Any claim received after January 25 for attendance of a meeting from a prior calendar year shall be disallowed.

PART II. BE IT FURTHER ORDAINED THAT claims of lake district members appointed by the County Board for mileage and per diem may be paid for meetings attended from the period of January 1, 2003 to the effective date of this ordinance, provided such claims are submitted within sixty (60) days after the effective date of this ordinance."

PART III. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 10th day of February 2004.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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:

David A. Bretl	2/5/04	Nicki Andersen (pw)	2/6/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Ordinance No. 258 - 02/04
Fiscal Note and Policy Impact Statement

- I. Title: Creating Section 2-166 of the Walworth County Code of Ordinances Relating to Compensation of Citizen Members.
- II. Purpose and Policy Impact Statement: The purpose of this ordinance is to:
 1. Codify existing resolutions and personnel code provisions relating to reimbursement for citizen members and to clarify procedures to obtain reimbursement.
 2. Permit the payment of per diem for citizen members, appointed by the County Board, serving on lake districts.
- III. Budget and Fiscal Impact: This ordinance codifies existing practice but does extend per diem only to citizen members of lake districts appointed by the County Board. There are currently two (2) citizen members, appointed by the County Board, serving on lake districts. This ordinance permits payment retroactively, to citizen members of lake districts. These claims likely of deminimus value and can, most likely, be accommodated within the 2004 budget. Assuming both citizen members apply for reimbursement and each attended four meetings, the County's retroactive liability would be \$400 plus mileage. The 2004 liability would be the same. A complete analysis of the actual number of meetings conducted by the lake districts has not been performed.
- IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Executive

Date: January 22, 2004

Vote: 7 – 0

County Board Meeting Date: February 10, 2004

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

David A. Brett
County Administrator/
Corporation Counsel

2/5/04
Date

Nicki Andersen (pw)
Finance Director

2/6/04
Date

Human Resources Committee

1. Ordinance No. 255-02/04 – Amending Sections 30-67 to 30-70 of Chapter 30 of the Walworth County Code of Ordinances Relating to Employment Agreements
2. Ordinance No. 256-02/04 –Creating Section 30-170 in Article IV of Chapter 30 of the Walworth County Code of Ordinances Relating to Employee Benefit Internal Service Funds
6. Resolution No. 95-02/04 – Repealing Chapters of the Personnel Code and Replacing them with a Human Resources Ordinance

The Board did not convene in Closed Session to consider Resolution No. 103-02/04 – Approving an Agreement and General Release by and Between Janice St. John and Walworth County.

On motion by Supervisor Morrison, seconded by Supervisor Burwell, Ordinance No. 255-02/04, Ordinance No. 256-02/04, Resolution No. 95-02/04, and Resolution No. 103-02/04 were approved by voice vote.

Ordinance No. 255-2/04

Amending Sections 30-67 to 30-70 of Chapter 30 of the Walworth County Code of Ordinances Relating to Employment Agreements

NOW, THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART 1: THAT section 30-67 of Chapter 30 of the Walworth County Code of Ordinances is hereby amended to read as follows (changes are shown by strike-out and underline):

“Contract means any written document evidencing a legally binding obligation between the county, its departments, officials and employees, and a third party; individual employment agreements, and collective bargaining agreements. The term shall not include ~~collective bargaining agreements or purchase orders~~ but shall include individual employment agreements.”

PART 2. THAT Sections 30-68 and 30-69 of Chapter 30 of the Walworth County Code of Ordinances are hereby amended to read as follows (changes are shown by strike-out and underline):

“Sec. 30-68. Contract in name of county.

All contracts ~~for the purchase of goods or services~~ shall be in writing and in the name of the county."

Sec. 30-69. Contract review and signature.

(a) The following reviews shall be completed ~~—— (a) ——~~ prior to signature of any contract ~~by the county or any department, every contract,~~ whether providing for the expenditure of funds or not:

- (1) ~~The shall first be reviewed by the corporation counsel who shall attest to the legality and sufficiency of the contract for the intended purpose;~~
 - (2) The finance director shall attest ~~Each contract shall, prior to execution be reviewed by the finance director to ensure that sufficient funds are available to meet the obligations of the contract and to certify and compliance with this chapter; and~~
 - (3) The human resources director shall, for employment agreements, attest to compliance with chapter 15 or conformance with benefit plan document provisions,
- (b) ~~In accordance with this chapter,~~ The county clerk shall sign all contracts for the purchase or lease of real or personal property and all contracts of \$10,000.00 or more. Department heads or the county administrator shall execute sign contracts under \$10,000.00.
- (c) Change orders or amendments shall require the same approval as the original contract."

PART 3. THAT Subsection (f) of section 30-70 of Chapter 30 of the Walworth County Code of Ordinances is hereby repealed and recreated to read as follows:

"(f) Employment agreements. Notwithstanding paragraph (a), employment agreements shall be subject to the following:

- (1) A collective bargaining agreement shall require approval of the county board upon receipt of a report from the human resources committee.
- (2) The director of special education shall execute a contract with a new teacher, providing the terms of the contract do not exceed the provisions of the collective bargaining agreement, subject to approval of the Children with Disabilities Education Board."

PART 4: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin

this 10th day of February, 2004.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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	2/5/04	Nicki Andersen (pw)	2/6/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Ordinance No. 255-02/04

- I. Title: Amending Sections 30-67 to 30-70 of Chapter 30 of the Walworth County Code of Ordinances Relating to Employment Agreements
- II. Purpose and Policy Impact Statement: This ordinance amendment incorporates changes to the county contracting process. The amendment requires that collective bargaining agreements and employment contracts be reviewed by the human resources director before proceeding to the county board. The amendment also clarifies the process by which teacher contracts are approved. This amendment permits the director of special education to sign teacher contracts upon approval of the Children with Disabilities Education Board.
- III. Budget and Fiscal Impact: Passage of this ordinance has no fiscal impact.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources Meeting Date: January 21, 2004

Vote: 7 - 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl
County Administrator/
Corporation Counsel

2/5/04
Date

Nicki Andersen (pw)
Finance Director

2/6/04
Date

Ordinance No. 256-02/04

Creating Section 30-170 in Article IV of Chapter 30 of the Walworth County Code of Ordinances Relating to Employee Benefit Internal Service Funds

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART 1: THAT Section 30-170 in Article IV of Chapter 30 of the Walworth County Code of Ordinances is created to read as follows:

“Sec. 30-170. Employee benefit internal service funds.

- (a) Internal service funds shall be established for the following self-funded employee benefit plans:
 - (1) Group health insurance plan
 - (2) Group dental insurance plan
 - (3) Workers' compensation plan
- (b) Fund reserves shall be set with consideration given to incurred but unpaid claims, excess claims liability, market inflation and rate stabilization. Premium rates shall be adjusted as necessary to meet budget goals and to increase or decrease fund reserves. Funds shall not be transferred out of internal service funds under this section for other general purposes.
- (c) The county administrator shall, in consultation with the finance director and human resources director, propose rates to be applied to the plans identified under sub. (a). Rates shall be set to cover claims expenses, administrative expenses and any required adjustments to fund reserves. Final rates for the next calendar year shall be established by the adopted budget.
- (d) Interest on cash reserves shall be credited to the appropriate employee benefit internal service fund.”

PART 2: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 10th day of February, 2004.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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	2/5/04	N. Andersen	2/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Ordinance No. 256-02/04

- I. Title: Creating Section 30-170 in Article IV of Chapter 30 of the Walworth County Code of Ordinances Relating to Employee Benefit Internal Service Funds
- II. Purpose and Policy Impact Statement: This ordinance establishes procedures for the establishment and maintenance of group health, dental and worker's compensation plans.
- III. Budget and Fiscal Impact: This resolution formally establishes the procedure by which rates are set and therefore has no independent fiscal impact. Adoption of rates will have a significant budget impact but are subject to county board review and approval during the normal budget process.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources Meeting Date: January 21, 2004

Vote: 7 - 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl	2/5/04	Nicki Andersen (pw)	2/6/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 95- 02/04
Repealing Chapters of the Personnel Code
and Replacing them with a Human Resources Ordinance

Moved/Sponsored by: Human Resources Committee

WHEREAS, Human Resources Committee ("Committee") recommends that the Personnel Code be replaced with a Human Resources ordinance ("Ordinance"); and

WHEREAS, the Committee recommends repeal of the below-listed Personnel Code chapters contingent upon adoption by the County Board of Supervisors of Ordinance Numbers 255-02/04, and 256-02/04.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that chapters 401, 402, 403, and 404 of the Personnel Code be and the same are hereby repealed in their entirety, effective upon adoption and publication of Ordinance Numbers 255-02/04, and 256-02/04.

BE IT FURTHER RESOLVED THAT the County Administrator be authorized to promulgate administrative procedures to supplement and carry out the provisions of Ordinance Numbers 255-02/04, and 256-02/04.

BE IT FURTHER RESOLVED THAT those chapters of the Personnel Code not repealed by this or a prior resolution shall remain in full force and effect.

William M. Norem	Kimberly S. Bushey
County Board Chairman	County Clerk

County Board Meeting Date: February 10, 2004

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 2/5/04 N. Andersen 2/5/04
County Administrator/ Date Finance Director Date
Corporation Counsel

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

Policy and Fiscal Note
Resolution No. 95-02/04

- I. Title: Repealing Chapters of the Personnel Code and Replacing them with a Human Resources Ordinance
- II. Purpose and Policy Impact Statement: This ordinance adopts human resource policy by ordinance, and directs the county administrator to enact administrative procedures to carryout the provisions of the ordinance. In the past these policies were adopted by resolution. By separate resolution, the former policies related to this ordinance are repealed.
- III. Budget and Fiscal Impact: Passage of this ordinance has no fiscal impact.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources Meeting Date: January 21, 2004

Vote: 7 – 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl 2/5/04 N. Andersen 2/5/04
County Administrator/Corporation Counsel Date Finance Director Date

Resolution No. 103 - 02/04
Approving an Agreement and General Release
By and between Janice St. John and Walworth County

Moved/Sponsored by: Human Resources Committee

WHEREAS, Janice St. John (St. John) has announced her intention to retire as the County's Human Resources director, effective May 5, 2005; and

WHEREAS, it is in the interest of the County, to more effectively facilitate a reorganization of the Human Resources Department, that St. John end active employment with the County on December 17, 2004 and serve in a consulting capacity until May 5, 2005; and

WHEREAS, to achieve this transition and facilitate the services of St. John, the Human Resources committee recommends approval of an Agreement and General Release.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the attached Agreement and General Release by and between Janice St. John and Walworth County be and the same is hereby approved.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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

2/4/04
Date

Nicki Andersen (pw)
Finance Director

2/6/04
Date

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

Policy and Fiscal Note
Resolution No. 103 - 02/04

- I. Title: Approving an Agreement and General Release by and between Janice St. John and Walworth County.
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to approve an Agreement and General Release ("Agreement") by and between Janice St. John and Walworth County. St. John has stated her intention to retire on May 5, 2005, the date which she would be eligible to receive her full retirement benefit under the Wisconsin Retirement System (WRS). Under the terms of the Agreement, St. John will serve as Human Resources Director until December 17, 2004. To compensate St. John for the loss in her pension benefit, the Agreement provides for a payment by the County of \$20,244 to the WRS fund on St. John's behalf. Additionally, the County would make a payment of \$16,186 to St. John. This is the difference between St. John's monthly pension benefit,

which she will receive from the WRS, and the pay she would have received as a County employee for the period from December 18, 2004 through May 5, 2005.

III. Budget and Fiscal Impact: The Agreement will cost the County \$36,430.00 in 2004. The finance committee will meet on February 10, 2004 to consider budget transfers to use funds in existing accounts to pay the cost of this Agreement. Assuming this action is taken, the Agreement and General Release can be paid for from the 2004 budget without the need for an additional appropriation. Funding will be achieved primarily through wage savings from vacant positions. Additionally, St. John will be eligible for County paid health insurance under this Agreement until June 30, 2005.

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

Committee: Human Resources
Vote: 7 – 0

Meeting Date: February 4, 2004

Committee: Finance
Vote: 7 – 0

Meeting Date: February 10, 2004

County Board Meeting Date: February 10, 2004

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

David A. Bretl	2/5/04	Nicki Andersen (pw)	2/6/04
County Administrator/Corporation Counsel	Date	Finance Director	Date

Land Conservation Committee

1. Res. No. 96-02/04 – Supporting the Ice Age Trail Through Walworth County
2. Res. No. 97-02/04 – Approving the Gypsy Moth Suppression Program
3. Res. No. 98-02/04 – Amending Walworth County's Land and Water Resource Management Plan

Supervisor Gigante asked to consider item #1, Resolution No. 96-02/04 separately. Supervisor Gigante offered a motion, seconded by Supervisor Guido, to table Resolution No. 96-02/04. Discussion ensued. Supervisor Grant offered a motion, seconded by Supervisor Hilbelink, to call the question. A roll call vote was held. Total vote: 25; Ayes: 6 – Gigante, Guido, Kuhnke, Lothian, Morrison, Norem; Noes: 19 – Arnold, Burwell, Felten, Grant, Hilbelink, Ketchpaw, Lightfield, Lohrmann, Miles, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Twyning, Wenglowky; Absent: 0. The motion to table Resolution No. 96-02/094 failed.

AGREEMENT AND GENERAL RELEASE

This Agreement and General Release (hereinafter referred to as "Agreement") is made this 4th day of February, 2004 by and between Janice S. St. John (hereinafter referred to as "Employee") and Walworth County (hereinafter referred to as "County").

1. **WHEREAS**, the parties to this Agreement acknowledge the following set of facts:

A. That the Employee has served as the Director of Human Resources for the County of Walworth, State of Wisconsin since October 14, 1985.

B. That the Employee has expressed an intent to end her employment to retire effective May 5, 2005, but would be willing to enter into a voluntary early retirement agreement.

C. That by mutually agreeing to the specific date of the Employee's resignation, the County has the ability to better plan, organize, and budget the operations of the Human Resources Department.

D. That both parties recognize that with the anticipated departure of Employee there will be a period of time during which other County employees may require the assistance and advice that someone of the Employee's experience can offer during this period of transition.

2. **THEREFORE**, the County and the Employee have agreed to enter into this Agreement for the purpose of setting out the terms and conditions of the Employee's continued employment through December 17, 2004 and subsequent resignation. The parties further recognize that by expressly setting forth these terms and conditions of employment, and subsequent resignation, both parties are better served by the mutual covenants and benefits contained herein and the certainty which a written agreement brings to the interest of both parties. The entering into of this Agreement does not constitute an allegation by either party, nor an admission by either party, of any wrongful conduct, violation of law, or improper act.

3. **IN CONSIDERATION OF THE FOREGOING AND FOLLOWING**, the parties agree as follows:

A. The Employee agrees to remain an employee of the County in the position of Director of Human Resources for the period from the effective date of this Agreement through and including December 17, 2004. The Employee agrees to announce her decision on February 4, 2004.

B. The Employee agrees to resign her employment with the County effective 5:00 p.m. on December 17, 2004.

C. As the Employee will remain an employee of the County from the date of her announcement until December 17, 2004 she will be entitled to receive full salary and benefits during such period, contingent only on continued acceptable performance of her job responsibilities.

D. Under the Wisconsin Retirement System (WRS) Actuarial Reduction Program, the County agrees to pay the cost of the actuarial reduction in the Employee's WRS annuity resulting from her decision to take early retirement. That cost is estimated at \$20,244.00.

E. On December 22, 2004, the County shall pay to the Employee a lump sum of \$16,186.00 to compensate the Employee for the loss of wages between the early retirement date of December 17, 2004 and the normal retirement date of May 5, 2005. In consideration of the payment, the Employee agrees to make herself available between December 17, 2004 and May 5, 2005 to assist in the transition of her responsibilities.

F. The County shall pay its share of the Employee's current health and dental insurance premiums through June 30, 2005. All payments made after December 17, 2004 shall be included for the purposes of calculation of the time period that health and dental coverage is required to be offered to the Employee pursuant to the provisions of the Consolidated Omnibus Budget Reconciliation Act, or COBRA.

G. It is understood that all of the wages paid, as outlined above, are for services that the Employee may render or may be called upon to render, during the calendar year 2004 and through May 5, 2005. This is so even though the final pay date is on December 22, 2004.

H. It is understood and agreed that this Agreement will be presented to the Walworth County Board for its review. The Agreement shall become effective upon the approval of the Walworth County Board.

I. The Employee agrees to perform such duties as may be assigned by the County Administrator. The Employee agrees to continue in the performance of her duties at a high degree of skill and professionalism. The County reserves the right to place the Employee on a paid leave of absence effective anytime following the effective date of this Agreement.

J. The above payments of wages and benefits shall be in lieu of any other payment, compensation or benefit, except such payment, compensation, or benefit that the Employee is entitled to as a matter of law. These benefits are:

- 1) Payout of any earned but unused vacation as of December 17, 2004;
- 2) Such benefits as the Employee is entitled to under the Wisconsin Retirement System;
- 3) Conversion of unused sick leave to health insurance credits in the manner specified under Chapter 15 of the Walworth County Code of Ordinances;
- 4) Such health insurance continuation benefits, if any, as are provided to retirees under Chapter 15 of the Walworth County Code of Ordinances, and State and Federal law.

K. Except as expressly provided in this Agreement, it is not the intention of either party that the Employee be granted any right(s) which are either greater to or less

than the rights that any other employees or retirees, either past or present, of the County, shall enjoy.

L. The parties mutually agree to refrain from making any remarks directed toward each other that are of a disparaging nature or otherwise designed to discredit or bring into disrepute the other.

4. **IT IS UNDERSTOOD AND AGREED** by and between the parties, and their counsel, that the terms of this Agreement and the Agreement itself are contingent upon and subject to the approval of the Walworth County Board acting in open session and that to be effective such approval must be of this document without amendment.

5. **FOR AND IN CONSIDERATION** of the above payments, benefits, and other valuable and good consideration, the receipt and adequacy of which is hereby acknowledged by the Employee, the Employee does hereby for herself, her family, dependents, executors, administrators, heirs, and assigns, release, demise, acquit, and forever discharge the Employer and its attorneys, agents, servants, employees, Board members, successors and assigns of and from any and all liability, including emotional distress, causes of damages, claims, demands, liabilities, suits, and damage of any kind and nature whatsoever, in law or equity, now existing in favor of the Employee, and against the Employer, by reason of any facts existing at the date hereof, whether known or unknown, fixed or contingent, for any reason. Further, the Employee waives the right, if any, to recover attorney's fees, costs, wages, fringe benefits, and the right, if any, to future employment. By way of illustration, but not limitation, this Agreement is intended to release and discharge the Employer from any and all liability to the Employee, in an and all matters which have been raised, or which could have been raised, by way of claim or otherwise, as a result of the Employee's employment with the County, the Employee's voluntary resignation of employment with the County, or the circumstances giving rise to the Employee's voluntary resignation, including, but not limited to, the Age Discrimination in Employment Act, the Civil Rights Act of 1964, and the Wisconsin Fair Employment Act.

6. The Employee specifically waives any claim to employment following December 17, 2004 and agrees that she will not seek employment with the County in the future.

7. The Employee understands and acknowledges that she may retain legal counsel in connection with the negotiation of, and the entering into, this Agreement. The Employee understands and acknowledges that payments made hereunder are in full and complete satisfaction of any and all attorney's fees or costs that she may have incurred.

8. The Employee acknowledges that she has read and understands the contents of this Agreement. The Employee represents and acknowledges that she has had the opportunity to fully discuss this Agreement with legal counsel and that Employee acknowledges that neither the County nor any other person or entity has made any representation to her which has not been expressly stated in this Agreement.

9. **VOLUNTARY ACT.** The Employee acknowledges that she has been given a copy of this Agreement with a period of twenty-one (21) calendar days to review and consider this Agreement before signing it. The Employee acknowledges that she has carefully read this entire document, that she knows and understands the provisions of the document and that she has signed the Agreement as her own free act and deed.

10. **REVOCAION BY EMPLOYEE.** The Employee may revoke this Agreement within seven (7) days of signing it. The last day in which this Agreement can be revoked is called the "last revocation day." For this revocation to be effective, it must be delivered to the County no later than the last revocation day. If the Employee revokes this Agreement, it shall not be effective and the Employee will not receive any of the considerations specified hereunder. If the Employee does not revoke this Agreement, it shall go into effect on the day after the last revocation day and any payment and/or delivery of the consideration shall commence.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the day and year first written above.

CAUTION: THIS IS A RELEASE.
CONSULT WITH AN ATTORNEY AND READ IT BEFORE SIGNING.

By: Janice A. St. John
Janice A. St. John, Employee

Subject to approval
by County Board

WALWORTH COUNTY
By: [Signature] 4 Feb 04
County Administrator

By: _____
County Board Chairperson

Supervisor Hilbelink offered a motion, seconded by Supervisor Wenglowky, to approve item #1, Resolution No. 96-02/04. Discussion ensued.

On motion by Supervisor Russell, seconded by Supervisor Grant, the question was called. A roll call vote was held on the motion to approve Resolution No. 96-02/04. Total vote: 25; Ayes: 17 – Burwell, Felten, Grant, Hilbelink, Ketchpaw, Lightfield, Lohrmann, Miles, Palzkill, Parker, Peterson, Russell, Schaefer, Scharine, Shroble, Twyning, Wenglowky; Noes: 8 – Arnold, Gigante, Guido, Kuhnke, Lothian, Morrison, Polyock, Norem; Absent: 0. Resolution No. 96-02/04 was approved.

Resolution No. 96-02/04
Supporting the Ice Age Trail Through Walworth County

Moved/Sponsored by: Land Conservation Committee

WHEREAS, in the 1950's the late Ray Zilmer of Milwaukee proposed an Ice Age Glacier National Forest Park be established along the entire 1,200 miles of the moraines marking the furthest advance of the last glacier in Wisconsin; and,

WHEREAS, a portion of the furthest advance of the last glacier in Wisconsin runs through Walworth County; and,

WHEREAS, on October 3, 1980, the National Park Service designated the Ice Age Trail as a National Scenic Trail; and,

WHEREAS, in 1987 the Wisconsin legislature designated the Ice Age Trail as Wisconsin's first State Scenic Trail; and,

WHEREAS, today, approximately 300 miles of the trail have been certified by the National Park Service as part of the Ice Age National Scenic Trail and certification indicates the segment is developed and managed in accordance with approved trail plans and entitles the segment to be marked with the official trail emblem. An additional 250 miles of completed trail segments are also open for public use and enjoyment; and,

WHEREAS, the remaining 650 miles of the proposed Ice Age Trail have yet to be obtained; and,

WHEREAS, in April of 2001 the Walworth County Board approved A Land Use Plan for Walworth County Wisconsin: 2020 and that land use plan recommends that five major trails be provided within Walworth County; and,

WHEREAS, the Walworth County 2020 Land Use Plan recommends that the Wisconsin Department of Natural Resources be responsible for 54 miles of trail including 11 existing miles of the Ice Age Trail; and,

WHEREAS, the remaining proposed Ice Age Trail lands travel around Whitewater Lake and into Rock County as shown on Map A-2 of A Land Use Plan for Walworth County Wisconsin: 2020 (see attached exhibit); and,

WHEREAS, Walworth County needs to protect the Ice Age Trail for the benefit of future generations.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that Walworth County supports Ice Age Trail that currently runs through Walworth County; and,

BE IT FURTHER RESOLVED that Walworth County supports the remaining portion of the proposed Ice Age Trail as shown on Map A-2 of A Land Use Plan for Walworth County Wisconsin: 2020 adopted by the Walworth County Board of Supervisors in April, 2001; and,

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Wisconsin Department of Natural Resources.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

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	1/26/04	N. Andersen	1/26/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 96-02/04

- I. Title: Supporting the Ice Age Trail Through Walworth County
- II. Purpose and Policy Impact Statement: The purpose is to support the proposed Ice Age Trail that runs through Walworth County as shown on Map A-2 of A Land Use Plan for Walworth County Wisconsin: 2020 adopted by the Walworth County Board of Supervisors in April, 2001.

III. Budget and Fiscal Impact: There is no budgetary or fiscal impact at the present time. Walworth County may experience a budget impact at a later date if and when Walworth County purchases segments of the proposed trail.

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

Committee: Land Conservation

Meeting Date: January 19, 2004

Vote: 7 - 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl
County Administrator/
Corporation Counsel

1/26/04
Date

N. Andersen
Finance Director

1/26/04
Date

Supervisor Gigante offered a motion, seconded by Supervisor Peterson, to approve item #2, Resolution No. 97-02/04 and item #3, Resolution No. 98-02/04.

Discussion ensued on Resolution No. 97-02/04. Bretl explained that there was a draft resolution sent out by courier, which amends the resolution. On motion by Supervisor Burwell, seconded by Supervisor Arnold, the draft resolution with amendments was approved. Resolution No. 97-02/04 as amended and Resolution No. 98-02/04 were approved by voice vote.

Resolution No. 97-02/04
Approving the Gypsy Moth Suppression Program
AMENDED

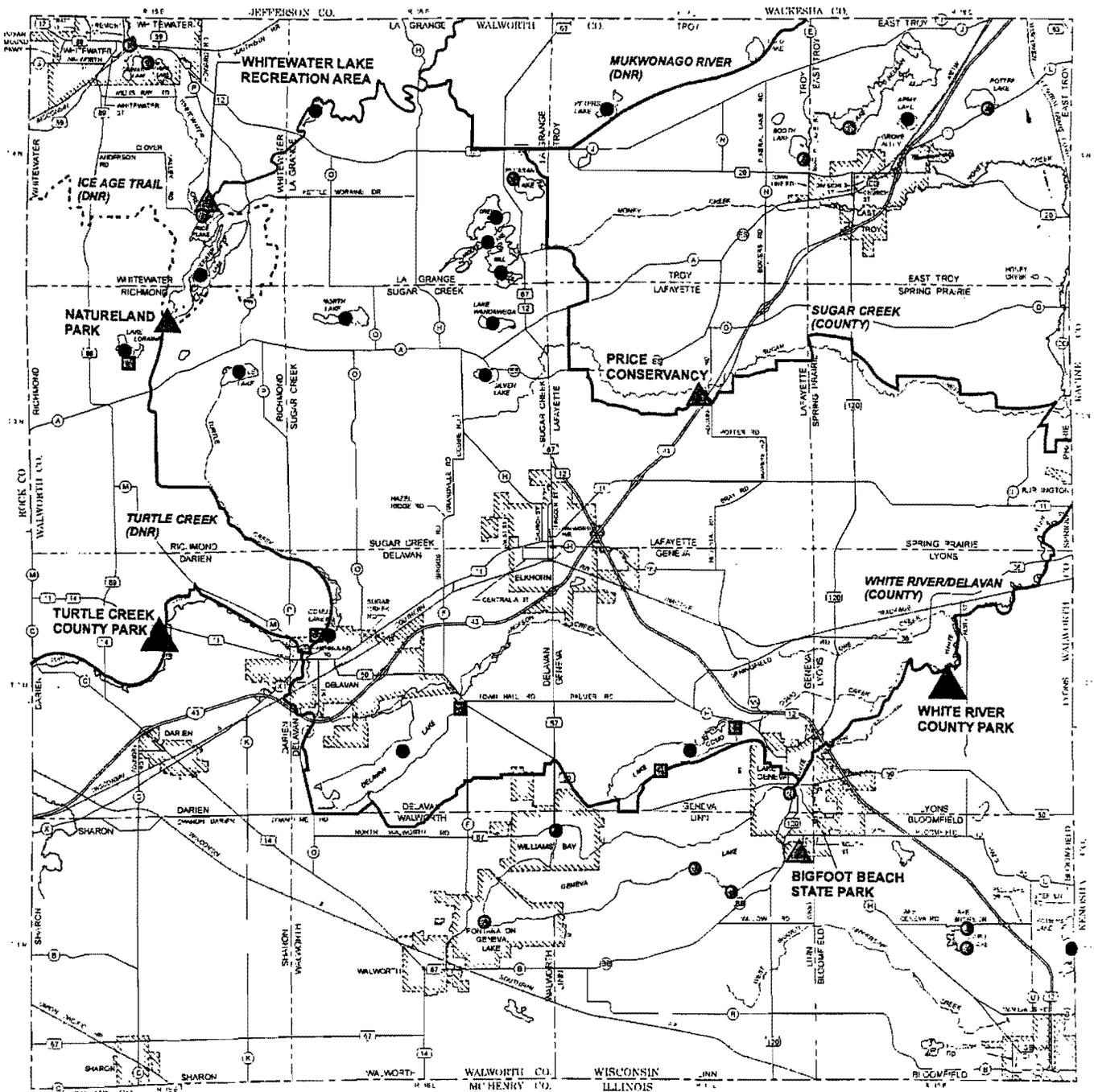
Moved/Sponsored by: Land Conservation Committee

WHEREAS, the State of Wisconsin Natural Resources Board created subchapter IX of Chapter NR47 which relates to the federal cost sharing program to suppress the gypsy moth; and,

WHEREAS, this State Department of Natural Resources (DNR) program requires Counties of Wisconsin to act on behalf of applicants for the coordination of the State DNR Gypsy Moth Suppression Program and partial cost sharing for the treatment of an associated administrative costs for suppression of gypsy moths; and,

Map A-2

OUTDOOR RECREATION ELEMENT OF THE WALWORTH COUNTY PARK AND OPEN SPACE PLAN: 2020



MAJOR PARKS

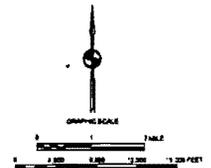
-  STATE
-  COUNTY
-  PROPOSED COUNTY

RECREATION CORRIDORS

-  EXISTING ICE AGE TRAIL
-  PROPOSED ICE AGE TRAIL
-  PROPOSED RECREATION TRAIL

BOAT ACCESS FACILITIES

-  EXISTING FACILITY MEETING DNR STANDARDS
-  EXISTING FACILITY NOT MEETING DNR STANDARDS
-  LAKE NEEDING NEW OR EXPANDED FACILITY



Source: SEWRPC.

WHEREAS, the Walworth County Department of Land Use and Resource Management will obtain budget authority to fund the estimated county administrative expenses related to this program ~~and these costs will not exceed \$3,000.00 as in-kind for 50% reimbursement through this state grant award; and,~~

WHEREAS, the State of Wisconsin DNR Gypsy Moth Suppression Program is partially funded from grant funds dispersed by the United States Forest Service; funds are available to off-set local expenditures for a maximum of up to 50% of the suppression treatment and eligible administrative costs; and,

WHEREAS, ~~the two qualifying areas have been documented as 177 acres in Linn Township and 40 acres within the Troy Township; at a cost share rate of \$20.00 per acre total cost of \$4340.00 and,~~

WHEREAS, an additional 228 acres throughout the County have been identified as potentially qualifying acres and,

WHEREAS, the participants and, when applicable, municipalities have agreed to pay the full cost of the Gypsy Moth Suppression Program costs; and,

WHEREAS, the State of Wisconsin DNR requires Walworth County to contract with the State and sign a Gypsy Moth Program Grant Agreement so that participating municipalities and landowners can access the State of Wisconsin suppression treatment program and partial cost share funding.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does ordain that the Department of Land Use and Resource Management accept additional federal Department of Agriculture Forest Service funds from the State of Wisconsin DNR in an amount not to exceed ~~\$20,000~~ \$10,000 for the treatment and associated administrative costs for suppression of the gypsy moth through the State Gypsy Moth Suppression Program.

BE IT FURTHER RESOLVED that the Walworth County Land Use and Resource Management Department, on behalf of the Walworth County Land Conservation Committee, incorporate into the budget additional operating expenditure authority in the amount equal to the actual state DNR Gypsy Moth Grant Award reimbursements, up to an amount not to exceed \$20,000, and increase State aid DNR grant revenues by a corresponding amount to cover the payment distribution amounts to municipalities and or landowners for the partial cost reimbursement for the Gypsy Moth Suppression spraying-related administrative cost reimbursement resulting from this program.

~~BE IT FURTHER RESOLVED, Walworth County's administrative costs will not exceed \$3,000.00 as in-kind for 50% reimbursement through this state grant award.~~

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

Action Required: Majority Vote 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	_____ Date	_____ Nicole Andersen Finance Director	_____ Date
---	---------------	--	---------------

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

Policy and Fiscal Note
Resolution No. 97-02/04

- I. Title: Approving the Gypsy Moth Suppression Program
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to assist landowners and municipalities in the suppression of the Gypsy Moth infestation throughout Walworth County by using grant revenues to cover the payment distribution amounts to municipalities and landowners and the partial cost reimbursement for spraying and related administrative cost reimbursement resulting from this program.
- III. Budget and Fiscal Impact: ~~Grant revenues will reimburse at a rate of 50% for spraying and administrative expenditures related to printing, postage, mileage and salaries and/or consultants to implement this program. The remaining reimbursement will be incurred through the landowners and/or municipalities involved under grant proposal. The County's administrative costs will not exceed \$3,000.00 as in kind for 50% reimbursement through this state grant award. This State/DNR Program Grant is based on number of qualifying acres through infestation of gypsy moths. Maximum expenditure allowed under this grant is \$20,000. Grant revenues will reimburse the County at a rate of 50% or a maximum of \$10,000. Administrative expenditures of printing, postage, mileage, and salaries/consultants are reimbursable under this grant. Local municipalities and/or landowners may also reimburse Walworth County for program expenditures.~~

Currently 217 acres have been identified as qualifying acres. Estimated cost to treat this acreage is \$9,765. An additional 228 acres have been identified as potentially qualifying acres. Estimated cost to treat this acreage is \$10,235. Anticipated reimbursements are \$10,000 grant funding, \$2,225 from the local municipality, and \$2,225 from the landowner. Estimated net cost to the County is \$5,550.

The 2004 budget will be amended to include gypsy moth program revenues and expenses. Payroll budget for existing staff will be transferred to this program to meet the in-kind County net cost.

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

Committee: Land Conservation Committee Meeting Date: January 19, 2004

Vote: 7 - 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl
County Administrator/Corporation Counsel

Date

Nicole Andersen
Finance Director

Date

Resolution No. 98-02/04

Amending Walworth County's Land and Water Resource Management Plan

Moved/Sponsored by: Land Conservation Committee

WHEREAS, Chapter 92 of the Wisconsin Statutes allows counties to establish a County Land & Water Resource Management Program through the Wisconsin Department of Agriculture, Trade and Consumer Protection; and,

WHEREAS, ATCP 50.12 of the Wisconsin Administrative Code includes specific requirements and procedures for the preparation and approval of a County Land & Water Resource Management Plan; and,

WHEREAS, the Walworth County Board of Supervisors adopted the initial Land & Water Resource Management Plan pursuant to resolution no.14-5/99; and,

WHEREAS, the Walworth County Land Conservation Committee, through the Land Conservation Division, has developed a County Land and Water Resource Management Plan, fulfilling all the requirements of the planning and development process of ATCP 50.12 Wisconsin Department of Agriculture, Trade and Consumer Protection guidelines; and,

WHEREAS, the State of Wisconsin Land and Water Resource Board will review Walworth County's Land and Water Resource Management Plan on April 6, 2004, and

an approval by the Land and Water Resource Board shall be for a period not to exceed 5 years; and,

WHEREAS, in addition to the values of program direction and focus on natural resource conservation and protection, the Land and Water Resource Management Plan makes Walworth County eligible to receive significant pollution abatement funding, effective after adoption of said resolution through the budget process; and,

WHEREAS, after adoption of this amended Land and Water Resource Management Plan, Walworth County may assist in the appropriation of \$80,000 for the installation of best management conservation practices to landowners throughout the County and said funds will be reimbursed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the updated Walworth County Land and Water Resource Management Plan is hereby approved, and the Walworth County Land Conservation Committee will implement said plan with their yearly budget program proposals; and

BE IT FURTHER RESOLVED that once this amended Land and Water Resource Management Plan is adopted, \$80,000 will be appropriated to landowners requiring conservation practices to improve soil and water quality throughout Walworth County, and said funds will be reimbursed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2004

Action Required: Majority Vote 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	1/26/04	N. Andersen	1/28/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 98-2/04

- I. Title: Amending Walworth County's Land and Water Resource Management Plan.
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to adopt Walworth County's Land and Water Resource Management Plan to foster and support a locally led process that improves decision-making, streamlines administration and delivery mechanisms, and better utilizes local, state and federal funds. This plan will protect Wisconsin's land and water resources, specifically Walworth County's resources. The Land & Water Resource Management Plan provides technical and financial assistance to landowners. The adoption of this complies with Chapter 92 of the Wisconsin Statutes and ATCP 50. It is intended to provide a process to assess our resource conditions, needs, and to assist us in making decisions, which best obtain Walworth County's goals.
- III. Budget and Fiscal Impact: There is no fiscal impact related to the county's net appropriation. The 2004 budget included \$80,000 in revenue and \$80,000 in expense. Once this amended Land and Water Resource Management Plan is adopted, Walworth County may assist in the appropriation of \$80,000 for the installation of best management conservation practices to landowners throughout the County.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Land Conservation Meeting Date: January 19, 2004

Vote: 6 - 0

County Board Meeting Date: February 10, 2004

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

David A. Bretl	1/27/04	N. Andersen	1/28/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Reports of Special Committees

There were no reports.

On motion by Supervisor Kuhnke, seconded by Supervisor Morrison, the meeting of the Walworth County Board adjourned at 9:28 p.m.

The Walworth County Land and Water Resource Management Plan Plan Amendment 2004

Statutory Responsibility

The Walworth County Land and Water Resource Management Plan is prepared and adopted under the authority granted in chapter 92.10 of the *Wisconsin Statutes*, which requires the preparation and adoption of County Land and Water Resource Management Plans by all 72 counties in Wisconsin. This authority was adopted in Wisconsin Act 27, the 1997-1999 State Budget Bill.

- ◆ **ATCP 50.12, Wisconsin Administrative Code, requires County Land Conservation Committees to prepare and submit, a land a water resource management plan to the Wisconsin Department of Agriculture, Trade and Consumer Protection, (DATCP) for approval. A plan can be approved by the State for a period of time, not exceed 5 years.**

County Funding Opportunities

Only counties with state-approved Land and Water Resource Management Plans are eligible to receive State Grants (Land and Water Resource Funds) for farmers to implement conservation practices necessary to meet the State Agricultural Performance Standards and Prohibitions.

In addition, it is strongly anticipated that a County-approved Land and Water Resource Management Plan will be a prerequisite for any County to receive Priority Lake and Watershed Grants and River and Lake Planning and Protection Grants.

Helping Farmers Comply With Wisconsin's Runoff Rules

The Walworth County Land and Water Resource Management Plan includes strategy to target priority farms and assist farm operators comply with the State Agricultural Performance Standards and Prohibitions, as required in NR 151, of the Administrative Code. With these rules, the State of Wisconsin provides funding opportunities to assist farmers plan and implement conservation practices to meet the new rules.

Administrative rules to control polluted runoff from urban and rural land use activities went into effect on October 1, 2002. These rules were mandated in Wisconsin Act 27 in 1997 and Wisconsin Act 9 in 1999. **County Land Conservation Staff play a key role in helping landowners, developers, units of government and other enterprises meet the following new state runoff management rules.**

NR 151 – Subchapter II – Agricultural Runoff Performance Standards and Prohibitions

Sheet, Rill and Wind Erosion	Clean Water Diversions
Manure Storage Facilities	Nutrient Management
Manure Management Prohibitions	

Walworth County Land and Water Resource Management Plan –
Plan Amendment 2004.

NR 151 – Subchapter III – **Non-Agricultural Runoff Performance Standards**

Construction Site Erosion Control	Total Suspended Solids,
Peak Discharge Rate	Infiltration
Waterway Buffers	Fueling and Maintenance Areas
Public Education	Illicit Discharges
Leaves and Grass Clipping Management	
Nutrient Management on Golf Course, Parks and Other Areas > 5 acres	

NR 152 - Construction Site Erosion Control and Storm Water Management Ordinances and implementation of Phase II of the Federal Storm Water Rules

Qualifying Local Program –Walworth County may be designated as a County with a qualified local program due to success and quality of the current program, technical qualifications of staff, enforcement authority, and coordination with WDNR 216 program, etc.,

Public Participation

The preparation of the Walworth County Land and Water Resource Management Plan required the active and thoughtful contributions of over 100 citizens and 20 professionals. **A public hearing on the Plan Amendment was held on January 19, 2004.**

Renewed Vision

The amendment to the Walworth County Land and Water Resource Management Plan reaffirms Walworth County’s continued commitment to protect and restore Walworth County’s natural resources. The Plan amendment identifies the following land and water resource management challenges facing Walworth County:

- ◆ **Protection of Walworth County’s groundwater quality and abundance;**
- ◆ **Protection, expansion and restoration of Walworth County’s remnant natural communities;**
- ◆ **Building a partnership of citizens and organizations to promote the protection of the White River/Nippersink Watershed;**
- ◆ **Implementation of the State Agricultural Performance Standards and Prohibitions.**
- ◆ **Continue to assist landowner use and conservation practices to protect the Sugar- Honey Creeks Watershed and Delavan Lake.**
- ◆ **Protection of prime farmlands.**

The next regularly scheduled meeting of the Walworth County Board will be held on Tuesday, March 9, 2004, at 6:00 p.m.

Kimberly S. Bushey
County Clerk

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the February 10, 2004 meeting.

THE MARCH 9, 2004 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W Walworth St., Elkhorn, Wisconsin.

Supervisor Betty Felten delivered the invocation.

All members were present except Supervisors Scharine and Lothian who were excused.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Grant, seconded by Supervisor Gigante, Item #4, Petition for Detachment from the Whitewater-Rice Lake Management District from Property Owners of Pine Knolls Subdivision, under Communications and Matters to be Referred, was withdrawn from the agenda. On motion by Supervisor Schaefer, seconded by Supervisor Polyock, the amended agenda was approved.

Approval of the Minutes

On motion by Supervisor Miles, seconded by Supervisor Gigante, the February 10, 2004 minutes of the meeting of the Walworth County Board of Supervisors were approved.

Comment Period by Members of the Public

There were no comments offered at this time.

Special Order of Business-Employee Recognition

Chairman Norem congratulated Sheila Reiff, Walworth County Clerk of Courts, for her 35 years of dedicated service to Walworth County. Chairman Norem said that he looked forward to another 35 years. Ms. Reiff thanked the Supervisors and her family for their support over the years.

Special Order of Business – Recognition of Retiring Supervisors

In recognition of the retiring County Board Supervisors, Chairman Norem asked Bill Miles, Gerald Shroble, Charlotte Peterson, Peter Wenglowksy, and Mrs. Lawrence Scharine for Larry Scharine, to come to the front of the boardroom. Supervisor Tom Lothian could not be present. Mr. Norem congratulated the supervisors for their many years of service and gave them each a retirement card. Mr. Norem said that the

3. A petition for detachment from the Whitewater-Rice Lake Management District from property owners of Pine Knolls Subdivision was removed from the agenda.
4. Correspondence from Supervisor Larry Hilbelink regarding the establishment of a public policy that marriage in Wisconsin may be contracted only between one man and one woman was referred to the Executive Committee.
5. A letter from Whitewater Town Chairman Ron Fero, regarding proposed amendment for Conservation Development Design, was referred to the County Zoning Agency.
6. Correspondence from Wisconsin Department of Transportation regarding the 2004-2009 Six-Year Highway Improvement Program was referred to the Public Works Committee.
7. The County Clerk Report-Summary of 2003 Dog Licenses and Licensing Statistics was placed on file.
8. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was placed on file.

The Clerk read the following list of correspondence received after the agenda mailing and distributed to the Supervisors this evening:

- A letter from the Town of Richmond Board of Supervisors regarding withdrawal from County zoning was referred to the County Zoning Agency.
- A letter from the Town of Linn Board, expressing opposition to the proposed elimination of two community representatives from the County Zoning Agency membership, was referred to the County Zoning Agency.
- Door County Resolution No. 2004-09 – Opposition to Taxpayer Bill of Rights (AJR 55) was referred to the Executive Committee.
- Dunn County Resolution No. 18 (2004) – Requesting reinstatement of the funds in the Wisconsin State Budget to the level in 2002 to support the educational and regulatory administration of Wisconsin Fairs was previously referred to committee and was placed on file.

The following agenda items were sent under separate cover via courier:

- Ordinance No. 252-02/04 – Creating Article III (“Pay Practices”) and Divisions 1 to 6 of Chapter 15 of the Walworth County Code of Ordinances Relating to Elected Officer Compensation, Classification and Compensation, Pay and Benefit Administration, Management Pay Policies, Employee Performance Evaluation, and Timekeeping Policy (To be considered by the Human Resources Committee on March 1, 2004.)
- Ordinance No. 253-02/04 – Creating Divisions 1 to 3 and Sections 15-400 to 15-499 of the Walworth County Code of Ordinances Relating to Business Expense Reimbursement; Conferences, Conventions, and Seminars; and Memberships and Dues (Recommended by the Human Resources Committee 5-0.)
- Ordinance No. 254-02/04 – Creating Divisions 1 to 7 and Sections 15-500 to 15-599 of the Walworth County Code of Ordinances Relating to Employee Benefits in General; Accrued Time-off Benefits; Group Health and Dental Insurance Benefits; Flexible Benefits Plan; Other Group Insurance Benefits; Retirement Benefits; Unemployment

Compensation; Workers Compensation; and Employee Services (Recommended by the Human Resources Committee 6-0.)

- Ordinance No. 260-03/04 – Creating Article VI “County Property and Work Areas,” Article VII “Absence from Work,” Article VIII “Personal Conduct; Progressive Discipline,” and Article IX “Miscellaneous Employment Provisions” in Chapter 15 of the Walworth County Code of Ordinances (To be considered by the Human Resources Committee March 1, 2004.)
- Resolution No. 113-03/04 – Repealing Chapters of the Personnel Code and Replacing Them with a Human Resources Ordinance (To be considered by the Human Resources Committee March 1, 2004.)

The following correspondence was delivered via courier to the Supervisors:

- Kewaunee County Resolution No. 41-2-04 – Calling for the Governor to require that the Wisconsin Department of Commerce Revise Milk Volume Production (MVP) Program to Protect Water Quality, was referred to the Land Conservation Committee.
- Oconto County Resolution No. 22-2004 – Changes to the U. S. Department of Commerce Economic Development Administration (EDA) grant policies and procedures, was referred to the Executive Committee.
- A letter from Hudec Law Offices representing Lake Beulah Lake Management District regarding Conservation Subdivision Ordinance was referred to the Land Conservation Committee.
- A report from Supervisors Grant and Ketchpaw, which summarized their recent attendance at the 2004 NACo Legislative Conference in Washington D.C., was placed on file.

9. The following Reports of Zoning Gone into Effect were read and placed on file:

- Vivian J. George, Town of Lyons
- Arnold and Marie Sweno, Town of LaGrange
- David M. Helbling, Town of Troy
- Accolade Enterprises, LLC, Town of Bloomfield

10. Report of Zoning Petitions Referred to the County Zoning Agency:

- Hidden Valley Properties, LLC (James P. Howe, Godfrey Law Offices, App.), Town of Lafayette, A-1, B-5, C-2, & C-4 to R-1, C-2, C-4, & C-1
- Kenneth Held, Town of Lyons, A-1 to M-1
- Timothy A. Fink, Town of Lafayette, A-1 to B-2, C-1, & C-4
- Vaughn and Sylvia Shoemaker, Trustees Shoemaker Main Trust (Geneva Waterfront, Inc., App.), Town of Linn, R-1 to B-3
- Stanley and Maria Odling (Maria Odling, App.), Town of Delavan, A-1 to C-2 & A-2
- Michael P. Johnston, Town of Delavan, A-1 to B-2
- Frank and Kelly Lena (Atty David W. Schiltz, App.), Town of Delavan, C-2 to R-1
- David Ahler, Town of Lafayette, A-2 to R-1

- Dr. William Basil (Roger and Janis Drissel, App.), Town of Lyons, C-1 to C-2
- Donald Woelky (Atty. David W. Schiltz, App.), Town of Geneva, A-2, R-1, & C-1 to B-3

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Mann Bros., Inc., Town of Sugar Creek, Rezone 29.67 acres of M-3 & A-2 to M-2 & M-1, approved 4 - 0 (1-15-04 public hearing)
2. Mann Sand & Gravel, LLC, Town of Lafayette, Rezone 10 acres of M-3 to M-2, approved 4 - 0 (1-15-04 public hearing)
3. East Delavan Baptist Church (Stephen B. Hollenbeck, Pastor, App.), Town of Delavan, Rezone 2.5 acres of A-1 to P-2, approved 4 - 0 (1-15-04 public hearing)

A motion offered by Supervisor Kuhnke, seconded by Supervisor Gigante, to concur with the following Report of the County Zoning Agency, was approved.

REPORT OF COUNTY ZONING AGENCY
TO COUNTY BOARD ON HEARING ON PETITION
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

1. Mann Bros., Inc. (Unilock), Town of Sugar Creek – filed a petition on the 3rd day of December, 2003, to rezone from M-3 Mineral Extraction District & A-2 Agricultural Land District to M-2 Heavy Industry District & M-1 Industrial District.

Recommendation: Said petition be approved.

2. Mann Sand & Gravel, LLC (Unilock), Town of Lafayette – filed a petition on the 3rd day of December, 2003, to rezone from M-3 Mineral Extraction District to M-2 Heavy Industry District.

Recommendation: Said petition be approved.

3. East Delavan Baptist Church (Pastor Stephen B. Hollenbeck, App.), Town of Delavan – filed a petition on the 25th day of November, 2003, to rezone from A-1 Prime Agricultural Land District to P-2 Institutional Park District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

1. The parcel is a small substandard parcel surrounded by other substandard A-1 parcels.
2. A church is an allowable use in the A-1 District.

ORDINANCE AMENDING
WALWORTH COUNTY ZONING ORDINANCE

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

1. Mann Bros., Inc. (Unilock), Town of Sugar Creek – to amend said zoning maps from M-3 Mineral Extraction District and A-2 Agricultural Land District to M-2 Heavy Industry District and M-1 Industrial District on the following described lands:

Part of Tax Parcel #GA356400002

To be rezoned to M-2

Being part of the SW1/4 of the NW1/4 and part of the NW1/4 of the SW1/4 of Section 6, Town 3 North, Range 17 East, Town of Lafayette, and the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 of Section 1, Town 3 North, Range 17 East, Town of Sugar Creek, Walworth County, Wisconsin. Commencing at the Southeast corner of Section 1, Town 3 North, Range 16 East; thence with the East line of the Southeast ¼ N00°55'11"W, 2073.63 feet to the Point of Beginning; thence N89°02'19"E, 361.67' to a point; thence

N00°54'21"W, 1198.79' to a point; thence N89°12'43"W, 361.67' to a point; thence N89°12'43"W, 780.57' to a point; thence S00°57'31"E, 354.64' to a point; thence S89°02'29"W, 100.00' to a point; thence S00°57'31"E, 557.51' to a point; thence S89°02'29"W, 320.00' to a point; thence S00°57'31"E, 482.27' to a point on a curve; thence with said curve to the right 173.54', said curve having a radius of 60.00' a chord that bears S45°00'10"E for a length of 119.07' to a point; thence S18°46'37"E, 200.00' to a point; thence N71°12'23"E, 245.00' to a point; thence N09°34'11"W, 180.24' to a point; thence N89°56'07"E, 354.62' to a point; thence N00°07'55"W, 262.86' to a point; thence N89°03'36"E, 490.40' to a point; thence S00°55'11"E, 72.61' to the Point of Beginning. Said parcel contains 39.67 acres.

Except: 10 acres – Town of Lafayette

Being part of the NW1/4 of the SW1/4 and SW1/4 of the NW1/4 of Section 6, T3N, R17E, Town of Lafayette, Walworth County, Wisconsin, described as follows: Commencing at the Southwest corner of Section 6, T3N, R17E; thence with the West line of the Southwest ¼ N00°55'11"W, 2073.63 feet to the Point of Beginning; thence N89°02'19"E, 361.67 feet to a point; thence N00°54'21"W, 1198.79 feet to a point; thence N89°12'43"W, 361.67 feet to a point in the West line of the NW1/4 of Section 6; thence with said West line S00°52'48"E, 653.13 feet to the W ¼ corner of Section 6; thence with the West line of the SW ¼ of Section 6, S00°55'11"E, 556.71 feet to the Point of Beginning. Containing 10.00 acres more or less

To be rezoned to M-1

Being a part of the SW1/4 of the SW1/4 of Section 1, Town 3 North, Range 17 East, Town of Sugar Creek, Walworth County, Wisconsin being completely described as follows: Commencing SE corner of said Section 1; thence with the East line of said SE1/4 N00°55'11"W, a distance of 914.08' to a point; thence S89°04'49"W, a distance of 847.00' to a point; thence N16°21'46"W, a distance of 452.02' to the Point of Beginning; thence continuing N16°21'46"W, a distance of 112.00' to a point; thence N18°46'37"W, a distance of 200.00' to a point; thence N71°12'23"E, a distance of 245.00' to a point; thence S09°34'11"E, a distance of 311.83' to a point; thence S73°38'14"W, a distance of 200.00' to the Point of Beginning. Said parcel contains 1.54 acres.

2. Mann Sand & Gravel, LLC (Unilock), Town of Lafayette – to amend said zoning maps from M-3 Mineral Extraction District to M-2 Heavy Industry District on the following described lands:

Part of Tax Parcel #K LF 600005

Being part of the NW1/4 of the SW1/4 and SW1/4 of the NW1/4 of Section 6, T3N, R17E, Town of Lafayette, Walworth County, Wisconsin, described as follows: Commencing at the Southwest corner of Section 6, T3N, R17E; thence with the West line of the Southwest ¼ N00°55'11"W, 2073.63 feet to the Point of Beginning; thence N89°02'19"E, 361.67 feet to a point; thence N00°54'21"W, 1198.79 feet to a point; thence N89°12'43"W, 361.67 feet to a point in the West line of the NW1/4 of Section 6;

thence with said West line S00°52'48"E, 653.13 feet to the W ¼ corner of Section 6; thence with the West line of the SW ¼ of Section 6, S00°55'11"E, 556.71 feet to the Point of Beginning. Containing 10.00 acres more or less

3. East Delavan Baptist Church (Pastor Stephen B. Hollenbeck, App.), Town of Delavan – to amend said zoning maps from A-1 Prime Agricultural Land District to P-2 Institutional Park District on the following described lands:

Tax Parcel #'s F D 2600005 and F D 2600007

Part of lands located in the Northeast ¼ of the Northeast ¼ of Section 26, Town 2 North, Range 16 East, Walworth County, Wisconsin; currently zoned A-1 and P-2 to all become P-2; more particularly described as follows: Commencing at the Northeast corner of said Section 26 (T2N, R16E); thence S 01DEG 09MIN 17SEC E, 1034.28 feet along the East line of the said Northeast ¼ *also the centerline of Theatre Road) to the Point of Beginning at the centerline intersection of Theatre Road and State Highway "50"; thence continue S 01DEG 09MIN 17SEC E, 279.22 feet; thence S 88DEG 37MIN 49SEC W, 246.36 feet to the North line of Certified Survey Map 3430 (recorded in Volume 20 on Page 4 as Document Number 508501); thence along said North line S 88DEG 40MIN 14SEC W, 228.71 feet; thence N 01DEG 06MIN 42SEC W, 234.29 feet; thence N 89DEG 41MIN 13SEC E, 243.44 feet; thence N 01DEG 42MIN 58SEC W, 191.51 feet to the centerline of State Highway "50"; thence S 59DEG 56MIN 42SEC E, 272.83 feet to the Point of Beginning. Containing 137,664 square feet (3.16 acres) more or less (excluding the area already zoned P-2 to equal 2.5 acres).

1. The parcel is a small substandard parcel surrounded by other substandard A-1 parcels.
2. A church is an allowable use in the A-1 District.

ATTEST this 9th day of March 2004.
William M. Norem
County Board Chairman

ATTEST this 9th day of March 2004.
Kimberly S. Bushey
County Clerk

Executive Committee

1. Ordinance No. 261-03/04 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to County Board Rules
2. Resolution No. 111-03/04 - Supporting AB 433 Concerning Compliance with Certain State Mandates and Recommending that the Bill be Amended to Define Unfunded or Non-Funded State Mandates as State Mandates for Which the State Does Not Provide 100% Reimbursement

3. Resolution No. 112-03/04 - Supporting Assembly Substitute Amendment 2003 Assembly Bill 616 Which Changes the Criteria for Determining Indigency for Purposes of State Public Defender (SPD) Representation
4. Resolution No. 114-03/04 – Setting Dates for County Board Orientation
5. Resolution No. 117-03/04 – Denying the Claim of Pamela S. Grady

Chairman Norem asked that item #1, Ordinance No. 261-03/04, be considered separately.

On motion by Supervisor Grant, seconded by Supervisor Polyock, item #2, Resolution No. 111-03/04 - Supporting AB 433 Concerning Compliance with Certain State Mandates and Recommending that the Bill be Amended to Define Unfunded or Non-Funded State Mandates as State Mandates for Which the State Does Not Provide 100% Reimbursement, item #3, Resolution No. 112-03/04 - Supporting Assembly Substitute Amendment 2003 Assembly Bill 616 Which Changes the Criteria for Determining Indigency for Purposes of State Public Defender (SPD) Representation, item #4, Resolution No. 114-03/04 – Setting Dates for County Board Orientation, and item #5, Resolution No. 117-03/04 – Denying the Claim of Pamela S. Grady, were approved by voice vote.

Resolution No. 111 - 03/04

Supporting AB 433 Concerning Compliance with Certain State Mandates and Recommending that the Bill be Amended to Define Unfunded or Non-Funded State Mandates as State Mandates for Which the State Does Not Provide 100% Reimbursement

Moved/Sponsored by: Executive Committee

WHEREAS, under current law, counties may request a waiver to become exempt from complying with state mandates, other than mandates pertaining to the area of health or safety; and,

WHEREAS, requests by Walworth County to be exempt from certain mandates have been rejected by the Wisconsin Department of Revenue; and,

WHEREAS, under 2003 Assembly Bill 433, a city, village, town or county may enact an ordinance to suspend its compliance with an unfunded state mandate, other than a mandate that relates to health or safety, for four (4) years; and,

WHEREAS, under the bill, an unfunded state mandate is defined as a state mandate for which the state does not provide a political subdivision with at least 70% the amount of the political subdivision's costs complying with the state mandate; and,

WHEREAS, a city, village, town or county may renew its ordinance to suspend its compliance with unfunded state mandates for additional four (4) year periods; and,

WHEREAS, the Walworth County Board of Supervisors urges the state legislature to provide full funding for the mandates it creates, and in the absence of full funding, supports the right of cities, towns, villages and counties to be exempt from the mandate.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors supports 2003 Assembly Bill 433 relating to authorizing cities, villages, towns and counties to suspend their compliance with certain state mandates.

BE IT FURTHER RESOLVED that the County Clerk is directed to forward a copy of this resolution to all area legislators, Governor Jim Doyle and the Wisconsin Counties Association.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

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	2/22/04	N. Andersen	2/23/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 111-03/04

- I. Title: Supporting AB 433 Concerning Compliance with Certain State Mandates and Recommending that the Bill be Amended to Define Unfunded or Non-Funded State Mandates as State Mandates for Which the State Does Not Provide 100% Reimbursement
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to urge legislative support of 2003 Assembly Bill 433, concerning state mandates. This is an advisory resolution.
- III. Budget and Fiscal Impact: Adoption of this resolution will have no fiscal impact on the 2004 Walworth County budget. Assuming the legislature were to pass AB 433, the county might realize budget savings because it would not have to comply with certain unfunded state mandates.

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

Committee: Executive Meeting Date: February 19, 2004

Vote: 6 - 0

County Board Meeting Date: March 9, 2004

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

David A. Bretl	2/22/04	N. Andersen	2/23/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 112 - 03/04

Supporting Assembly Substitute Amendment 2003 Assembly Bill 616 Which Changes the Criteria for Determining Indigency for Purposes of State Public Defender (SPD) Representation

Moved/Sponsored by: Executive Committee

WHEREAS, under current law, the State Public Defender ("SPD") provides counsel to represent people in various legal proceedings, including criminal proceedings that may result in imprisonment, emergency detention or involuntary civil commitment proceedings, proceedings for the protective placement of an adult, paternity determination and juvenile delinquency proceedings; and,

WHEREAS, the SPD provides counsel to children regardless of the child's income or assets, but only provides counsel to adults who the SPD determines are indigent; and,

WHEREAS, current law provides that a person is indigent for purposes of SPD representation when a person's income and assets, after deductions for reasonable and necessary living expenses, are insufficient to cover the cost of effective legal representation based on the amounts of the former AFDC program; and,

WHEREAS, in determining whether a person can afford counsel, courts are not limited by the SPD indigency criteria and appoint private counsel when they determine the person cannot afford counsel, and the county in which the courts sit must pay the appointed counsel; and,

WHEREAS, in 2003, Walworth County paid \$99,732.50 on behalf of individuals who could not afford counsel did not meet SPD indigency criteria; and,

WHEREAS, effective May 1, 2005, the Assembly Bill Substitute Amendment to this bill changes the criteria for determining indigency for purposes of SPD representation,

based on whether he or she meets the financial eligibility criteria for the Wisconsin Works program, which in part is based on 115% of the federal poverty guideline as updated annually; and,

WHEREAS, effective May 1, 2005, the Assembly Substitute Amendment to this bill requires the SPD to provide legal representation to any person, regardless of whether the person is indigent, who seeks SPD representation and is the subject of an involuntary commitment proceeding for mental health or alcoholism treatment, a protective placement proceeding, or a proceeding to appoint a guardian because the person is alleged to be not competent to refuse psychotropic medication.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors supports Assembly Substitute Amendment to 2003 Assembly Bill 616 which changes the criteria for determining indigency for purposes of SPD representation to reflect financial eligibility for the Wisconsin Works program.

BE IT FURTHER RESOLVED that the County Clerk be directed to forward a copy of this resolution to all area legislators, Governor Jim Doyle and the Wisconsin Counties Association.

William M. Norem
County Board Chairman

Kirriberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

Action Required: Majority Vote 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	2/24/04	Nicki Andersen (pw)	2/24/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 112 - 03/04

- I. Title: Supporting Assembly Substitute Amendment 2003 Assembly Bill 616 Which Changes the Criteria for Determining Indigency for Purposes of State Public Defender (SPD) Representation
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to support Assembly Substitute Amendment 2003 Assembly Bill 616, changing the criteria for determining indigency for the purposes of SPD representation.

III. Budget and Fiscal Impact: Passage of Assembly Substitute Amendment 2003 Assembly Bill 616 may reduce the county's expense for legal counsel for individuals who could not afford counsel and did not meet SPD indigency criteria.

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

Committee: Executive Meeting Date: February 19, 2004

Vote: 6 - 0

County Board Meeting Date: March 9, 2004

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

David A. Bretl	2/25/04	N. Andersen	2/26/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 114-03/04
Setting Dates for County Board Orientation

Moved/Sponsored by: Executive Committee

WHEREAS, given the large number of contested elections and supervisor retirements, it is the recommendation of the executive committee that the county board conduct an orientation for its members after the spring election; and,

WHEREAS, the purpose of the orientation is to educate new members and to serve as refresher training for incumbent Supervisors; and,

WHEREAS, it is the recommendation of the executive committee that the training take place at the dates and times set forth herein; and,

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors that meetings be held on the following dates for the purpose of conducting County Board Supervisor orientation:

Topic	Date
1. Title 2 Board Rules and overview of Board ethics issues; open meetings and records law; introduction of department heads	Tuesday, April 13, 2004 5:00 P.M. (Special meeting)
2. County budget process	Tuesday, May 11, 2004 5:00 P.M. (To be held prior to the county board meeting)

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

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	2/22/04	Nicki Andersen (pw)	2/23/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 114-03/04

- I. Title: Setting Dates for County Board Orientation
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to set dates and times for county board orientation of new supervisors.
- III. Budget and Fiscal Impact: Incumbent supervisors would be entitled to be compensated for mileage to attend the April 13, 2004 meeting. Expenses associated with mileage could be accommodated within the 2004 budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive Meeting Date: February 19, 2004

Vote: 6 - 0

County Board Meeting Date: March 9, 2004

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

David A. Bretl	2/22/04	Nicki Andersen (pw)	2/23/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 117 -03/04
Denying the Claim of Pamela S. Grady

Moved/Sponsored by: Executive Committee

BE IT RESOLVED by the Walworth County Board of Supervisors that the claim of Pamela S. Grady be and the same is hereby denied and that the County Clerk be directed to serve a Notice of Disallowance upon the claimant.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

Action Required: Majority X Two-thirds _____ Other _____

County Board Meeting Date: March 9, 2004

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

3/2/04
Date

N. Andersen
Finance Director

3/2/04
Dater

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

Policy and Fiscal Note
Resolution No. 117 -03/04

- I. Title: Denying the Claim of Pamela S. Grady
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to deny the claim by Pamela S. Grady alleging negligence by the County as a result of injuries sustained by the claimant on account of falling on the sidewalk outside the Walworth County circuit courthouse. The County's insurer recommends denial of this claim.
- III. Is this a budgeted item and what is its fiscal impact: Passage of this resolution will have no fiscal impact on the 2004 county budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive

Meeting Date: February 19, 2004

Vote: 6 – 0

County Board Meeting Date: March 9, 2004

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

David A. Bretl	3/2/04	N. Andersen	3/2/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Supervisor Grant offered a motion, seconded by Supervisor Polyock, to approve item #1, Ordinance No. 261-03/04 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to County Board Rules. Bretl gave an overview of the proposed changes to the County Board rules. Some of the changes, which are included in Ordinance 261-03/04, were sent with the agenda packet. Bretl said there was also an amendment, which went out with the courier, which proposes additional technical changes to pages 2, 3, 6, 8, and 9 of Ordinance 261-03/04. On motion by Supervisor Grant, seconded by Supervisor Ketchpaw, the amendments to pages 2, 3, 6, 8, and 9 of Ordinance No. 261-03/04, which were delivered by the courier, were approved by voice vote.

Supervisor Polyock offered a motion, seconded by Supervisor Felten, to further amend Ordinance No. 261-03/04 by moving the proposed two additional supervisors from the County Zoning Agency to the Lakeland Health Care Center Board of Trustees and retaining the two community members. Discussion ensued. Supervisor Felten said that five county board supervisors would remain on the zoning committee and two citizen members, and five county board members would be on the Lakeland Health Care Center Board as well as two citizen members. The motion was approved by voice vote.

A motion offered by Supervisor Lohrmann, seconded by Supervisor Russell, to amend this ordinance to list the number of members after each committee in Sec. 2-41. Committee assignments (1) and (2) and eliminate the number of members from all other sections of this ordinance, was approved by voice vote.

Supervisor Burwell said Wisconsin statutes state that in each County there shall be a County rural planning committee and Walworth County does not have one. This issue will have to be addressed at some time in the future.

A motion was offered by Supervisor Grant, seconded by Supervisor Polyock to amend Ordinance No. 261-03/04, Sec. 2-41. Committee assignments. (4) Assignments. b. as follows: "Those ~~three~~ five County Board Supervisors appointed to the agriculture and extension education committee shall also serve on the land conservation committee." This amendment will increase the agriculture and extension education committee membership to five county board supervisors rather than three. Supervisors Russell, Hilbelink, Lohrmann, and Felten requested that their votes be recorded as "No."

Supervisor Lohrmann offered a motion, seconded by Supervisor Gigante, to amend Ordinance No. 261-03/04, page 2, by deleting Part III: Section 2-46, "(c) Supervisor duties, lines 41 through 51, completely and page 3, lines 1 through 19. Discussion ensued. Lohrmann stated that she believes the behavior of the supervisors should be judged by the voters and not by their peers.

On motion by Supervisor Burwell, seconded by Supervisor Gigante, the question was called. The amendment to delete Part III of Ordinance 261-03/304 was approved. Supervisor Grant requested that his vote be recorded as "No."

Supervisor Felten offered a motion, seconded by Supervisor Lohrmann, to make the wording consistent throughout this ordinance by changing the word "supervisor" on all lines where appropriate to county board supervisor.

Supervisor Russell offered a motion, seconded by Supervisor Hilbelink, to amend Ordinance No. 261-03/04, Part IV, Sec. 2-65, (c) (4), lines 4 through 9, adding "mail within 24 hours to the chairperson of the committee of the board". Supervisor Grant explained because of time constraints that the referrals go through the department head to the secretary preparing the agenda for the committee rather than the chair of the committee. Supervisor Russell withdrew the motion.

On motion by Supervisor Russell, seconded by Supervisor Hilbelink, the following was added to Ordinance 261-03/04, Part VII: Sec. 2-131. Executive committee, (a) (4) c. line 48: Upon recommendation by committee, where committee rules so authorize, Nnominate citizen appointees to boards, committees, and commissions, subject to confirmation by the county board.

On motion by Supervisor Grant, seconded by Supervisor Hilbelink, the question was called. On motion by Supervisor Lohrmann, seconded by Supervisor Ketchpaw, Ordinance 261-03/04 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to County Board Rules, was approved by unanimous consent as amended.

ORDINANCE NO. 261 – 03/04

AMENDED

AMENDING CHAPTER 2 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO COUNTY BOARD RULES

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

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

"Sec. 2.41. Committee assignments.

Standing committees of the board shall consist of the committee of the whole and those committees, boards and commissions set forth in section 2-121. Each standing committee shall be chaired by a county board supervisor. County board supervisors shall be elected or assigned to the standing committees as follows:

- (1) Elected board membership. The board shall elect county board supervisors to the following boards and committees as the terms expire or vacancies occur:
 - a. Children with disabilities education board – five county board supervisors;
 - b. Lakeland Health Care Center board of trustees – five county board supervisors and two citizen members; and
 - c. Such members of the nominating committee as may be required pursuant to section 2-1348(b). (scriveners error) – five county board supervisors
- (2) Appointed membership. The board shall appoint members of the following committees, boards and commissions:
 - a. Executive committee – seven county board supervisors;
 - b. Finance committee – seven county board supervisors;
 - c. Human resources committee – five county board supervisors;
 - d. Public works committee – seven county board supervisors;
 - e. Agriculture and extension education committee – five county board supervisors and two citizen members;
 - f. Health and human services board – five county board supervisors and four citizen members;
 - g. Land conservation committee – five county board supervisors and two citizen members; and
 - h. County zoning agency – five county board supervisors and two citizen members.
- (3) Committee leadership. Except in the case of the committee of the whole where the board chairperson shall serve as chairperson and the executive committee where the board shall elect the chairperson, each standing committee shall elect a committee chairperson and vice-chairperson from its membership. Members of the county board shall not chair more than one committee concurrently. The county board chairperson and the county board vice-chairperson shall not be eligible to serve as chairperson of the executive committee.
- ~~(4) Six-year limit on service. No supervisor may serve more than six consecutive years on the same standing committee. April 20, 2000, shall be considered the starting date for purposes of calculating time of service under this section.~~

~~(5)~~(4) Assignments.

- a. Except as provided in b., each supervisor shall serve on two of the standing committees enumerated in paragraphs (1)a. and b. and (2), one of which shall be a committee listed in (2)a. through d.
- b. Notwithstanding paragraph a., the county board chairperson shall serve only on the executive, finance, CDEB and nominating committees nominating committee and one other committee two of the committees listed in (2)a. through d and one committee listed in (1)a and b or (2) e-h. Those ~~three~~ five county board supervisors appointed to the agriculture and extension education committee shall also serve on the land conservation committee.

~~(6)~~(5) Committee of the whole. Notwithstanding paragraph ~~(5)~~(4), each county board supervisor shall serve on the committee of the whole."

PART II: That Section 2-44 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-44. Vacancies.

County board ~~S~~supervisor vacancies, caused by resignation or death, ~~will be filled as soon as possible at the next election cycle unless the next scheduled election is more than six months away in which case the vacancy shall be filled in accordance with the procedures set forth in section 2-131(a)(4)a. subject to confirmation by a majority vote of the members elect of the county board. Wis. Stats. § 59.10(3)(e). When committee vacancies occur subsequent to the biennial organizational meeting, replacement county board supervisors shall be selected in accordance with the procedures set forth in section 2-131(a)(4)b. Approval shall be by a majority of members elect of the county board."~~

PART III: That paragraph (c) of Section 2-46 is amended so as to read as follows (deletions are shown by strike-through; additions are shown by underline):

~~"(c) Supervisor duties. Supervisors are responsible for~~ shall:

~~(1) Attending meetings of the standing committees and for.~~

~~(2) Performing duties in connection with standing committee assignments.~~

~~(3) Not speak or act for the Board except when formally given such authority and for specific purposes designated by the Board. Such authority will be carefully stated in order not to conflict with authority delegated to the county administrator, elected officers or department heads. The designated speaker for the County Board is the county administrator or board chairperson.~~

~~(4) Work or act through committees and not as individuals. Committees, in turn, assist the Board by making recommendations to the Board.~~

~~(5) Not exercise direct authority over staff. Supervisors are encouraged to exercise professional courtesy with respect to observing the chain-of-command in County departments.~~

~~(6) Not become involved in issues which create a conflict of interest.~~

~~Failure of a supervisor to attend three consecutive standing committee meetings, without first notifying the chairperson of the appropriate committee of a reasonable excuse, shall be cause for removal of the supervisor from the assigned committee.~~

~~Violations of the above stated rules shall be referred first to the county board chairperson and, if cause is found, to the executive committee. Records of each referral shall be kept in the county administration office. Sanctions may consist of oral reprimand, written reprimand, or referral to the full Board. All sanctions imposed by the executive committee may be appealed to the full Board. The full County Board, by a majority vote, may assess a forfeiture as allowed by Wisconsin Statutes."~~

PART IV: That Section 2-65 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-65. Introduction and action on agenda items.

- (a) Reading. Resolutions and ordinances shall be introduced by the clerk presiding officer by reciting the title of the item together with a chronology of past board or standing committee action which shall constitute the reading.
- (b) Action on items. Resolutions and ordinances read at a previous county board meeting or being introduced by report of a standing committee shall be acted upon by the board.
- (c) Referral of items.
 - (1) All other resolutions and ordinances, all written communications coming before the board for action and reports of officers shall be referred to the appropriate committee or officer or filed by the presiding officer without motion, unless objected to by any supervisor, in which case a majority vote of the board shall determine whether the resolution or ordinance shall be acted upon by the board or whether the items shall be filed or referred to a different committee or officer.
 - (2) The chairperson of a standing committee to which a matter was referred by the board shall submit a written and dated report to the board of the committee's recommendation or action taken thereon. Where committee members are not unanimous on a report to the board, the minority of such committee may make a

separate report dissenting in whole or in part from the reasoning and conclusions of the majority.

- (3) All business referred to a committee of the board shall be taken up before the next regular board meeting whenever possible. The board may, by majority vote, recall any matter referred to a committee and refer the matter to another committee or take other appropriate action thereon.
- (4) The county clerk shall, within 24 hours after reference shall have been made, deliver copies of all petitions, communications, ordinances, resolutions, amendments or other matters to the ~~chairperson of the committee of the board~~ department head designated by the county administrator responsible for supporting the appropriate committee of the board, or to any county official to whom any such matter was referred and as may be required."

PART V: That Section 2-82 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-82. Meeting agenda – Preparation.

The following procedures shall be followed in the assembly and publication of the county board meeting agenda.

- (1) Setting the agenda. The county board chairperson, with administrative support from the county administrator and county clerk, shall, in accordance with this Code, compile an agenda for each board meeting. All requests for resolutions, ordinances, or reports to be considered shall be submitted to the clerk no later than 5:00 P.M., on the thirteenth calendar day prior to the board meeting for inclusion on the agenda. After this deadline, any resolution, ordinance or business to be added to the agenda must be of a critical nature and be approved by the county board chair before becoming part of the agenda, and the county administrator should be notified of the critical nature. In no case shall the agenda be amended with less than two-hour notices as required by Wis. Stats. § 19.84(3). Such critical requests shall include the committee(s) or county board supervisor sponsoring the item, as well as a title that briefly sets forth the subject matter of the item. The request should include a full text of the item to be submitted to the board. All properly presented special orders of business shall also be included on the agenda.
- (2) Full text of resolution, ordinance, report, communication. Not later than 5:00 P.M. on the eighth calendar day prior to the board meeting, the full and final text, including policy and fiscal notes, of any resolution, ordinance, or report must be complete and filed with the county clerk. The clerk shall mail to each member, one week before the board meeting, the full text of all resolutions, ordinances, and reports to be considered at the board meeting. The clerk shall also transmit to each newspaper in the county, as well as to any other media who have

requested to be notified of meetings of the county pursuant to Wis. Stats. § 19.84, a copy of the agenda of the board meeting.

- (3) Withdrawal of agenda items. Subsequent to agenda publication and prior to approval of the agenda, an item can be withdrawn from the agenda by motion and second of signatories to the resolution, when the motion is approved by a majority of the members present.

~~(4) Items not on the agenda. Any matter which was not included on the agenda and does not meet the state open meetings law criteria as set forth in Wis. Stats. § 19.84(2) and (3), or which was not presented to the clerk in a timely manner, as prescribed in subsection 2-82(a) of this Code, shall not be acted upon.~~

PART VI: That Section 2-102 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-102. Special order of business.

Agenda items requiring special explanation or testimony are normally established as a special order of business. A request for a special order of business must be sponsored by a ~~supervisor or a~~ standing committee, and must be presented, in writing, to the county clerk in accordance with the time deadlines as set forth in section 2-82(1)."

PART VII: That Section 2-131 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-131. Executive committee.

(a) Purpose. In addition to any other duties specified in this Code, the executive committee shall have the following duties:

- (1) Assign members of the county board, as may be required, to attend meetings of organizations such as meet with the seven county Southeastern District of the Wisconsin Counties Association. ~~and nominate, subject to county board approval, the county board's representative to the Southeast Wisconsin Regional Planning Commission.~~

- (2) Advise the county board regarding all resolutions and ordinances pertaining to:

- a. Public safety;

- b. County board organization and rules of procedure.

- (3) Review recommendations of the standing committees to remove supervisors from committees, boards or commissions for three (3) consecutive

unexcused absences. ~~If cause is found as pursuant to section 2-46(d), removal will be at the discretion of the county board.~~

(4) ~~With administrative assistance of the county administrator:~~ Perform the following functions with respect to vacancies:

- a. ~~Interview and nominate candidates~~ Recommend for confirmation the board chairperson's nominee to fill a vacated supervisory seats, subject to approval by the county board.
- b. Nominate replacements when committee vacancies occur, subsequent to the biennial organizational meeting, subject to confirmation by the county board.
- c. Upon recommendation by committee, where committee rules so authorize, Nnominate citizen appointees to boards, committees and commissions, subject to confirmation by the county board.

(5) At least annually, review the performance of the county administrator.

(6) Conduct the hiring process to fill any vacancy in the position of county administrator and nominate a candidate for appointment to the position, subject to approval by the county board.

~~(7) When feasible advise the county board chair in making interim decisions on behalf of the county board in a declared emergency, administrative and management matters which decisions shall remain in effect only until the next convened county board session at which time the interim action shall be subject to review and affirmed or rescinded by majority vote of the county board members present at that session.~~

(7) Approve travel requests of county board supervisors and approve reimbursement requests of county board supervisors and members of citizen committees and commissions.

(8) Provide policy oversight of county economic development activities. For purposes of carrying out this paragraph, there is hereby created an economic development advisory committee, which committee shall advise the executive committee with respect to establishment of economic development policy. Members of the economic development advisory committee shall be subject to confirmation by the county board and shall serve without per diem or reimbursement, and shall consist of the following:

- a. One representative from each city, village and town in the county;
- b. One representative from a business located in the county;
- c. One representative from an institution of higher education located in the county;

- d. One representative from a public utility that serves the county, with an interest in economic development issues.

~~(b) *Membership.* The executive committee shall consist of seven (7) supervisors, including the chairperson."~~

PART VIII: That Section 2-136 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-136. Human resources committee.

(a) Purpose. In addition to any other duty specified in this Code, the human resources committee shall have the following duties:

- (1) Recommend to the county board parameters for collective bargaining.
- (2) Advise the county board with respect to all resolutions and ordinances concerning human resources and labor relations issues, including all matters related to wages, hours and conditions of employment of all employees and officials of the county including, but not limited to, health insurance, dental insurance, life insurance, long- or short-term disability insurance, workers' compensation insurance, vacations, sick leave, holidays, severance pay, pension programs, and eligibility conditions.
- (3) Carry out all duties required of the human resources committee under terms of the county personnel code or collective bargaining agreements.
- (4) Serve as the grievance committee under Wis. Stats. § 59.26.

~~(b) *Membership.* The human resources committee shall consist of seven five members of the county board."~~

PART IX: That Section 2-138 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-138. Nominating committee.

(a) Purpose. At the meeting provided in Wis. Stats. § 59.12(1), ~~and from time to time as vacancies occur,~~ the nominating committee shall nominate members for appointment or election to the standing committees of the county board, subject to approval of the county board.

(b) Membership. Membership of the nominating committee shall consist of the following five members:

- (1) County board chairperson;

- (2) County board vice-chairperson;
- (3) The remaining members of the nominating committee shall be elected at large from the county board."

PART X: That Section 2-139 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-139. County zoning agency.

(a) Purpose. The county zoning agency shall exercise those powers relative to planning and zoning as set forth in Wis. Stats. § 59.69.

~~(b) Membership. Unless otherwise designated by the board, the county zoning agency shall consist of seven members, which members shall be including five county board supervisors and two community representatives.~~

~~(c) Terms of office. The term of office for the community representatives serving on the county zoning agency shall be for two years. Terms shall be staggered and expire July 1 each year."~~

PART XI: That Section 2-140 of the Walworth County Code of Ordinances is hereby amended to read as follows (deletions shown by strike-through; additions shown by underline):

"Sec. 2-140. Public works committee.

(a) Purpose. In addition to any other duty presented by this Code, the public works committee shall have the following duties:

- (1) Advise the county board with respect to all resolutions and ordinances concerning the use, construction and maintenance of county-owned facilities and public works projects, including county highways.
- (2) With respect to all highway and non-highway construction projects contained in the annual budget:
 - a. Approve plans and specifications;
 - b. Authorize advertisements for bids;
 - c. Award bids;
 - d. Approve change orders and partial payments; and
 - e. Authorize final payment.

- (3) Serve as the county highway committee pursuant to Wis. Stats. § 83.015 and in such capacity:
- a. Serve as a policy-making body relative to county highways and transportation issues; and
 - b. Determine broad outlines and principles governing administration of county highways.

(b) Membership. The public works committee shall consist of ~~eight~~ seven members of the county board. Four additional community members shall be appointed by the board and serve only at those times when the committee sits as the solid waste management board pursuant to Wis. Stats. § 59.70(2).

(c) Terms of office. The terms of office for the solid waste management shall be three years, but of the members first appointed, at least one-third shall be appointed for one year; at least one-third for two years, and the remainder for three years."

PART XII: That paragraph b of Section 2-133 of the Walworth County Code of Ordinances is hereby amended to read as follows: (deletions shown by strikethrough; additions shown by underline):

~~"(b) Membership. The finance committee shall consist of seven members of the county board including the chairperson of the county board."~~

PART XIII: That paragraph b of Section 2-134 of the Walworth county Code of Ordinances is hereby amended to read as follows: (deletions shown by strikethrough; additions shown by underline):

~~"(b) Membership. The children with disabilities education board shall consist of five county board supervisors, including the county board chairperson."~~

BE IT ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 9th day of March, 2004.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

Action Required: Majority Vote X 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:

David A. Brett	3/2/04	N. Andersen	3/2/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Ordinance No. 261 - 03/04
Fiscal Note and Policy Impact Statement

I. Title: Amending Chapter 2 Of The Walworth County Code Of Ordinances Relating To County Board Rules

II. Purpose and Policy Impact Statement:

The purpose of this ordinance is to amend the Walworth County Code of Ordinances relating to county board rules. The changes are shown in the ordinance by strike-out and underline and are fairly self-explanatory. Highlights of the changes include the following:

- Provides for election of the executive committee chair by the full Board and designation of executive committee chair as third-in-line in terms of Board succession.
- Eliminates six-year limit on committee membership.
- Revises rules concerning committee assignments of County Board chairperson.
- Clarifies that appointments to vacant supervisory seats are made by the County Board chairperson subject to confirmation by the County Board.
- Clarifies the role of the executive committee with regard to committee appointments and County Board supervisor travel requests and reimbursement.
- Reduces membership of the human resources committee from seven to five supervisors.
- Eliminates two citizen members from the County Zoning Agency committee and replaces the positions with Board supervisors.
- Reduces public works committee membership from eight to seven Board supervisors.

- Establishes a series of duties for County Board supervisors and provides sanctions for violations of those rules.

Note that this is not an exhaustive list of changes. Please refer to the text of the ordinance for all changes.

III. Budget and Fiscal Impact:

Passage of this ordinance will not have a significant fiscal impact on the 2004 budget. The elimination of two citizen members from the county zoning agency would marginally reduce per diem expenses.

IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Executive

Date: February 19, 2004

Vote: 6 – 0

County Board Meeting Date: March 9, 2004

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

David A. Bretl
County Administrator/
Corporation Counsel

3/2/04
Date

N. Andersen
Finance Director

3/2/04
Date

Supervisor Burwell asked that the reference to section 2-46(d), page 5 of Ordinance 261-03/04, be removed. Bretl said that this would be cleaned up as an editorial change.

Finance Committee

1. Ordinance No. 259-03/04 – Amending Sections 30-81 to 30-97 of the Walworth County Code of Ordinances Relating to Purchasing
2. Resolution No. 109-03/04 – Designating Non-Lapsing Funds and Specifying 2003 Budget to be Carried Forward and Used for the Same Purpose in 2004
3. Resolution No. 110-03/04 - Accepting a \$10,000 Donation to Walworth County Economic Development Advisory Committee from Kikkoman Foods Foundation

A motion was offered by Supervisor Lohrmann, seconded by Supervisor Schaefer, to approve items #1 and #3. Supervisor Polyock asked to vote on item #1 and #3 separately. Item #1, Ordinance No. 259-03/04 – Amending Sections 30-81 to 30-97 of the Walworth County Code of Ordinances Relating to Purchasing was approved by voice vote.

ORDINANCE NO. 259 – 03/04

AMENDING SECTIONS 30-81 TO 30-97 OF THE
WALWORTH COUNTY CODE OF ORDINANCES RELATING TO PURCHASING

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

PART I: That Sections 30-81 to 30-97 of the Walworth County Code of Ordinances is hereby amended to read as follows:

PURCHASING

Sec. 30-81. Purpose.

The purpose of this policy is to provide for the systematic procurement of all goods, materials, services and equipment, to maximize the purchasing value of public funds, regardless of the source, and to assure fair and equitable treatment to all persons involved in public purchasing.

Sec. 30-82. Definitions.

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

Professional and personal services means those services which are provided by lawyers, doctors, architects, engineers, accountants, consultants and human services providers. It does not include services for the repair and maintenance of equipment, for the repair and maintenance of vehicles nor for the general maintenance of buildings and property.

Public works projects are restoration, construction, remodeling, or improvement of a building, or other infrastructure projects financed by public funds for a government agency for the benefit or use of the general public.

Sec. 30-83. General procurement policy.

- (a) It is declared to be the policy of the county to encourage, insofar as it is practicable and advantageous to the county, procurement by a competitive process.
- (b) All public works projects shall be bid according to Wis. Stats. 59.52(29) and executed in accordance with Section 2-140 of the Walworth County Code of Ordinances.

- (c) Human services contracts covered by Wis. Stats. 46.036 or any other services which are governed and regulated by state or federal regulations shall not be subject to the provisions of this ordinance.
- (d) The county departments shall furnish such reports as the finance director may require concerning usage, product and/or service costs, current and previous suppliers, supplier performance ratings, specifications, needs, stock on hand and any other information as is necessary or required.
- (e) The finance director is authorized to form product or commodity user groups. The user groups will consist of representatives from county departments that use similar products. The department representatives will work together to standardize products that will universally fit the needs of the group while providing economies of scale opportunity to the county.
- (f) The county shall not be liable for contracts and purchase orders that are in violation of this policy.
- (g) Except for emergency procurements as allowed under section 30-86, the department head shall ensure that no order for materials, supplies, equipment, or services shall be issued unless the department's unencumbered appropriation balance in the appropriate account is sufficient to defray the cost of such order.
- (h) Unless otherwise provided herein, the finance committee shall award bids in excess of \$10,000.00 for purchases of goods and services.
- (i) All copies of orders and contracts shall be retained in accordance with the county's records retention policy.
- (j) Each department head shall designate, to the finance director, one or more individuals in his/her department to coordinate the department's purchasing activities. The designated individual(s) may be assigned varying levels of authority which shall be identified to the finance director, by department heads. The designated individual(s) shall comply with the requirements of this chapter and all related procedures established by the county administrator.

Sec. 30-84. General procedure for purchases.

- (a) Unless otherwise specified in this division or state statute, all purchase and contract awards shall be made to the lowest, qualified, responsible and responsive supplier complying with specifications, county terms and conditions. Recommendations to deviate from this provision require written documentation. All purchases shall be made by contract or purchase order, unless specifically exempted within this chapter.
- (b) Exemptions from the purchase order/contract requirement are:

- 1) Emergency procurement
- 2) Purchases made from petty cash
- 3) Utilities
- 4) Publications/advertisements
- 5) Lodging/Mileage/Meal reimbursements

Sec. 30-85. General purchasing authority.

Unless otherwise specified in this article, the finance director, under the supervision of the county administrator, is designated as the purchasing agent pursuant to Wis. Stats. § 59.52(9). The finance director may delegate the duties provided herein. Specific authority includes, but is not limited to, the following:

- (a) Award contracts and issue purchase orders for the purchase of goods and services in accordance with this chapter or by administrative procedure.
- (b) Audit purchasing records.
- (c) Establish and maintain a list of authorized vendors.
- (d) Establish open purchase orders and contracts for routine goods, materials, supplies and services for countywide utilization.
- (e) Negotiate purchasing terms and conditions with vendors.
- (f) Debar or suspend for cause a person or firm from consideration for award of contracts.
 1. Debarred or suspended vendors may appeal such action to the finance committee in accordance with procedures established by the county administrator.
- (g) Deny payment for purchases made without a contract or purchase order.

Payment denial can be appealed to the appropriate committee specified in Section 2-41(2) a-d.
- (h) Evaluate the competency of suppliers and sureties.
- (i) Investigate additional competitive sources of supply as necessary to ensure the competitive process.

Sec. 30-86. Emergency procurements.

- (a) The term "emergency conditions" when used in this section means current or imminent conditions adversely affecting the health, safety or welfare of any person or substantial damage to property, or which would cause the cessation of

any operation in whole or in part.

- (b) If a purchase must be made because of the existence of an emergency condition, the department head shall follow approved purchasing procedures if practicable.
- (c) Emergency procurements made without utilizing approved purchasing procedures shall be reported in full at the next finance committee meeting.

Sec. 30-87. Sole source procurements.

- (a) A contract may be awarded or purchase order issued for any goods, materials, supplies or maintenance services, except as limited by Wis. Stats. § 59.52(29), without competition in accordance with procedures established by the county administrator when it is determined that:
 - (1) It is in the best interests of the county; or
 - (2) Only one source is practically available for the required goods or services.
- (b) The following purchases are permitted to be made as sole source purchases without competition and without meeting the requirements of subsections (a) of this section:
 - (1) Utility purchases, such as gas, electric, sewer and water.
 - (2) Purchases of products and services between governmental agencies.
 - (3) Publications, books, manuals, dues and memberships.
 - (4) Purchases from contracts of other government units.
 - (5) Purchases from other government units.
 - (6) Seminars and conferences.
- (c) Each contract or purchase order authorizing procurement under this section shall plainly state that it is a procurement from a sole source vendor.

Sec. 30-88. Open purchase orders.

- (a) Open purchase orders for the procurement of goods, materials, supplies or services may be periodically issued by the finance director following competitive bidding or if authorized as a sole source procurement where the items sought to be included are of a type frequently and routinely utilized by the county.
- (b) All department heads shall be notified of existing open purchase orders and shall

utilize such open purchase orders when purchasing commodities included on said open purchase orders.

Sec. 30-89. Group purchasing.

If the finance director desires to join or become affiliated with a purchasing group which is organized for the purpose of providing volume purchases for a particular good or service, and if such group is operated in a manner consistent with the provisions, spirit and intent of this division, said purchasing agent may engage in group purchasing through the group. Contracts negotiated and executed by purchasing groups may be considered as competitively bid contracts.

Sec. 30-90. Standardization.

The finance director shall develop standard specifications for frequently purchased commodities. Such standards may include guidelines including specific brands, features, or maximum purchase prices to utilize when purchasing specific commodities. Department heads shall be informed of purchasing standards and shall adhere to said standards when procuring applicable items.

Sec. 30-91. Reissuance of purchase orders.

Procurements of equipment, goods and services required to be accomplished by bid may, at the discretion of the finance director be procured again without the need for bidding when the vendor is willing to supply the equipment, goods or services upon the same terms or upon terms more favorable to the county than the original bid and within one year of the bid award.

Sec. 30-92. Intergovernmental cooperation.

- (a) Other units of government may purchase items from the county's bids provided the applicable vendor is agreeable and the other government unit consummates the purchase directly with the vendor.
- (b) If another government unit desires to utilize the county's purchasing department for procurement of any good, material or supply such cooperation shall be permissible, but only pursuant to an intergovernmental agreement executed pursuant to Wis. Stats. § 66.0301.

Sec. 30-93. Appeal procedure and modifications; bidding process.

- (a) Modifications prior to bid opening. Any modifications or clarifications required to be made to the specifications, bidding documents, or any instructions to bidders, shall be made only by written notice to all known bidders. If modifications or clarifications in the specifications require an extension of the bid opening date, it may be so extended by the finance director.

- (b) After bid opening; objections to process. If any bidder feels there was an irregularity in the sealed bid process, the bidder may protest in writing to the finance director within 72 hours after the time of the bid opening. The finance director will respond to the protest in accordance with procedures established by the county administrator.
- (c) Correction of errors in bids. If any vendor who submits a bid pursuant to this division claims a mistake, omission or error in preparing the bid, the vendor shall, before the bid is opened, make known the fact that the bid contains an error, mistake or omission, and the bid shall be returned unopened, and the vendor shall be entitled to resubmit a valid bid if said bid is received prior to the deadline. If any vendor shall make an error or omission, and discovers it after the bids are open, the vendor shall immediately give written notice of the error or omission, and also give clear, satisfactory evidence of such error or omission, and that it was not caused by any negligent act or omission on the part of the vendor submitting the bid. The vendor shall in no event be permitted to change or correct the bid. If the vendor was the low bidder, the vendor shall have the option of proceeding with the contract upon the bid as submitted or the vendor will forfeit the bid bond as liquidated damages. The vendor can appeal the forfeiture to the appropriate committee specified in Section 2-41(2) a-d for return of the bid bond.

Sec. 30-94. Small purchases.

Purchases and contracts shall not be so divided into small increments in order to avoid or circumvent the competitive procurement process requirements.

Sec. 30-95. Financial and other interests in contracts and orders prohibited.

No county employee shall be financially interested or have any personal benefit, either directly or indirectly, in any contract or purchase for any supplies, materials, equipment, or contractual services purchased by the county nor shall any employee accept or receive, directly or indirectly, from any individual, firm or corporation to which any contract or purchase order may be awarded, any gifts, commission, compensation, or remuneration other than from the county in connection with the performance of their duties hereunder.

Secs. 30-96--30-145. Reserved.

BE IT ORDAINED by the Walworth County Board of Supervisors that all previous ordinances and resolutions pertaining to Sections 30-81 to 30-97 are hereby superceded.

BE IT FURTHER ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 9th day of March, 2004.

William M. Norem
County Board Chairman

Date

Kimberly S. Bushey
County Clerk

Date

County Board Meeting Date: March 8 9, 2004

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

3/2/04
Date

N. Andersen
Finance Director

3/2/04
Date

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

Ordinance No. 259-03/04
Fiscal Note and Policy Impact Statement

- I. Title: Amending Sections 30-81 to 30-97 of the Walworth County Code of Ordinances Relating to Purchasing.
- II. Purpose and Policy Impact Statement: The purpose of this ordinance is to establish procurement procedures to be utilized uniformly throughout Walworth County departments.
- III. Budget and Fiscal Impact: Passage of this ordinance will have no budgetary impact. This ordinance provides for systematic procurement and encourages maximization of the purchasing value of public funds.
- IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Finance

Date: February 19, 2004

Vote: 4-0

County Board Meeting Date: March 8 9, 2004

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

David A. Bretl
County Administrator/
Corporation Counsel

3/2/04
Date

N. Andersen
Finance Director

3/2/04
Date

Supervisor Lohrmann offered a motion, seconded by Supervisor Grant, to approve item #2. Item #2, Resolution No. 109-03/04 – Designating Non-Lapsing Funds and Specifying 2003 Budget to be Carried Forward and Used for the Same Purpose in 2004, was approved by unanimous vote on motion by Supervisor Burwell, seconded by Supervisor Morrison.

Resolution No. 109 – 03/04
Designating Non-Lapsing Funds and Specifying 2003 Budget to be Carried Forward
and Used for the Same Purpose in 2004

Moved and Sponsored by: Finance Committee

WHEREAS, Wisconsin State Statutes allow appropriations for capital expenditures, or a major repair to continue in force until the purpose for which it was made has been accomplished or abandoned; and certain funds are non-lapsing by previous Board action, and

WHEREAS, departments have identified eligible appropriations;

NOW THEREFORE BE IT RESOLVED by the Walworth County Board of Supervisors that the appropriation balances in the following accounts are hereby carried forward to be used for the same purposes during 2004.

BE IT FURTHER RESOLVED by the Walworth County Board of Supervisors that budgets for completed road construction projects, funded with general obligation notes or bonds, will not be carried forward and remaining debt proceeds will reduce debt issuance in 2004.

BE IT FURTHER RESOLVED the Finance Director is hereby directed to carry out the provisions of this resolution, including potential changes to account balances due to audit adjustments.

NON-LAPSING BY BOARD ACTION:

Operational Accounts:

009-2390-0000 Risk Mgmt/Claims Fund
153-5301-0000 County Land Information Board
200-5420-0000 Debt Service Fund
300-5430-0000 Capital Projects (Unfinished Projects)
455-5500-0000 Lakeland Health Care Center
Lakeland Health Care Donated Funds
510-7510-0000 Highway Department
Operational Funds - Not to exceed \$500,000
Designated Equipment Replacement Fund
720-9720-0000 Health Insurance Fund
760-9760-0000 Workers Compensation Insurance Fund
740-9740-0000 Dental Insurance Fund

DONATIONS DESIGNATED FOR SPECIFIC PROGRAMS:

DARE Donation	001-1562-0000	19,050
Crime Prevention Program	001-1563-0000	5,091

CONTINUATION OF GRANT FUNDED PROJECTS:

Sheriff

*Radio Patch System	001-1536-0000	26,739
*Hazardous Materials Equipment	001-1536-0000	247,361
*Masks/Decon System	001-1536-0000	15,506
*Resource Database	001-1536-0000	10,000
*COPS Technology	001-1541-0000	66,920
*BJA Vest	001-1551-0000	4,066
*Extra Law Enforcement Patrol	001-1551-0000	1,184
*White River Trail	001-1942-0000	37,991

UW Extension

*Ag Grazing Land Conserv Grant	001-1702-0000	3,666
--------------------------------	---------------	-------

Land Information

*Land Information Annual Grant	153-5301-0000	17,039
--------------------------------	---------------	--------

MISCELLANEOUS CARRY FORWARD REQUESTS:

Description	Account Number	Amount	Reason
County Board Speaker System	001-1001-7104	1,422	Project not complete
Carpeting – Board Room	001-1001-9112-C301	12,500	Project not complete
Finance Arbitrage Service	001-1031-6112	4,200	Arbitrage not complete
Farm Demolition	001-1961-6128**	17,240	Demolition not complete
Treasurer Public Counter	001-1051-9113-C201**	9,000	Project not complete
Land Use & Resource Management Hi Density Filing System	001-1311-9113-C399	30,500	Project not complete

SEWRPC Contract	001-1341-6114	12,000	Project not complete
Human Resources Office Furniture (3)	001-1461-7104	2,969	Ordered, not received
Labor Mgmt System	001-1461-9113-C301	218,120	Project not complete
Sheriff Squad Replacement	001-1521-9111-C392	21,084	Expected delivery 2/04
Computer Aided Dispatch	001-1531-9113-C202**	196,345	Project not complete
Communications Center	001-1531-9115-C302	281,433	Project not complete
Mobile Emer Response Vehicle	001-1564-9111-C307	50,012	Expected delivery 4/04
Health & Human Services Teaching Tools	124-2506-7104	46	Ordered, not received
Shelf File	124-2902-7104	375	Ordered, not received
Mobile Panels	124-2904-7104	879	Ordered, not received
Tables	124-2904-7104	4,131	Ordered, not received
Chairs	124-2904-7104	692	Ordered, not received
Conference Room Chairs	124-2904-7104	7,538	Ordered, not received
Mobile Pedestal	124-2904-7104	189	Ordered, not received
Pictures	124-2904-7104	1,023	Ordered, not received
Teaching Tools	124-2904-7104	264	Ordered, not received
ESS Collated File Tabs	124-2904-7104	6,335	Ordered, not received
Lateral File	124-3318-7104	568	Ordered, not received
Paging System	124-2902-9116-C302	20,000	Project not complete

Children w/ Disabilities Education Board				
Computers & Software	138-3851-9113-C302	10,625		Project not complete
Fire Alarm System	138-3853-9118-C399	15,609		Project not complete
Heating/HVAC Update	138-3851-9116-C209**	1,500		Project not complete
HVAC Equipment	138-3853-9116-C398	20,000		Project not complete
Land Information				
Tract Index	153-5301-9113-C302	20,846		Project not complete
Street Center Lining	153-5301-9115-C399	220,212		Project not complete
Mapping Project Yr 2	153-5301-9212-C001	50,584		Project not complete
Infrastructure	153-5301-9212-C104	50,584		Project not complete
Infrastructure	153-5301-9212-C202	10,584		Project not complete
Mapping Project Yr 5	153-5301-9212-C302	1,046,084		Project not complete
Mapping Project Yr 1	153-5301-9212-C901	10,584		Project not complete
Scanner/Printer	153-5302-9113-C301	4,756		Project not complete
Capital Projects				
Communications Tower	300-5433-9115-C004	185,199		Project not complete
Property Barn Improvements	300-5433-9213-C211	3,000		Project not complete
Storage Barn	300-5433-9213-C310	172,109		Project not complete
*Judicial Center	300-5434-9213-C003	5,071,230		Project not complete
School Windows/Doors	300-5441-9213-C305	101,772		Project not complete
School Roof Replacement	300-5441-9213-C307	59,388		Project not complete
Price Park Parking Lot	300-5442-9212-C201	10,361		Project not complete
Price Park Facilities/Trails	300-5442-9212-C202	12,681		Project not complete
Privy Price & Parks	300-5442-9212-C203	24,996		Project not complete

Building Access System	300-5443-9116-C318	309,000	Project not complete
Countywide Energy Controls	300-5443-9116-C320	31,000	Project not complete
Lake Geneva Salt Storage	300-5444-9211-C395	151,000	Project not complete
STH 120 Road Construction	300-5444-9217-C398	1,300,000	Project not complete
Lakeland Health Care Center High Voltage Oil Switch	455-5813-9116-C298**	13,352	Project not complete
Fire Alarm System	455-5824-9118-C398	16,000	Project not complete
Public Works Planter Reconstruction	001-1811-9212-C201	2,816	Project not complete
Trailer for Skid Steer	510-7713-9115-C314	870	Project not complete
Shed Lot Repairs	510-7723-9212-C123	30,075	Project not complete
Pick-up Trucks (2)	510-7731-9111-C227	1,873	Project not complete
Triaxle Truck (2)	510-7731-9111-C304	290,000	Project not complete
Patrol Trucks (2)	510-7731-9111-C306	251,000	Project not complete
Basket Truck	510-7731-9111-C310	20,000	Project not complete
V-Box Spreader	510-7731-9156-C305	36,000	Project not complete
Countywide Key System	550-9551-9213-C103**	1,423	Project not complete
Countywide Key System	550-9551-9213-C202**	11,992	Project not complete
Information Systems HR Document Management	530-9532-9113-C399**	3,630	Project not complete

Total Miscellaneous Carry Forwards 10,471,600

* Projects funded with bond proceeds or other revenue will be carried forward.

** Account number will be different in 2004 budget due to account consolidation or elimination.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

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:

David A. Bretl	3/2/04	N. Andersen	3/2/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Resolution No. 109 - 03/04

- I. Title: Resolution Designating Non-Lapsing Funds and Specifying 2003 Budget to be Carried Forward and Used for the Same Purpose in 2004.
- II. Purpose and Policy Impact Statement: It is the responsibility of the Walworth County Board of Supervisors to review and authorize requests to carry forward specified unexpended budget balances to the subsequent budget year. Specified carry forward and non-lapsing requests are categorized in Resolution No. 109-03/04 by justification. The purpose of these requests are to allow the continuation of programs previously approved by the Walworth County Board of Supervisors.
- III. Budget and Fiscal Impact: Unexpended budget balances have been validated. The budget and fiscal impact of all other carry forward requests on individual departments is detailed in the body of the Resolution.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance Committee Meeting Date: February 19, 2004

Vote: 5-0

County Board Meeting Date: March 9, 2004

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

David A. Bretl
County Administrator/
Corporation Counsel

3/2/04
Date

N. Andersen
Finance Director

3/2/04
Date

Supervisor Lohrmann offered a motion, seconded by Supervisor Ketchpaw, to approve item #3, Resolution No. 110-03/04 - Accepting a \$10,000 Donation to Walworth County Economic Development Advisory Committee from Kikkoman Foods Foundation. Supervisors Polyock, Russell, Hilbelink, Gigante, Kuhnke and Wenglowisky requested that their votes be recorded as "No." Discussion ensued. Supervisor Burwell offered a motion, seconded by Supervisor Wenglowisky, for reconsideration. A roll call was held to reconsider Resolution No. 110-03/04. Total vote 23: Ayes: 12 – Burwell, Gigante, Guido, Hilbelink, Kuhnke, Lightfield, Peterson, Polyock, Russell, Twyning, Wenglowisky, Norem; Noes: 11 – Arnold, Felten, Grant, Ketchpaw, Lohrmann, Miles, Morrison, Palzkill, Parker, Schaefer, Shroble; Absent: 2 – Lothian, Scharine. Motion to reconsider was approved by roll call vote.

Discussion ensued. Concerns were expressed that accepting the economic development donation would be perceived as influencing the Board. Supervisor Guido challenged the Chair regarding offering opinions on a topic before the Board without relinquishing the Chair. The challenge died for lack of a second.

A number of Supervisors offered comment that accepting the economic development donation was a benefit to the citizens of Walworth County and that in spite of this donation they could maintain their objectivity regarding issues pertaining to Kikkoman.

Bretl said that legally it would be acceptable for the County to take the money. Technically, the Economic Development Advisory committee would be utilizing that money. The resolution states that this is money for economic development and job creation in Walworth County.

On motion by Supervisor Burwell, seconded by Supervisor Gigante, the question was called. A roll call vote was held on Resolution No. 110-03/04. Total vote: 23; Ayes: 16 – Arnold, Burwell, Felten, Grant, Guido, Ketchpaw, Lightfield, Lohrmann, Miles, Morrison, Palzkill, Parker, Schaefer, Shroble, Twyning, Norem; Noes: 7 – Gigante, Hilbelink, Kuhnke, Peterson, Polyock, Russell, Wenglowisky; Absent: 2 – Lothian, Scharine. Resolution No. 110-03/04 - Accepting a \$10,000 Donation to Walworth County Economic Development Advisory Committee from Kikkoman Foods Foundation was approved.

Resolution No. 110-03/04

Accepting a \$10,000 Donation to Walworth County Economic Development Advisory Committee from Kikkoman Foods Foundation

Moved/Sponsored by: Finance Committee

WHEREAS, Kikkoman Foods Foundation has donated \$10,000 to Walworth County for the purposes of furthering economic development and job creation in the county.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does hereby accept a \$10,000 donation from Kikkoman Foods Foundation to be used for econornic development and job creation in Walworth County.

BE IT FURTHER RESOLVED that the Walworth County Board of Supervisors commends Kikkoman Foods Foundation for its generosity and commitment to economic development.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

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

2/24/04
Date

Nicki Andersen (pw)
Finance Director

2/24/04
Date

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

Policy and Fiscal Note
Resolution No. 110-03/04

- I. Title: Accepting a \$10,000 Donation to Walworth County Economic Development Advisory Committee from Kikkoman Foods Foundation
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to accept a \$10,000 donation from Kikkoman Foods Foundation to be used for economic development.
- III. Budget and Fiscal Impact: Adoption of this resolution will increase the 2004 economic development expenditures by \$10,000, and that amount will be offset by the donation of revenues in the amount of \$10,000.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date:

February 19, 2004

Vote: 5 - 0

County Board Meeting Date: March 9, 2004

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

David A. Bretl	2/25/04	N. Andersen	2/26/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Human Resources Committee

1. Ordinance No. 252-02/04 – Creating Article III (“Pay Practices”) and Divisions 1 to 6 of Chapter 15 of the Walworth County Code of Ordinances Relating to Elected Officer Compensation, Classification and Compensation, Pay and Benefit Administration, Management Pay Policies, Employee Performance Evaluation, and Timekeeping Policy
2. Ordinance No. 253-02/04 – Creating Divisions 1 to 3 and Sections 15-400 to 15-499 of the Walworth County Code of Ordinances Relating to Business Expense Reimbursement; Conferences, Conventions, and Seminars; and Memberships and Dues
3. Ordinance No. 254-02/04 – Creating Divisions 1 to 7 and Sections 15-500 to 15-599 of the Walworth County Code of Ordinances Relating to Employee Benefits in General; Accrued Time-off Benefits; Group Health and Dental Insurance Benefits; Flexible Benefits Plan; Other Group Insurance Benefits; Retirement Benefits; Unemployment Compensation; Workers Compensation; and Employee Services
4. Ordinance No. 260-03/04 – Creating Article VI “County Property and Work Areas,” Article VII “Absence from Work,” Article VIII “Personal Conduct; Progressive Discipline,” and Article IX “Miscellaneous Employment Provisions” in Chapter 15 of the Walworth County Code of Ordinances
5. Resolution No. 113-03/04 – Repealing Chapters of the Personnel Code and Replacing Them with a Human Resources Ordinance

A motion was offered by Supervisor Morrison, seconded by Supervisor Lohrmann, to approve items #1, #2, and #3. Discussion ensued. Item #1, Ordinance No. 252-02/04 – Creating Article III (“Pay Practices”) and Divisions 1 to 6 of Chapter 15 of the Walworth County Code of Ordinances Relating to Elected Officer Compensation, Classification and Compensation, Pay and Benefit Administration, Management Pay Policies, Employee Performance Evaluation, and Timekeeping Policy, item #2, Ordinance No. 253-02/04 – Creating Divisions 1 to 3 and Sections 15-400 to 15-499 of the Walworth County Code of Ordinances Relating to Business Expense Reimbursement; Conferences, Conventions, and Seminars; and Memberships and Dues, and item #3, Ordinance No. 254-02/04 – Creating Divisions 1 to 7 and Sections 15-500 to 15-599 of the Walworth County Code of Ordinances Relating to Employee Benefits in General; Accrued Time-off Benefits; Group Health and Dental Insurance Benefits; Flexible Benefits Plan; Other Group Insurance Benefits; Retirement Benefits; Unemployment Compensation; Workers Compensation; and Employee Services, were approved by voice vote.

Ordinance No. 252-02/04

Creating Article III ("Pay Practices") and Divisions 1 to 6 of Chapter 15 of the Walworth County Code of Ordinances Relating to Elected Officer Compensation, Classification and Compensation, Pay and Benefit Administration, Management Pay Policies, Employee Performance Evaluation, and Timekeeping Policy

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART 1: THAT Article III of Chapter 15 of the Walworth County Code of Ordinances is created to read as "Article III. PAY PRACTICES."

PART 2: THAT Division 1 and Sections 15-300 to 15-309 in Article III of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

"DIVISION 1. ELECTED OFFICER COMPENSATION

Sec. 15-300. Policy

- (a) It is the policy of the county to fix the compensation for elected officers on a salary basis.
- (b) The office of each elected officer is declared to be a full-time position, except for the office of coroner which is declared to be part-time. In lieu of electing a surveyor, the county shall designate any registered land surveyor to perform the statutory duties of an otherwise elected county surveyor.

Sec. 15-301 Total annual compensation

- (a) Prior to May 1st of the year in which nomination papers are filed for elective office, the committee shall make recommendation to the county board on the total annual salary for each elective officer for the full term of the officer next elected.
- (b) The salary established for each elective office shall be in lieu of all fees, including all per diem and other forms of compensation for services rendered. The salary shall be established for each office and shall give no consideration to the longevity or experience of any current or prior office holder.
- (c) All fees collected by each elected officer shall be deposited with the county treasurer.

Sec. 15-302. Fringe benefits.

- (a) Each elected officer shall be eligible to enroll in health insurance, dental insurance, group term life insurance, and long-term disability insurance, subject

to all plan provisions that apply to department head positions of the county. Any changes in insurance benefits that apply to department heads during the period of the elected officers' term shall also apply to the elected officers.

- (b) The county shall pay the elected officer's required retirement contribution up to 5.5% of reportable earnings, except for the sheriff in which case the county shall pay up to 6.0%.
- (c) The sheriff shall be provided a county vehicle for business use. Personal use of such vehicle is prohibited, except for commuting and incidental personal business as defined in applicable Internal Revenue Code provisions..
- (d) An elected officer shall not be eligible for unemployment compensation.
- (e) Upon retirement the elected officer shall be eligible to continue in the health insurance plan subject to the provisions of section 15-556.

Sec. 15-303. Employee elected to county elective office.

- (a) Any employee of the County who is elected by vote of the public to a county elective office shall receive severance pay for accrued vacation, holiday, or compensatory time, subject to the terms of applicable county policy or contract. Severance pay shall be calculated at the rate in effect immediately prior to taking elective office.
- (b) Any severance provision that may apply to accrued sick leave shall be calculated at the rate in effect immediately prior to taking elective office and subject to sections 15-338 or 15-339.

Sec. 15-304. to sec. 15-309. Reserved."

PART 2: THAT division 2 and sections 15-310 to 15-329 in Article III of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

"DIVISION 2. CLASSIFICATION AND COMPENSATION

Sec. 15-310. Policy.

It is the policy of the county to provide fair and competitive pay and benefits to its employees. Compensation, inclusive of all pay and benefits, shall be established and adjusted periodically to ensure the county's ability to recruit, motivate and retain quality employees.

Sec. 15-311. Compensation objectives.

Compensation for employees shall meet the following objectives:

- (1) Each classification shall be described by a written classification description that specifies essential job duties and the knowledge, skills and abilities required to perform the job.
- (2) Compensation for county employees shall remain competitive with external comparable employers.
- (3) Classifications of similar complexity within a career group or bargaining unit shall receive similar compensation.
- (4) Objective performance evaluation shall be used to determine an employee's eligibility to advance in pay, except as otherwise provided by a collective bargaining agreement.
- (5) Compensation practices shall be consistent with applicable law, including, but not limited to, the following: Equal Pay Act, Age Discrimination in Employment Act, Title VII of the Civil Rights Act of 1964, the Fair Labor Standards Act, and Wisconsin Fair Employment Law.

Sec. 15-312. Position Classification.

- (a) Subject to the policies of this division, the director shall ascertain and record the knowledge, skills, and abilities required to perform the duties, responsibilities and authorities of all positions in county service. Position records shall document the authorized classification and pay range. This division shall not apply to elected officers or the county administrator.
- (b) Each classification shall include all positions which are comparable with respect to authority, responsibility and nature of work required; and shall be so constituted that the same pay range can be applied to all positions in the classification level under similar working conditions.
- (c) After consultation with the appointing authority, the director shall recommend to the county administrator the allocation of each position to an appropriate classification and pay range. This subsection shall also apply to any request to reclassify or reallocate a position.
- (d) This division shall not be construed to modify the rights of a union to collectively bargain the rates of pay to be applied to classifications included in the certified bargaining unit.
- (e) An employee may appeal the recommendation of the director by submitting a written appeal to the director within 30 calendar days of the date the employee was notified in writing of a decision on the employee's assigned classification and pay level. The director shall submit the appeal along with substantiation for the recommendation to the county administrator for review and final decision. The final decision on appeal is excluded from the grievance procedure.

Sec. 15-313. Factors applied to determine pay range.

- (a) The factors used to determine pay range assignment shall be without regard to any prohibited bases of discrimination.
- (b) The factors used to determine the allocation of a classification to a pay range within a pay plan shall include the following:
 - (1) Job evaluation factors that rank positions for internal equity: job-related formal education and experience; skills and abilities; decision-making; thinking challenges and problem solving; interactions and communications; and work environment. Classifications of similar ranking shall be assigned to the same pay range within the applicable pay plan, except when (2) is applied.
 - (2) A classification may be assigned to a higher or lower pay range to meet competitive factors, based on an objective review of salary survey data from the relevant labor market.
 - (3) The pay relationship of a specific position to other directly-supervised positions.
 - (4) A position shall be allocated to an existing pay range in the applicable pay plan.
 - (5) The fiscal policies of the county and other pertinent economic considerations.

Sec. 15-314. Classification titles.

- (a) The official classification title is the generic title established under this division. The official classification title shall be used in all reports and payrolls and in all estimates requesting the appropriation of money to pay employees.
- (b) The appointing authority may use a working title to designate positions for internal administration as long as the working title is consistent with the position's relative placement in the organizational structure. Working titles shall have no effect on the personnel processes covered by the code or administrative procedures.

Sec. 15-315. Classification plan authorization.

- (a) The director shall prepare and submit the classification plan(s) to the county administrator, including a fiscal estimate for cost of implementation. The county administrator shall present final administrative recommendations to the committee for approval or denial.

- (b) The classification plan shall include specifications for each classification level and identify the pay range to which the classification is allocated.
- (c) The director shall complete, at least bi-annually, a market survey for benchmark classifications in the relevant labor market and present a written report to the county administrator which identifies the labor market, and includes findings, conclusions and recommendations.

Sec. 15-316. Changes in program or organization

- (a) In all cases an appointing authority shall give written notice to the county administrator when any changes in program or organization are anticipated which may significantly impact duties or responsibilities assigned to positions. Written authorization of the county administrator is required prior to implementing any changes in duties or responsibilities outside of a job's classification level.
- (b) Upon the county administrator's approval of changes in duties or responsibilities, the director shall determine the appropriate classification and whether the incumbent shall be reclassified or whether the position shall be opened to other applicants.
- (c) The director shall notify the appointing authority in writing of the approval or denial of requests for reallocation or reclassification of positions. The appointing authority shall immediately notify the incumbent in writing.

Sec. 15-317. Employee request for reallocation or reclassification.

It is management's responsibility to assign job duties within job classification level. An employee may submit an appeal or grievance if they believe management has assigned job duties substantively outside the scope of their job classification. Although the employee may be eligible for a rate differential for performing duties out-of-classification, the county shall have no duty to reclassify or reallocate the employee's position for an on-going period.

Sec. 15-318. Authorized classifications.

When a new position is created or an existing position changed, the director shall recommend the appropriate classification, pay plan, pay range and overtime code ("OVTM") to the county administrator and committee, subject to county board approval or denial. In this section "plan" means the classification and pay plan identified in sec. 15-320; "range" means the pay range level in the pay plan; and "OVTM" means the overtime eligibility code identified under sec. 15-321.

Section 15-319. Casual, limited term and student positions.

Casual, limited term or student employees are not included in sec. 15-336. Employment of casual, limited term or student employees shall be subject to funds being allocated in a department budget for said purpose.

Sec. 15-320. Pay plans.

- (a) The director shall assign, in accordance with policies established this chapter, the proper pay plan and range for each classification authorized under sec. 15-318.
- (b) The pay plan code established for each classification in sec. 15-318 shall be interpreted as follows:

PAY PLAN

- AS "Administrative Support" means the pay plan for non-represented hourly employees.
- CH "Courthouse" means the pay plan for hourly employees represented by Local 1925B, AFSCME.
- DS "Deputy Sheriff" means the pay plan for hourly employees represented by the Deputy Sheriffs' Association.
- EL "Elected" means the pay plan established for elected officers.
- HP "Health and Human Service Professional" means the pay plan for employees represented by the Health and Human Service Professional Association.
- HS "Health and Human Services" means the pay plan for employees represented by Local 1925C, AFSCME.
- HY "Highway" means the pay plan for employees represented by Local 1925, AFSCME.
- M "Management" means the pay plan for non-represented exempt employees.
- MT "Management/Teaching" means the pay plan for non-represented salaried school-year employees.
- NA "Nursing Home" means the pay plan for hourly employees represented by Local 1925A, AFSCME.
- T "Teacher" means the pay plan for school-year employees represented by the Lakeland Education Association, WEAC.

Sec. 15-321. Overtime.

- (a) The director shall determine, in accordance with the standards established under the Fair Labor Standards Act (FLSA) of 1938, as amended, those positions in county service which are exempt from the overtime provisions of the FLSA.
- (b) Any position determined to be exempt under the FLSA shall be paid on a salary basis and shall not be paid overtime, except as otherwise required by sec. 15-318 or the terms of a collective bargaining agreement.
- (c) The overtime code established for each classification in sec. 15-318 shall be interpreted as follows:

OVERTIME CODE

- 1 These classes are primarily managerial in nature, but may also include some professional or administrative classes, exempt from the overtime provisions of the FLSA, paid on a salary basis, and ineligible for overtime pay.
 - 2 These are supervisory, professional, or administrative classes, exempt from the provisions of the FLSA and paid on a salary basis, but which are compensated for working additional shifts at the one and one-half (1.5x) time rate.
 - 3 These classes are paid on an hourly basis and are covered by the overtime provisions of the FLSA (i.e., non-exempt) and, therefore, receive overtime compensation at the one and one-half (1.5x) time rate.
- (d) Any employee in a classification which has been allocated to overtime code 1 or 2 shall be paid on a salary basis.
 - (e) For employees subject to overtime code 2, the appointing authority shall maintain attendance records of the additional shift assignment(s) which exceed the normal work schedule and submit such records to the director as requested. Pay in addition to base salary shall only apply to bona fide additional shifts, and shall not apply to hours worked in excess of a single shift each day.
 - (f) All overtime for non-exempt employees and additional shifts for FLSA-exempt employees subject to overtime code 2 shall be approved in advance by the employee's supervisor.
 - (g) In addition to actual hours worked, authorized paid time off (vacation, sick, holiday, compensatory time) shall count as hours worked for the purpose of determining eligibility for additional compensation under overtime code 2 or 3.

Sec. 15-322. Compensatory time.

- (a) Any employee in a classification which has been allocated to overtime code 2 or 3 shall be compensated for overtime by pay or granting the employee compensatory time off at the one and one-half time rate.
- (b) Compensatory time for overtime code 2 employees shall be at the discretion of the appointing authority. If compensatory time is not authorized, the excess time shall be paid.
- (c) The compensatory time shall be limited to 40 hours, or as otherwise provided by the collective bargaining agreement.
- (d) Upon transfer to a new department or upon termination of employment, any accrued compensatory time shall be paid at the rate in effect immediately prior to the job change.
- (e) Compensatory time shall only apply to full-time regular employees.
- (f) An employee shall schedule the use of compensatory time in accordance with the normal time-off scheduling practices of the department.

Sec. 15-323. Flexible work scheduling.

- (a) All full-time employees paid on a salary basis shall be scheduled to work not less than 80 hours in a bi-weekly pay period. Variations in the days worked each week, the scheduled hours each day, or the starting and ending times of work may vary, subject to prior approval by the supervisor of the employee's work schedule.
- (b) The nature of the job for which a salaried employee is compensated does not permit strict adherence to a fixed 8-hour day. Additional hours of work may be necessary to complete job assignments or complete other related administrative tasks. Overtime shall not apply to an FLSA-exempt employee under this section.

Sec. 15-324. to 15-329. Reserved."

PART 3: BE IT FURTHER ORDAINED THAT Division 3 and Sections 15-330 to 15-349 in Article III of Chapter 15 of the Walworth County Code of Ordinance is created to read as follows:

"DIVISION 3. PAY AND BENEFIT ADMINISTRATION

Sec. 15-330. Policy.

It is the policy of the county to administer pay and benefits equitably and consistent with county policy, collective bargaining agreement, or applicable laws.

Sec. 15-331. Pay and benefit groups.

- (a) Pay shall be administered consistent with the pay rules established within each pay plan, as identified in sec. 15-320. Eligibility for overtime or compensatory time shall be determined consistent with the overtime code assigned in sec. 15-321.
- (b) An employee's eligibility for benefits shall be determined by the employee's FTE, the position the employee holds, and the benefit or bargaining group in which the position is included. Bargaining or benefit groups include the following: elected officer, department head, non-represented salaried (FLSA-exempt), non-represented hourly, each certified collective bargaining unit, or casual (including limited term and student).
- (c) There shall be no change in eligibility for benefits when an employee is temporarily assigned to a position with a benefit or bargaining group that is different than the employee's regular benefit or bargaining group.

Sec. 15-332. New or changed employee pay or benefits.

- (a) The committee shall review and recommend any new or changed employee benefits, subject to final approval of the county board.
- (b) Any increase or decrease in pay plans shall be subject to review and recommendation of the committee, and final approval or denial by resolution of the county board.
- (c) General increase or decrease. A general increase or decrease in a pay plan shall apply to each step in each pay range and the employee shall receive the new rate for the pay step he or she is placed at, except as otherwise provided by resolution or by the specific provisions of a pay plan.

Sec. 15-333. Pay plan administration.

- (a) Pay rules. The director shall establish procedures to ensure the consistent application of pay rules.
- (b) Exceptions to this section. Whenever any pay rules under a specific pay plan conflict with this section, the rules of the specific pay plan shall take precedence.
- (c) Pay steps. Each pay plan shall consist of one or more pay ranges, and each pay range shall consist of one or more steps.
- (d) Maximum rate. An employee shall not be paid at a rate exceeding the maximum step in the range, unless the committee has approved a red-circled pay rate. This subsection shall not apply to an approved red-circled pay rate or a higher rate paid for a temporary assignment to a higher classification.
- (e) New employee. A new employee shall be paid at the minimum rate, except when the director has approved a department head's request to hire above the

minimum rate. A pay offer above minimum may be authorized after weighing the following criteria:

- (1) Equity issues with similarly classified employees with comparable job-related education and experience;
 - (2) Competitive labor market factors;
 - (3) Collective bargaining provisions, past practice or bargaining history within the unit;
 - (4) Prior work record as a county employee; or
 - (5) Reinstatement rules that may apply to an employee who was involuntarily separated from county service due to work restrictions or a reduction in force.
- (f) Trainee rate. The director may authorize a department head's request to hire a person who does not meet the minimum requirements of the job. The director shall determine the appropriate reduced classification and pay range for the appointment. The employee shall be required to meet the minimum job requirements within a specified time period. Upon attaining all minimum job requirements, the position shall be restored to the appropriate classification and pay range.
- (g) Step advancement. A regular employee shall be eligible to advance to a higher step, if any, in the pay range based on time-in-service in the position. The time-in-service requirement shall be determined based on the period of time between steps as shown in the pay plan schedule. Some pay plans may also provide that step advancement shall be based on job performance. A casual, limited term or student employee shall progress based on hours worked.
- (h) Effect of unpaid absence on step advancement. The minimum time-in-service requirement between pay steps shall be extended by the amount of time an employee is on unpaid leave, suspension or layoff exceeding a total of 80 hours.
- (i) Promotion. A regular employee permanently reassigned to a different position in a higher pay range shall be advanced to the pay step in the higher pay range that provides the minimum increase in pay rate. The effective date of the promotion increase shall be the date the employee assumes the full duties and responsibilities of the new position. The appointing authority shall make the effective date of the promotion the beginning of the next pay period whenever possible. The promoted employee, except when placed at the maximum rate, shall be eligible for step increases based on the effective date of the promotion and time-in-service in the new position.
- (j) Demotion. A regular employee permanently reassigned to a different position in a lower pay range shall be reduced to the pay step in the lower pay range that

provides the smallest decrease in pay rate. The effective date of the reduction shall be the date the employee assumes the full duties and responsibilities of the new position. The appointing authority shall make the effective date of the reduction the beginning of the next pay period whenever possible. The employee when placed at less than the maximum rate shall be eligible for step increases based on the effective date of the reduction and time-in-service in the new position.

- (k) Lateral transfer. A regular employee transferred to a different position with an equivalent pay range shall remain at the same pay rate. Time-in-service attained between steps in the prior position shall continue in the new position.
- (l) Temporary assignments within pay plan. The department head shall approve the temporary assignment of an employee to a different position within the same pay plan. The pay rate for the temporary assignment shall be as follows:
 - (1) Same pay plan and pay range -- no change in pay rate.
 - (2) Same pay plan and higher pay range. A regular employee temporarily assigned to a position in a higher pay range for a period of at least five (5) consecutive work days shall be paid at the pay step in the higher pay range which provides the minimum increase in pay rate. The higher rate shall only apply when the employee has assumed all or a significant portion of the higher-level duties and responsibilities of the higher classification. The temporary rate shall only apply to actual hours worked and specifically excludes any paid non-productive time.
 - (3) Same pay plan and lower pay range -- no change in pay rate.
- (m) Temporary assignment outside of bargaining or benefit group. The department head shall consult with the director prior to temporarily reassigning an employee to a position in a different bargaining or benefit group. Any change in pay rate or fringe benefit shall be subject to approval of the director, after taking into consideration personnel policies, collective bargaining agreements and other employment laws. Normally there shall be no change in the employee's bargaining unit status or benefit eligibility. Authorization for any changes shall be reduced to writing.
- (n) Acting department head. The county administrator may appoint an acting department head when a vacancy exists or when the incumbent is on an extended absence for six weeks or more (excluding vacation periods). The temporary assignment shall not be subject to confirmation of the county board. The county administrator shall consult with the director for the purpose of reviewing any change in pay rate, fringe benefits or other terms and conditions of employment that apply during the temporary appointment. The temporary appointment and any changes in pay or benefits shall be reduced to writing.

- (o) Red circled pay rates. Employment transactions may result in a red circled pay rate, when authorized under subsection (d). Employees whose pay has been red circled shall continue to receive their present rate of pay until the pay range maximum for the classification exceeds their present red circled pay rate.
- (p) Return to former position. When an employee transfers to a different position and within one (1) year returns to their former position, said employee shall return to the pay step in the former position in effect immediately prior to transfer. The former pay step shall be subject to adjustment for time-in-service and any general wage increase.

Sec. 15-334. Retroactive pay.

All pay rate increases or decreases shall become effective the beginning of the first pay period following approval, except when otherwise approved by the committee or board. A general wage increase approved on a retroactive basis shall not apply to terminated employees, or to any casual, limited term, or student employee who has not worked in the 3-month period immediately preceding the date the general wage increase was approved. This section shall not apply to the correction of errors.

Sec. 15-335. Position classification actions.

- (a) Reclassification of incumbents shall be done on a non-discriminatory basis. The director, in consultation with the department head, shall determine if a reclassified position shall be filled by competitive or non-competitive means.
- (b) The reallocation or reclassification of a position shall be withheld if the appointing authority has determined that the incumbent's job performance is not satisfactory, or the incumbent has not satisfactorily attained specified training, education or experience normally required for the position.
- (c) The pay adjustment for an incumbent of a position that is reallocated or reclassified shall be determined consistently with subs. (i) (j) or (k) of sec. 15-333.
- (d) The position to which an employee is assigned shall determine the employee's primary classification. Departmental business needs may require an employee on a regular basis to work in more than one classification, but not to exceed 40 hours per week. The employee's primary position and classification shall establish the employee's base pay rate for all non-productive pay. Hours worked in the secondary classification shall be paid at the applicable rate for the secondary classification.

Sec. 15-336. Employment in two positions.

When the director approves the employment of an employee in two positions, subject to sec. 15-61, pay and benefits shall be administered as follows:

- (1) Hours worked in the different capacity (second position) shall normally be paid at straight-time and shall not be combined with hours in the employee's regular employment for the purpose of determining overtime liability. (Ref. CFR 553.30.)
- (2) The employee's pay rate and benefits will be calculated independently for each position and costs will be charged separately for each position. Fringe benefit eligibility shall be based on the FTE status and bargaining unit of the primary position.

Sec. 15-337. Reinstatement of pay or benefits.

Pay and benefits for an employee reinstated pursuant to sec. 15-59, shall be as follows:

- (1) The employee may be hired above the minimum rate with consideration given to the pay level the employee previously attained as a county employee. The next step review date shall be based on the reinstatement date.
- (2) If rehired into a regular position, the employee will be credited with county service equal to that attained at the time of separation, resulting in more favorable vacation accrual. Bargaining unit seniority may be reinstated, subject to mutual agreement of the County and the Union.
- (3) The reinstated employee shall be subject to a probationary period, if applicable.
- (4) For other benefit purposes the reinstated employee shall be considered a new hire.

Sec. 15-338. Severance pay upon layoff or termination.

- (a) Within 30 days of layoff an employee may request that available vacation, holiday or compensatory time be paid. The accrued benefits shall be paid in a lump-sum calculated at the base pay rate in effect on the last day the employee actually worked. If pay-off is not requested, the accrued benefits shall remain on record until the employee is recalled or employment is terminated,
- (b) An employee shall receive severance pay in a lump sum and calculated at the base pay rate in effect on the last day actually worked when employment is terminated. Severance pay shall include:
 - (1) Vacation hours, provided the employee completed the probationary period or the hours were otherwise available for use by the employee;
 - (2) Holiday bank hours;

- (3) Compensatory time bank hours; or
 - (4) Balance of donated hours.
- (c) Upon termination of employment severance pay for accrued sick leave shall be paid in a lump sum computed at the pay rate in effect on the employee's last day actually worked for certain grand-fathered employees, subject to the following:
- (1) An employee covered by resolution #14-04/87 who did not elect to be covered by section 15-339, shall receive severance pay for up to 90 days (720 accrued sick hours) paid at 100%. Hours in excess of 720 shall have no severance value.
 - (2) Except as provided under par. (1), a non-represented employee hired prior to April 21, 1987 who did not elect to be covered by 15-339, shall receive severance pay for up to 90 days paid at 50% (maximum of 360 hours). Hours in excess of 720 shall have no severance value.
 - (3) An employee hired into a bargaining unit position prior to April 21, 1987 and then transferred to a non-represented position after April 21, 1987 who did not elect to be covered by sec. 15-339, shall be subject to par. (5).
 - (4) An employee hired into a bargaining unit position after April 21, 1987 and then transferred to a non-represented position who did not elect to be covered by sec. 15-339, shall have their sick leave balance for severance purposes frozen at the balance in effect on the date of transfer and paid at the formula under par. (5).
 - (5) A represented employee hired prior to June 9, 1998 who has not elected to be covered by sec. 15-339 shall receive severance pay for up to 90 days paid at 50% (maximum of 360 hours). Hours in excess of 720 shall have no severance value.

Sec. 15-339. Conversion of sick leave to health insurance credits.

- (a) This section shall apply to the following:
- (1) All non-represented employees hired on or after April 21, 1987.
 - (2) All represented employees hired on or after June 9, 1998.
 - (3) An employee hired prior to the dates specified in par. (1) or (2) who, by September 30, 1998, filed a one-time non-revocable election to be covered under the conversion of sick leave benefit in lieu of any sick leave severance pay.

- (b) This section shall become effective upon the death, disability or retirement of an employee insured under the county group health insurance plan. Disability or retirement requires that the employee receive an immediate annuity from WRS.
- (c) Accrued sick leave shall have no severance value for any reason other than as provided in sub. (b). Upon death, disability or retirement, the employee's accumulated sick leave balance shall be converted to credits for payment of health insurance premiums for continuing coverage under the county group health insurance plan. The sick leave balance shall be converted at 60% (sixty percent) of the employee's basic pay rate in effect immediately prior to retirement or death. The monthly premium for any eligible employee who is insured at the time of retirement, or for the surviving insured dependents of a deceased employee, shall be deducted from the credits until the credits are exhausted. Health insurance credits shall be held in an interest-bearing trust account and interest shall be credited to individual accounts monthly. Upon the death of the retiree, and if there are no surviving insured dependents, the credits shall revert back to the County.
- (d) The employee or the employee's surviving insured dependents may elect to delay initiation of deductions from these credits for up to 10 years after the date of sick leave conversion provided the employee or surviving insured dependents are covered by a comparable health insurance plan. The comparable health insurance plan must have been in effect on the date of conversion and must remain in effect until the date on which the employee or surviving insured dependent(s) later elects to initiate deductions from those credits. A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the county group health insurance plan.
- (e) The option to elect a delay in using the insurance credits shall be a one-time choice. Coverage under the county group health plan may be later activated by the former employee or surviving insured dependents upon completing enrollment forms prior to the end of the 10-year maximum delay period. Coverage shall be effective on the first day of the month following 30 days from the date that the department receives the signed enrollment forms. Late enrollment provisions that require a health statement application and restrictions for pre-existing conditions shall be waived for the employee and for eligible dependents who were named as insured under the employee's health insurance plan at the time of retirement or death.

Sec. 15-340. Severance pay in lieu of notice.

A minimum period for notice of termination may be required under sections 15-103 and 15-104. When a notice period is required, the appointing authority may provide severance pay equal to the employee's normal scheduled hours in the final notice period in lieu of requiring the employee to remain at work.

Sec. 15-341. Negotiated severance agreements.

- (a) Negotiated severance agreements shall be done on a non-discriminatory basis.
- (b) The county administrator may authorize representatives of the county to negotiate a severance agreement with a specific employee wherein the employee relinquishes his/her employment rights and rights to potential future claims against the County. The proposed agreement shall be subject to review by the director and the corporation counsel as to form and conformance with benefit plan provisions. Said agreement shall be subject to final recommendation of the committee and approval by the county board, and conditional upon funding. Any severance agreement with a represented employee shall also require approval of the designated collective bargaining representative.

Sec. 15-342. Allocation of severance pay for unemployment compensation purposes.

The director shall, for the purposes of §108.05(5), 95-96 Wis. Stats., allocate severance pay at the employee's approximate full weekly wage rate to future work weeks for the purposes of unemployment compensation benefits. The employee shall be given due and timely written notice of said allocation.

Sec. 15-343. to sec. 15-349. Reserved."

PART 4: BE IT FURTHER ORDAINED THAT Division 4 and sections 15-350 to 15-369 in Article III of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

"DIVISION 4. MANAGEMENT PAY POLICIES

Sec. 15-350. to sec. 15-355. Reserved.

Sec. 15-356. Department head appointment.

If any terms of an employment contract for a department head appointed by the county administrator conflict with this chapter, the terms of the employment contract shall apply.

Sec. 15-357. Management-school ("MT") pay plan.

- (a) The management-school ("MT") pay plan shall apply to salaried non-represented employees scheduled on a school-year basis.
- (b) The annual contract for an assistant director of special education classification shall be 217 days. The contract for all other staff under this section shall be 200 days. The contract days shall be scheduled to compliment the school calendar and shall be fulfilled no later than June 30th of each year.

- (c) The management-school pay plan shall be administered consistent with section 15-333.

Sec. 15-358. Administrative support ("AS") pay plan.

The administrative support pay plan shall be administered consistent with section 15-333.

Sec. 15-359. Special pay premiums.

- (a) The director shall maintain schedules of the positions authorized to receive special pay premiums under this section. Schedules first established under this section, and any subsequent changes therein, shall be subject to review and approval of the committee.
- (b) Special pay premiums for non-represented employees under this section shall be as follows:
 - (1) Call-in pay, hourly employee: 2-hour minimum at 1.5x
 - (2) Charge premium: \$1.40 per hour
 - (3) Reporting pay, hourly employee: 2 hour minimum
 - (4) Shift premium, non professional employee: \$ 0.75 per hour
 - (5) Shift premium, professional employee: \$1.00 per hour
 - (6) Standby premium, not on a holiday: \$1.50 per hour
 - (7) Standby premium, on a holiday: \$2.00 per hour
 - (8) Weekend premium, RN unit supervisor: \$5.00 per hour
 - (9) Weekend premium, LPN unit supervisor: \$4.00 per hour
- (c) The weekend premium specified in (c) shall only apply to hours worked in excess of normally scheduled weekend hours.

Sec. 15-360. Educational incentive pay.

- (a) Special education staff. In addition to base salary, an employee covered by the management-school ("MT") pay plan shall be eligible to receive a salary supplement for continuing education pay, subject to the following:
 - (1) Each salaried professional employee of the special education department shall be required to keep their licensing current, which may require completion of continuing education credits. Credits means credits earned at an accredited college or university. Credit may also be given for an

approved workshop, seminar or conferences on the basis of 30 clock hours being equivalent to one (1) semester credit.

- (2) Continuing education pay shall be provided as a component of compensation, subject to (3) through (6).
 - (3) Continuing education pay shall only apply to credits started and completed while in the employment of the special education department in an eligible position. Continuing education pay does not apply to credits required to meet the minimum requirements for the job (i.e., credits for pre-requisite courses are not covered) or to credits earned prior to appointment to a salaried non-represented professional position.
 - (4) Continuing education pay for post-bachelor credits shall be equal to \$175 per year per credit, subject to a maximum increase of \$1,050 per year, or an accumulative maximum of \$6,300.
 - (5) Continuing education pay for post-master credits shall be equal to \$200 per year per credit, subject to a maximum increase of \$1,200 per year, or an accumulative maximum of \$7,200.
- (b) Sworn law enforcement. In addition to base salary, a sworn law enforcement employee classified as lieutenant, captain, or under-sheriff shall receive a salary supplement for educational incentive pay. Education pay shall be equal to \$0.50 per credit per month for credits earned at an accredited college or university, and subject to a maximum of \$780 annually.

Sec. 15-361. Professional licenses.

The county may pay for professional licenses, subject to sec. 15-432.

Sec. 15-362. Exceptions for law enforcement positions.

- (a) An employee classified as under-sheriff, captain, or lieutenant, and employed as a deputy sheriff shall be covered by this section.
- (b) The employee shall receive a uniform allowance of \$300.00 per year, payable on a pay period basis, for the purchase or maintenance of law enforcement uniforms or gear not adaptable as street-wear. The County shall reimburse the employee for the purchase of a protective vest once every five years in an amount equal to the amount specified in the deputy sheriff collective bargaining agreement.
- (c) The county shall pay 50 percent of the standard health insurance premium until the retired employee is eligible for coverage under Medicare, subject to the employee meeting the following eligibility criteria:
 - (1) The employee must be covered under WRS as a protective occupation participant employee; and

- (2) The employee shall receive a WRS annuity immediately upon termination; and
- (3) The employee shall be age 54 or older, age 53 with a minimum of 25 years of WRS service, age 50 or older with a minimum of 20 years of continuous county service, or any age with 20 years of continuous county service and receiving a duty disability annuity.

Sec. 15-363. to 15-369. Reserved.”

PART 5: BE IT FURTHER ORDAINED THAT Division 5 and Sections 15-370 to 15-379 in Article III of Chapter 15 of the Walworth County Code of Ordinances is created to read as follows:

“DIVISION 5. EMPLOYEE PERFORMANCE EVALUATION

Sec. 15-370. Policy.

It is the policy of the county that each employee's job performance shall be reviewed and evaluated at least annually. An employee's performance shall be considered when employment decisions are made affecting pay, promotion, transfer, training or continued employment.

Sec. 15-371. Appeal process.

- (a) An employee may append his/her written comments to the performance evaluation report.
- (b) An employee may submit a written appeal of the performance evaluation report, subject to sections 15-910 to 15-920. The appeal shall be limited to allegations of procedural failings, lack of objective documentation, or that the evaluator was arbitrary or capricious in completing the employee's performance evaluation report.

Sec. 15-372. to sec. 15-379. Reserved.”

PART 6: BE IT FURTHER ORDAINED THAT Division 5 in Article III of Chapter 15 of the Walworth County Code of Ordinances is created to read as follows:

"DIVISION 6. TIMEKEEPING POLICY

Sec. 15-380. Policy.

It is the policy of the county to pay employees by check or direct deposit on a regular basis and in a manner consistent with applicable laws or regulations and accounting standards.

Sec. 15-381. Certification of payroll.

- (a) The department head or designee shall certify on each payroll that each person whose name appears on the timekeeping record has:
 - (1) Actually worked the time for which he or she will be paid; and
 - (2) Accurately recorded and substantiated the reasons for absent time for which pay is claimed.
- (b) The director shall review and certify all employee transactions for compliance with law, contract, policy, or administrative procedures; authorize or suspend the processing of any transaction; and, certify all increases or decreases in pay rates.
- (c) The finance director shall establish accounting standards for allocation of payroll costs.

Sec. 15-382. Timekeeping requirements for employees.

- (a) The absence of an employee without prior authorization or proper notice shall be initially considered unexcused and without pay. Upon receipt of substantiation of the reason for absence, the supervisor may excuse the absence and approve appropriate use of accrued benefit time to cover the absence.
- (b) All non-exempt hourly employees shall be required to record actual time worked each day on a real-time basis. Requests for paid scheduled absences shall be submitted in advance to the employee's supervisor. Unscheduled absence reporting shall be subject to department work rules.
- (c) FLSA-exempt employees shall account for daily attendance, but are not required to account for hours worked each day. FLSA-exempt employees shall apply appropriate accrued leave benefits for absences that occur in each pay period that result in the employee working less than their minimum biweekly work schedule. Time worked in excess of the regular work schedule shall not be paid, except as provided in sec. 15-321.
- (d) Accrued leave may not be applied so as to result in a negative balance.

- (e) Records for time-worked for partial hours shall be rounded to the nearest one-quarter hour. This rounding rule shall not determine if an employee is tardy or has left early.

Sec. 15-383. Distribution of paychecks.

- (a) A paycheck shall only be distributed, on or after the date printed on the paycheck, to the employee or the employee's authorized representative. The designation of an authorized representative shall be in writing and kept on file with the person authorized to distribute paychecks. The authorization shall be retained for one year after the employee leaves county employment.
- (b) The department head shall hold the paycheck for an absent employee in a secure manner until the employee picks up the paycheck or otherwise requests that the paycheck be mailed. Checks not distributed to the employee within one week of payday shall be returned to the county treasurer.
- (c) A paycheck may, at the employee's request, be distributed via the U.S. postal service one day prior to the date on the paycheck.
- (d) As early release of any paycheck may result in serious tax penalties related to deposit requirements, early release of paychecks shall be strictly prohibited.

Sec. 15-384. Correction of errors.

- (a) The county shall not issue a pay advance if an employee fails to report timekeeping information in a timely manner.
- (b) The director may approve a pay advance when it is determined that administrative staff caused a substantive error in processing of an employee's paycheck. A pay advance will be issued as an accounts payable check and the amount advanced will be deducted from the employee's next paycheck.
- (c) When an employee is overpaid, the overpayment shall be deducted from future wages as they become due. The employee shall be notified in writing of the overpayment and schedule for recovery of the overpayment. Recovery of the overpayment does not require the employee's consent. Upon request, a member of the department shall meet with the employee and may agree to an alternate repayment plan. Recovery of a wage overpayment shall be limited to a period of two years prior to the date the overpayment was made known to the department.
- (d) When an employee is underpaid, the amount of underpayment shall be calculated and paid on the next paycheck. The employee shall be notified in writing of the underpayment. Retroactive pay for a wage underpayment shall be limited to a period of two years prior to the date the underpayment was made known to the department.

Sec. 15-385. Paycheck for deceased employee.

Upon the death of an employee, all final earnings and severance pay due an employee as of the date of death shall be paid to the estate of the employee, except as otherwise provided by law.

Sec. 15-386. Lost or stolen paycheck.

An employee shall complete an affidavit declaring that their paycheck was lost or stolen. The affidavit must be received and approved by the director prior to the check being reissued. The employee shall be held personally responsible for any lost or stolen check signed in-blank by the employee.

Sec. 15-387. Recordkeeping.

Timekeeping records shall be maintained in accordance with the requirements of the FLSA and Wisconsin Administrative Code DWD 272.11.

Sec. 15-388. Payroll deductions.

- (a) Deductions from the paycheck shall be made without the employee's consent when law, court order, collective bargaining agreement, or county ordinance requires deductions.
- (b) Except as provided under (a), any other deductions from the paycheck are voluntary and require the employee's signed consent to deduct.
- (c) Voluntary deductions may be offered as a service to employees, at the discretion of the county. The director shall evaluate the administrative costs to the county to offer voluntary deductions and recommend the addition or deletion of voluntary deduction options to the county administrator. The county administrator shall approve or deny the recommendation.

Sec. 15-389. to 15-399. Reserved.”

PART 7: BE IT FURTHER ORDAINED THAT sec. 15-04 of the Walworth County Code of Ordinances entitled “Definitions” is hereby amended to create and insert the following definitions:

“Allocation means the initial assignment of a position to the appropriate job classification and pay range.

Charge (in-charge or IC) premium means an amount paid in addition to an employee's base pay for hours actually worked when the employee is temporarily assigned out-of-class to perform supervisory duties.

COBRA means the Consolidated Omnibus Budget Reconciliation Act.

FLSA means the Fair Labor Standards Act of 1938, as amended.

HIPAA means the Health Insurance Portability and Accountability Act.

In-kind wages means any form of pay that is not in money, but is deemed wages by the IRS.

IRS means the Internal Revenue Service.

Reallocation means the assignment of a position to a different job classification or a different pay range resulting from a logical change in the duties and responsibilities of the position.

Reclassification means the assignment of a filled position to a different classification based on a logical and gradual change in the duties and responsibilities of the position or the incumbent's attainment of specified education or experience.

Red-circled pay rate means a base pay rate received by an employee which is above the pay range maximum for the classification of the employee's position.

Shift premium means an amount paid in addition to an employee's base pay for hours worked during specified hours or days of the week.

Stand-by pay means an amount paid to an employee during assigned off-duty periods for being available and able to report to work.

Weekend premium means an amount paid in addition to an employee's base pay for hours actually worked during hours designated as weekend hours.

Workday means any fixed and regularly recurring period of 24 consecutive hours.

Workweek means any fixed and regularly recurring period of seven consecutive workdays.

WRS means the Wisconsin Retirement System."

PART 9: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 9th day of March, 2004.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

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	3/6/04	N. Andersen/ts	3/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Ordinance No. 252-02/04

- I. Title: Creating Article III ("Pay Practices") and Divisions 1 to 6 of Chapter 15 of the Walworth County Code of Ordinances Relating to Elected Officer Compensation, Classification and Compensation, Pay and Benefit Administration, Management Pay Policies, Employee Performance Evaluation, and Timekeeping Policy.
- II. Purpose and Policy Impact Statement: This ordinance adopts human resource policy by ordinance, and directs the county administrator to enact administrative procedures to carryout the provisions of the ordinance. In the past these policies were adopted by resolution. By separate resolution, the former policies related to this ordinance are repealed.
- III. Budget and Fiscal Impact: Passage of this ordinance has no fiscal impact.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources Meeting Date: March 1, 2004

Vote: 6-0 to recommend approval.

County Board Meeting Date: March 9, 2004

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

David A. Bretl	3/5/04	N. Andersen/ts	3/5/04
County Administrative/ Corporation Counsel	Date	Finance Director	Date

Ordinance No. 253-02/04

Creating Divisions 1 to 3 and Sections 15-400 to 15-499 of the Walworth County Code of Ordinances Relating to Business Expense Reimbursement; Conferences, Conventions, and Seminars; and Memberships and Dues

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART 1: THAT Division 1 and Sections 15-400 to 15-419 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

"ARTICLE IV. REIMBURSEMENT OF EMPLOYEE EXPENSES

DIVISION 1. BUSINESS EXPENSE REIMBURSEMENT

Sec. 15-400. Policy.

It is the policy of the county to reimburse employees for reasonable, ordinary and necessary business expenses arising out of the scope of employment, subject to funds being available within the department expense budget.

Sec. 15-401. Definitions.

Unless the context dictates otherwise, the following definitions shall apply within this Article:

IRS means the Internal Revenue Service.

Meeting means any gathering of persons for business related reasons and includes conferences, conventions, seminars, retreats or other similar business related activities.

Vehicle means any four-wheeled motor driven surface form of transportation.

Sec. 15-402. Applicability.

This chapter shall apply to all employees and elected officers of the county.

Sec. 15-403. Employee provisions.

- (a) An employee engaged in business related travel or meetings shall be subject to all work rules that would apply in the normal workplace. When reasonable, employees traveling together for business purposes are encouraged to coordinate travel and lodging arrangements to reduce costs.
- (b) An employee on business related travel or meetings may, in advance, request vacation immediately before or after the business travel, subject to approval of the department head. The employee shall be responsible for any additional personal expenses incurred which exceed the reasonable, ordinary and necessary business expenses.
- (c) An employee shall not be authorized to use a motorcycle for business related travel.

Sec. 15-404. Authorization of travel.

- (a) Except as provided in subsection (b), the employee shall submit a request in advance for authorization of business related travel. Travel anywhere within Wisconsin or out-of-state travel within 100 miles of Elkhorn, Wisconsin shall be subject to authorization of the department head. All other out-of-state travel shall be subject to authorization of the finance committee prior to the departure date.
- (b) The county administrator shall authorize business related travel for exigent circumstances and shall report the decision to the finance committee.
- (c) A request to attend a meeting that involves registration, meals or lodging shall include a copy of the agenda.
- (d) Travel expense that is related to educational assistance shall not be reimbursed.

Sec. 15-405. Use of privately owned vehicles.

- (a) An employee using a privately owned vehicle for business related travel shall be reimbursed at the standard mileage rate as set by the IRS. The maximum mileage eligible for reimbursement shall be the lesser of two distances: work site to destination and return, or home to destination and return. Mileage for daily trips from home to work, work to home, or any other personal mileage incurred while otherwise engaged in official county business shall not be reimbursed.
- (b) The standard mileage rate includes the costs of depreciation or lease payments, maintenance and repairs, gasoline and taxes, oil, insurance and vehicle registration fees. Personal expenses for vehicle repair, traffic or ordinance citations, parking tickets, insurance deductibles, or other similar expenses are not reimbursable.
- (c) An employee using a private vehicle for business travel shall carry minimum limits of vehicle liability insurance and shall furnish evidence of insurance coverage to the finance department. The employee shall carry minimum limits as follows: \$100,000 per person or \$300,000 per occurrence bodily injury liability; \$25,000 property damage liability; or, \$300,000 combined single limit liability.
- (d) Specific positions may require, as a condition of employment, the incumbent to furnish their own vehicle for business related travel. This requirement shall be documented in the job description and the employee shall be required to submit evidence of vehicle liability insurance coverage prior to incurring business travel.

Sec. 15-406. Other forms of transportation.

- (a) Air travel. Travel reimbursement shall be limited to the cost of air travel whenever air travel is more cost effective than vehicle travel. Airfare

reimbursement shall be limited to the lowest coach fare available, no matter which mode of transportation is chosen. Receipts for air travel are required.

- (b) Vehicle rental. The reasonable and necessary cost of a rental vehicle shall be reimbursed. The expense shall be pre-approved by the department head or county administrator. The employee shall secure collision damage insurance for a rented vehicle that shall be reimbursed. Personal accident insurance shall be the employee's choice, but shall not be reimbursed. Receipts are required.
- (c) Other transportation expenses. Expenses for other forms of transportation, such as, but not limited to, bus, taxicab, airline-limousine, rail, or train, shall be reimbursed. Receipts are required.

Sec. 15-407. Meal expense reimbursement.

- (a) In county. Expenses for meals within the county shall not be reimbursed.
- (b) Out of county. Meal expenses shall be reimbursed for authorized travel outside of the county, subject to maximum rates established by the finance committee. Receipts are not required. When traveling for a full day or more, meals will be reimbursed on a per diem basis. When traveling for less than a full day, meals will be reimbursed on a per-meal basis, up to the meal maximum. When individual meals are covered as part of the fees for the meeting, the individual meal allowance for included meal(s) shall be deducted from the per diem maximum.

Sec. 15-408. Lodging expense.

- (a) Expenses for reasonable and necessary lodging expenses shall be reimbursed. An original machine receipt is required. Claims for lodging within normal commuting distance to Elkhorn, Wisconsin may be disallowed.
- (b) Expenses incurred for a spouse or guest shall not be reimbursed.

Sec. 15-409. Registration fees.

Registration fees for events within or outside the county shall be reimbursed. A copy of the agenda and schedule of costs shall be attached to the claim for reimbursement.

Sec. 15-410. Miscellaneous expenses.

Expenses for reasonable and necessary miscellaneous expenses may be reimbursed. Receipts are required, except when it is not customary or practical for receipts to be issued. Miscellaneous expenses include, but are not limited to:

business related telephone calls, parking, tolls, fax, copies or other incidental business related items.

Sec. 15-411. Requests for prepayment.

- (a) **Prepayment.** With sufficient advance notice to the finance department, the county shall prepay registration, airfare or lodging expenses for authorized business travel.
- (b) **Cash advance.** An employee may submit a written request for a cash advance for authorized business travel to the finance department. A cash advance shall be limited to eighty percent of the estimated out-of-pocket expenses, subject to a minimum of fifty dollars.
- (c) **Emergency travel cash advance.** The department head may approve a full cash advance for business related travel under emergency situations. Emergency situations include urgent travel related to client services or official law enforcement duties, but exclude all other travel for business related meetings.

Sec. 15-412. Claims for reimbursement.

- (a) The finance director shall administer this division. Claims for reimbursement require adequate documentation that meets IRS standards.
- (b) Claims for reimbursement shall be submitted within 30 days of the date the expense was incurred. A claim shall be submitted whenever a cash advance has been issued, even if no additional reimbursement is due the employee. A check payable to the county treasurer shall accompany the claim for any amount of cash advance exceeding the actual cost of travel.
- (c) A copy of the agenda for business related travel to attend a meeting shall be attached to the claim for reimbursement. Any expense items included in the registration fee shall not be reimbursable as a separate expense.
- (d) Receipts are required, except as otherwise provided in this division.
- (e) A claim for reimbursement may be denied for any business related expenses incurred without prior authorization, or when the amount claimed exceeds budgeted funds.

Sec. 15-413. Appeals.

An employee may appeal the denial of a claim for reimbursement by filing a written appeal with the county administrator. Supporting documentation shall be included with the appeal.

Sec. 15-414. to sec. 15-416. Reserved.

Sec. 15-417. Business entertainment expenses.

- (a) Business entertainment expense means meals, lodging or travel expenses incurred on behalf of a customer or client for the main purpose of actively conducting business or attaining some other specific business benefit. Preauthorized business entertainment expenses shall be reimbursed, subject to this section.
- (b) Business entertainment expense shall be reimbursed only if preauthorized by the county administrator and shall be limited to funds budgeted for said purpose.

Sec. 15-418. to 15-419. Reserved”

PART 2: THAT Division 2 and Sections 15-420 to 15-429 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“DIVISION 2. CONFERENCES, CONVENTIONS, AND SEMINARS

Sec. 15-420. Policy.

It is the policy of the county to support employee participation in conferences, conventions, or seminars which are expected to develop job-related skills and which do not conflict with interests of the county policy.

Sec. 15-421. Administrative standards.

- (a) Authorization for participation in conferences, conventions or seminars shall be subject to available funds in the budget for said purpose.
- (b) The department head shall approve or deny an employee's request to participate in a conference, convention or seminar. The department head may require an employee's participation as a condition of employment.
- (c) Payment or reimbursement for business related expenses shall be subject to division 1 of article 4 of chapter 15.
- (d) As a condition of reimbursement, a participating employee shall fully participate in the conference, convention or seminar.

Sec. 15-422. to 15-429. Reserved.”

PART 3: THAT Division 3 and Sections 15-430 to 15-439 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“DIVISION 3. MEMBERSHIPS AND DUES

Sec. 15-430. Policy.

It is the policy of the county to permit employees to participate in certain professional or civic organizations when participation does not conflict with business needs or interests of the county.

Sec. 15-431. Civic memberships.

- (a) Civic membership means being a member of a group that supports or promotes programs for members of the community. Examples include, but are not limited to: Rotary, Kiwanis, or volunteer emergency responder groups.
- (b) An employee's absence from work to participate in a civic group during working hours shall be subject to prior approval by the department head. Time spent in participation shall not be work time, except when the employee is a speaker representing the county. The county shall not reimburse any costs for the employee's participation in a civic group.
- (c) An employee who is a member of a volunteer fire department or volunteer rescue squad shall not sign-up to be on-call during the employee's normal work schedule. On an exception basis and for extraordinary emergency situations, the department head may authorize the employee to leave work for emergency response duties.

Sec. 15-432. Professional memberships.

- (a) Professional membership means being a member of a group that supports a specific profession and may provide continuing education programs. Examples include, but are not limited to: attorneys, social workers, professional nurses, or professional engineers.
- (b) The department head may approve participation and reimbursement for business related expenses for employee participation in professional organizations that provide professional employee development or other direct benefit to the county. The department head may limit the number of employees participating in professional organization events.
- (c) When the county authorizes business travel expenses for an employee to attend a professional membership event, time in attendance shall be considered work time and the employee shall be subject to all employee work rules.
- (d) The county may pay professional membership or license fees, subject to available funds in the budget for such purpose.

Sec. 15-433. Other conditions.

- (a) The County may change its sponsorship or non-sponsorship of memberships whenever it deems appropriate.

- (b) Employees may present their professional views or contribute articles to professional and civic organizations. However, an employee shall not represent his or her views as those of the county nor use his or her title with the county without prior written approval of the department head or, in the case of department heads, the county administrator.

Sec. 15-434. to 15-499. Reserved.”

PART 4: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 9th day of March, 2004.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

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

3/6/04
Date

N. Andersen/ts
Finance Director

3/5/04
Date

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

Policy and Fiscal Note
Ordinance No. 253-02/04

- I. Title: Creating Divisions 1 to 3 and Sections 15-400 to 15-499 of the Walworth County Code of Ordinances Relating to Business Expense Reimbursement; Conferences, Conventions, and Seminars; and Memberships and Dues.
- II. Purpose and Policy Impact Statement: This ordinance adopts human resource policy by ordinance, and directs the county administrator to enact administrative procedures to carryout the provisions of the ordinance. In the past these policies were adopted by resolution. By separate resolution, the former policies related to this ordinance are repealed.
- III. Budget and Fiscal Impact: Passage of this ordinance codifies the existing personnel code and, therefore, has no fiscal impact, beyond that which has already been budgeted.

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

Committee: Human Resources Meeting Date: February 18, 2004

Vote: 6-0 to recommend adoption.

County Board Meeting Date: March 9, 2004

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

David A. Bretl	3/5/04	N. Andersen/ts	3/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Ordinance No. 254-02/04

Creating Divisions 1 to 7 and Sections 15-500 to 15-599 of the Walworth County Code of Ordinances Relating to Employee Benefits In General; Accrued Time-off Benefits; Group Health and Dental Insurance Benefits; Flexible Benefits Plan; Other Group Insurance Benefits; Retirement Benefits; Unemployment Compensation; Workers Compensation; and Employee Services

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART 1: THAT Division 1 and Sections 15-500 to 15-509 in Article V of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“ARTICLE V. EMPLOYEE BENEFITS

DIVISION 1. IN GENERAL

Sec. 15-500. Policy.

It is the policy of the county to provide employee benefits that allow the county to remain competitive in the relevant labor market. Upon appropriate notice and in a lawful manner, the County may from time to time modify, amend, or terminate its employee benefit plans as they apply to all current, former, and retired employees.

Sec. 15-501. Eligibility.

The county shall set the eligibility requirements for benefits on a nondiscriminatory basis and consistent with federal and state regulations. Each benefit plan shall define eligibility requirements.

Sec. 15-502. Plan documents.

Each benefit provided by the county shall be described in a plan document kept on file by the director. These documents shall be available for examination by any plan participant or beneficiary. In addition, the department shall provide summary plan descriptions or promotional information about benefit plans to employees or plan beneficiaries. If there is any conflict or inconsistency between the plan document and chapter 15 or any other written information concerning a benefit plan, the terms of the plan document shall control.

Sec. 15-503. Plan administrator.

The director shall be the plan administrator for employee benefit plans. The plan administrator shall be responsible for complying with federal and state regulations and shall have the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The director's decision may be appealed, subject to the appeal process under each benefit plan.

Sec. 15-504. Beneficiary designations.

Certain benefit plans require the employee to designate a beneficiary for the employee's death benefits. The designation must be made in writing and in a form provided by the department. The employee shall be responsible for keeping the beneficiary designation current.

Sec. 15-505. to 15-509. Reserved."

PART 2: THAT Division 2 and Sections 15-510 to 15-529 in Article V of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

"DIVISION 2. ACCRUED TIME-OFF BENEFITS

Sec. 15-510. Policy.

It is the policy of the county to provide paid vacations, sick leave and holidays to eligible employees as further described in this division. Employees may transfer vacation or holiday hours to another employee under the donor program, subject to sections 15-524 to 15-526.

Sec. 15-511. Definitions.

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

Accrued benefits means hours accrued for vacation, sick leave, or holiday.

Service hours means all worked or non-worked paid hours in a pay period that, in total, are equivalent to an employee's regular work schedule. Service hours excludes all overtime hours, unpaid hours, or banked hours.

Sec. 15-512. Eligibility and exclusions.

- (a) Except as provided in subsection 15-513(d), regular full-time and regular part-time employees shall be eligible for paid vacation, sick leave, and holiday benefits, subject to plan provisions under this division or the terms of a collective bargaining agreement.
- (b) The eligibility date for benefits under this division shall be the employee's regular status date. An employee shall not receive credit for hours worked as a casual, limited term, or student intern prior to commencing employment as a regular employee.
- (c) A casual, limited term or student employees shall not be eligible for accrued time-off benefits, except as provided in subsection 15-519(c).

Sec. 15-513. Vacation schedules.

- (a) The collective bargaining agreement shall determine the amount of vacation a represented employee shall receive.
- (b) Non-represented hourly employees and FLSA-exempt employees subject to overtime code 2 or 3 under section 15-321 shall be covered by the following vacation schedule:

**VACATION SCHEDULE FOR HOURLY EMPLOYEES
AND FLSA-EXEMPT EMPLOYEES SUBJECT TO OVERTIME**

Anniversary Starting With	Accrual Per 80 Service hours	Maximum Earned Yearly	Maximum Accrual Limit
Year 0	3.08 hours	80 hours	80 hours
Year 1	3.08 hours	80 hours	160 hours
Year 4	4.62 hours	120 hours	200 hours
Year 9	6.16 hours	160 hours	240 hours
Year 22	7.70 hours	200 hours	280 hours

- (c) Except as provide in sub. (d), salaried-exempt non-represented employees subject to overtime code 1 shall be covered by the following vacation schedule:

VACATION SCHEDULE FOR SALARIED-EXEMPT EMPLOYEES

Anniversary Starting With:	Accrual Per 80 Service hours	Maximum Earned Yearly	Maximum Accrual Limit
Year 0	4.62 hours	120 hours	120 hours
Year 1	4.62 hours	120 hours	200 hours

Year 4	6.16 hours	160 hours	240 hours
Year 14	7.70 hours	200 hours	280 hours

- (d) Management-school employees subject to sec. 15-357, shall not receive paid vacation.

Sec. 15-514. Sick leave schedules.

- (a) The collective bargaining agreement shall determine the amount of sick leave a represented employee shall receive.
- (b) Except as provided in sub. (c), non-represented employees shall accrue sick leave at the rate of 3.70 sick hours per eighty (80) service hours. The maximum accrual each year is 96.2 hours. There shall be no limit on the total amount of sick leave accrued.
- (c) Full-time management-school employees subject to sec. 15-357 shall receive 88 hours of sick leave each school year. Sick leave shall be pro-rated for part-time or for any other reduction in contract days. There shall be no limit on the total amount of sick leave accrued.

Sec. 15-515. Holiday schedules.

- (a) The collective bargaining agreement shall determine the number of holidays a represented employee shall receive.
- (b) Except as provided in (c), the following ten days shall be observed as paid holidays: New Year's day, Friday immediately before Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday immediately after Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year's Eve.
- (c) Full-time management-school employees subject to sec. 15-357 shall receive nine (9) paid holidays (Independence Day excluded).

Sec. 15-516. Accrued benefits in general.

- (a) Eligible employees shall accrue vacation and sick leave hours based on service hours paid each pay period, up to the maximum accrual limit. An employee shall not accrue more than the yearly accrual limit in the employee's anniversary year. When the maximum accrual limit is reached, additional benefits shall not accrue until the accrued balance falls below the maximum accrual limit.
- (b) Accrued benefits shall be prorated for part-time service or when service hours are less than 80 hours for a biweekly period. When the anniversary date for a vacation improvement falls during a pay period, the higher biweekly accrual rate shall apply to the full pay period.

- (c) An hourly employee may not use accrued vacation or sick leave until the completion of 6 months of actual work from the benefit eligibility date. A salaried-exempt employee may use vacation or sick leave without a waiting period. Holiday hours shall not be subject to any waiting period.
- (d) When an employee terminates employment, accrued benefits may not be used after the last day actually worked. Severance payment for any accrued benefits shall be subject to sec. 15-338.

Sec. 15-517. Scheduling of accrued benefits.

- (a) Advance request. An employee's request to schedule the use of accrued benefits shall be submitted in advance to the employee's supervisor for approval or denial. The employee shall follow the time-off scheduling rules of the department.
- (b) Unscheduled absences. Unscheduled absences shall be reported to the supervisor prior to the employee's scheduled start of work. When the supervisor approves an unscheduled absence, accrued benefits shall be applied, consistent with the reason for absence, to the absence.
- (c) Scheduling rules. Time-off scheduling rules shall take into consideration employee choice, length of service, and departmental staffing needs. Approval of accrued benefits requested at least thirty days in advance shall not be unreasonably withheld.
- (d) Negative balance. An employee's request for use of accrued benefits shall not be allowed if use would result in a negative balance.
- (e) Substitution. When an employee is on a scheduled vacation, sick leave or bereavement leave shall not be substituted during the vacation period. Any holiday that falls during a vacation period shall be charged to the holiday benefit and vacation shall not apply to the holiday. An employee on approved sick leave may request, in lieu of using sick leave, the use of vacation, holiday or compensatory time for all or part of the sick leave.
- (f) Amended request. Prior to the start of an approved absence, an employee may request to amend a scheduled absence request, subject to approval of his or her supervisor.

Sec. 15-518. Sick leave provisions.

- (a) Acceptable use. Sick leave may be used for the following reasons:
 - (1) A health condition that makes the employee unable to perform the functions of his or her job; or

- (2) Time required for the employee to attend his or her appointment with a health care provider, when it is not possible to schedule such appointment outside his or her work schedule; or
 - (3) Time approved under state-FMLA for the employee to care for a spouse, child or parent.
- (b) Substantiation. The department head or director may require substantiation of the reason for use of sick leave. If sick more than three (3) workdays, the employee shall provide medical certification of the need for use of sick leave. Authorization for sick leave over 3 days shall be subject to sections 15-720 to 730.
- (c) Scheduling of sick leave. Except in the case of an unavoidable unscheduled absence, an employee is required to schedule the use of sick leave to have the least impact on departmental operations and as far in advance as practical. Any sick absence for elective health care services shall be requested a minimum of 30 days in advance and, if minimum notice is not provided, authorization for the absence may be denied. When an employee is able to perform the functions of his or her job, the employee shall only be excused for the number of hours necessary to attend an appointment with a health care provider.
- (d) Use for family member. The use of sick leave to care for a family member shall be limited to the following:
 - (1) An employee on state-FMLA may use up to 80 hours of accrued sick leave (pro-rated for part-time). An employee on federal-FMLA shall not be permitted to use sick leave for a family member.
 - (2) A non-represented employee may use up to 32 hours of sick leave per calendar year to care for his or her spouse, dependent child under 18 years of age, or parent, when care and attendance by the employee is medically required. This paragraph is intended to cover medical situations which do not meet the "serious medical condition" standard under state or Federal FMLA laws, but which require the absence of the employee. Sick leave under this paragraph is subject to approval of the department head. Substantiation may be required, subject to sub (c) of sec. 15-516.
- (e) Work related illness or injury. Sick leave may not be used for any illness or injury, which occurs in the course of employment with the county or any other employer and that, is covered by workers' compensation.

Sec. 15-519. Holiday pay provisions.

- (a) Holiday pay for employees scheduled to work Monday through Friday.

- (1) For all employees normally scheduled to work Monday through Friday, the holiday shall be observed on the actual calendar day of the holiday, except that a holiday falling on a Saturday shall be observed on the preceding Friday, and a holiday falling on a Sunday shall be observed on the following Monday.
 - (2) An employee subject to this section shall not be required to work on the observed holiday. A full-time employee shall receive 8 hours of holiday pay, and a part-time employee shall receive pro-rated holiday pay.
 - (3) An employee subject to this section who voluntarily works on the holiday shall be paid holiday pay as provided under subsection (2) and shall bank holiday hours equal to the number of hours worked, not to exceed 8 hours.
 - (4) This subsection shall not apply to sworn law enforcement employees.
- (b) Holiday pay for employees scheduled to work weekends.
- (1) For employees normally scheduled to provide mandatory shift and weekend coverage, the holiday shall be observed on the calendar day of the holiday. An employee subject to this subsection shall, when normally scheduled to work on the day observed as a holiday, report for work, or absence shall be subject to the normal time-off scheduling practices of the employee's department.
 - (2) The employee shall be paid time and one-half pay for work on the holiday and shall bank holiday hours equal to the holiday pay benefit (8 hours for full-time or pro-rata for part-time).
 - (3) When the actual holiday falls on the employee's normal day-off, the employee shall bank holiday hours equal to the holiday pay benefit (8 hours for full-time or pro-rata for part-time).
 - (4) This subsection shall not apply to sworn law enforcement employees.
- (c) Holiday pay for sworn law enforcement.
- (1) This subsection shall apply to sworn law enforcement employees classified as lieutenant, captain or undersheriff. Employees shall receive additional pay in lieu of paid holiday time-off.
 - (2) The holiday shall be observed on the calendar day of the holiday and an employee shall receive, in addition to base salary, 8 hours of holiday pay in lieu of a paid day off. Holiday hours shall not be banked. If the holiday falls on the employee's scheduled day to work, the employee shall receive an additional one-half time pay for actual hours worked for up to 8 hours worked.

- (d) Holiday bank. The holiday bank shall be limited to 80 hours. The holiday bank shall be applied as scheduled time-off and shall only be paid out upon layoff or termination.
- (e) Eligibility for holiday pay.
 - (1) An employee shall be scheduled and work immediately before and after the holiday to qualify for holiday pay. An approved paid absence shall count as being present and working.
 - (2) In the case of layoff or termination, any holiday that falls after the last day an employee is scheduled to work shall not be paid.
 - (3) An employee receiving temporary disability pay under workers' compensation shall be paid holiday pay and shall not have the option to bank holiday hours.
 - (4) A casual, limited term or student employee shall be paid time and one-half for hours worked on a holiday.

Sec. 15-520. to sec. 15-523. Reserved.

Sec. 15-524. Donor program.

It is the policy of the county to provide a donor program that permits eligible employees to donate accrued vacation or holiday hours to another employee.

Sec. 15-525. Donor program eligibility.

- (a) Non-represented regular employees or employees represented by a participating collective bargaining unit who have completed one year of active service in a regular position may participate in the Donor Program. *Participate* means to either donate or receive vacation or holiday hours. Donated hours shall be in increments of 8 hours.
- (b) An employee shall be eligible to receive donated hours when all of the following criteria are met:
 - (1) The employee is on an approved FMLA due to a serious health condition of himself or herself, or the employee's spouse, child or parent;
 - (2) The employee has exhausted all of his or her available accrued benefits;
 - (3) The employee's absence exceeds 60 calendar days.

Sec. 15-526. Limitations on donated hours.

- (a) An employee's decision to donate hours may not be revoked.
- (b) The employee's extended pay status under the donor program shall end on the earlier of:
 - (1) The date the employee is eligible to apply for and receive long-term disability benefits.
 - (2) The date of the employee's retirement or disability annuity, or upon death.
 - (3) Ninety (90) calendar days from the date the employee's leave began.
- (c) Donated hours shall be applied at the recipient's prevailing FTE rate continuous from the date that the employee's personal accrued benefits were exhausted. Donated hours shall be paid at the recipient's rate of pay.
- (d) The recipient shall not accrue new personal time-off benefits when receiving donated hours. Donated hours shall be counted as paid time for the purpose of determining the termination of county-paid insurance benefits.

Sec. 15-527. to 15-529. Reserved."

PART 3: THAT Division 3 and Sections 15-530 to 15-549 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

"DIVISION 3. GROUP HEALTH AND DENTAL INSURANCE BENEFITS;
FLEXIBLE BENEFITS PLAN

Sec. 15-530. Policy.

It is the policy of the county to provide health and dental insurance benefits to regular employees and elected officers in accordance with this division. The county elects to be covered by, and shall provide these benefits in accordance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), the Newborns' and Mothers' Health Protection Act of 1996 ("NMHPA"), and the Mental Health Parity Act of 1996 ("MHPA").

Sec. 15-531. Eligibility and exclusions.

- (a) Regular employees who are regularly scheduled to work a minimum of 0.5 FTE, elected officers, and county board supervisors, shall be eligible to enroll in the health or dental plan. Except as provided in (b), an individual may only receive insurance coverage under one insurance plan sponsored by the county.
- (b) An individual who had duplicate coverage under two or more insurance plans as of May 31, 1992 may continue to be covered under more than one plan

sponsored by the county. The individual may coordinate benefits between the plans, but any specified benefit maximums shall not be increased.

- (c) Upon retirement from the County, an employee may continue in the insurance plan, subject to section 15-556.

Sec. 15-532. Insurance plans.

- (a) Health insurance. The group health insurance plan shall be subject to the provisions of the plan document and shall apply to all enrolled individuals.
- (b) Dental insurance. The group dental insurance plan shall be subject to the provisions of the plan document and shall apply to all enrolled individuals, excluding teaching and professional staff of the special education department.
- (c) Dental insurance for teaching staff. A separate dental insurance plan shall be provided to teaching and professional staff of the special education department, excluding hourly employees.
- (d) A retiree may only enroll in the plan(s) that would be available to the employee as an active employee in his or her last position with the county.

Sec. 15-533. Premium contributions.

- (a) The collective bargaining agreement shall determine the amount of premium a represented employee is required to pay.
- (b) The county shall pay the single or family premium for a full-time non-represented employee enrolled in the standard health insurance plan or dental plan. An employee who elects to enroll in a more costly plan option shall pay the difference in premium for the more costly plan.
- (c) The county shall pay a percentage of the premium single or family premium for a part-time non-represented employee enrolled in the standard health plan. The percentage shall be equivalent to the employee's FTE, rounded down to 8-hour increments. The contribution amount shall be based on service hours in the prior two pay periods and any change shall become effective in the next month. Service hours shall have the meaning set forth in sec. 15-511.
- (d) The county shall pay 50% of the single or family premium for a part-time non-represented employee enrolled in the dental plan.
- (e) A retiree or county board supervisor shall pay the full premium, except as otherwise provided by chapter 15 or a collective bargaining agreement.
- (f) An employee's premium contribution shall be paid by payroll deduction.

Sec. 15-534. Flexible benefits plan.

- (a) The county shall provide a flexible benefits plan, subject to IRS provisions and the plan document. The plan shall provide pre-tax options for health care reimbursement, premium conversion for payment of health or dental premiums, and dependent care assistance.
- (b) An employee or elected officer enrolled in the county health or dental plan shall be eligible to participate in the health care reimbursement account upon completion of six (6) months of employment.
- (c) An employee may enroll in the premium conversion plan or dependent care assistance plan within 30 calendar days of meeting eligibility criteria specified under the plan document.

Sec. 15-535. Enrollment periods and effective dates.

- (a) Initial enrollment. An individual eligible to enroll in an insurance plan under this division shall complete and file an enrollment form with the department within 30 calendar days of the first day worked in a qualifying position. Except as otherwise provided by a collective bargaining agreement, coverage shall become effective on the first day of the month following 30 calendar days from the date of eligibility to participate. An enrollment not received timely shall be subject to sub. (b).
- (b) Late enrollment. A late enrollment shall be subject to any exclusion period for pre-existing conditions specified in the plan document. The late enrollee shall be responsible for providing the department with certificate(s) of creditable coverage under prior health plan(s). Coverage shall become effective on the first day of the month following 30 calendar days from the date the enrollment form was received in the department and shall be subject to any exclusion period.
- (c) Special enrollment period. An employee shall submit an enrollment or change form to the department within 30 days of a HIPAA-qualifying event (loss of other coverage, birth, placement for adoption, or marriage). The employee may be required to provide substantiation of the reason for special enrollment. Coverage shall become effective on the date of the qualifying event provided the enrollment is timely. An enrollment not received timely shall be subject to sub. (b).
- (d) Annual choice period. An individual enrolled in the health plan and eligible to choose among the health plan options shall have the opportunity once each year to transfer their current coverage and enrolled dependents to another plan option. A new exclusion period for pre-existing conditions shall not apply. The effective date of the change shall be the following January 1st.

Sec. 15-536. Changes in employment status.

An employee shall be eligible to enroll in insurance benefits or to change coverage when his or her employment status increases to a regular part-time position regularly scheduled to work a minimum of 0.5 FTE, or increases to a regular full-time position. An enrollment form must be received in the department within 30 days of the date of the qualifying employment status change and shall be considered an initial enrollment, subject to sec. 15-435. This section shall not apply to a temporary assignment.

Sec. 15-537. Termination of coverage.

- (a) Coverage under the insurance shall terminate on the earlier of the following:
 - (1) the end of the month following the month containing the last date for which wages were paid, except as otherwise provided by a collective bargaining agreement;
 - (2) the date the employee submits a written request to cancel coverage;
 - (3) the last day of the month for which the employee last paid any employee-required premium; or
 - (4) the end of the month following the month in which the employee transferred to a position not eligible for participation in the health care plan.
- (b) Upon termination of coverage, the employee shall be offered COBRA continuation rights to the extent required by law.

Sec. 15-538. Benefits during leave.

- (a) FMLA. The same health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave. Any changes that occur in the health care plan during the FMLA leave shall apply to the same extent as if the employee were not on leave. The maintenance of any other insurance benefits during FMLA shall be subject to county policy.
- (b) Workers' compensation leave. The same group insurance plan benefits provided to an employee prior to receiving temporary disability payments for a workers compensation illness or injury shall be maintained during the temporary disability payment period, but not to exceed one year. Any changes that occur in the plan(s) during the leave shall apply to the same extent as if the employee were not on leave.
- (c) County leave. Except as provided in (d), the same group insurance plan benefits provided to an employee prior to taking a leave shall be maintained during a paid leave plus one month following the date an unpaid leave begins. Any changes

that occur in the plan(s) during the leave shall apply to the same extent as if the employee were not on leave.

- (d) Teachers. The same group insurance plan benefits provided to an employee prior to taking a leave shall be maintained during a paid leave. Any changes that occur in the plan(s) during the leave shall apply to the same extent as if the employee were not on leave.
- (e) Continuation coverage. The employee may elect to continue coverage when county payment of premium ends by paying the full premium to the department, subject to plan document provisions and COBRA continuation rights.

Sec. 15-539. to 15-542. Reserved.”

PART 4: THAT Division 4 and Sections 15-543 to 15-549 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“DIVISION 4. OTHER GROUP INSURANCE BENEFITS

Sec. 15-543. Policy.

It is the policy of the county to offer life insurance and long-term disability insurance benefits to regular employees and elected officers in accordance with the provisions of this division.

Sec. 15-544. Eligibility and exclusions.

Elected officers and regular employees regularly scheduled to work a minimum of 0.5 FTE shall be eligible to enroll in the benefits under this section, subject to any limitations by benefit or bargaining group. Casual, limited-term, and student intern employees are not eligible to participate in these benefits.

Sec. 15-545. Benefits provided.

- (a) Life insurance and long-term disability benefits for represented employees shall be subject to the terms of the collective bargaining agreement.
- (b) The county shall provide the following life benefits for enrolled non-represented employees and elected officers:
 - (1) Hourly employees shall receive \$15,000 term life insurance. FLSA-exempt salaried employees subject to overtime code 1 and elected officers shall receive term life insurance equal to one and one-half times the annual salary, subject to a maximum of \$50,000. FLSA-exempt salaried employees subject to overtime code 2 under section 15-321 shall receive \$25,000 term life insurance if full-time, or \$15,000 if part-time. The county shall pay the full premium under this paragraph.

- (2) Non-represented employees shall have the option, at their own expense, to purchase additional insurance for self, spouse or dependents, subject to the provisions of the plan document.
- (c) The county shall provide a long-term disability benefit to enrolled non-represented employees and elected officers. The county shall pay a premium up to 0.67% of base wages for the LTD benefit and the employee shall pay any excess premium.

Sec. 15-546. Administrative provisions.

- (a) Payroll deduction. An employee shall be required to pay any employee portion of the premium by payroll deduction.
- (b) Initial enrollment. An eligible employee shall complete and file an enrollment form with the department within 30 calendar days of the first day worked in a qualifying position. An untimely enrollment form shall be subject to late enrollment conditions.
- (c) Late enrollment. The plan document shall control as to whether a late enrollment form will be accepted by the insurer.
- (d) Effective date of coverage. Insurance shall become effective on the first day of the month following 30 calendar days from the first day worked in a qualifying position, subject to plan document provisions.
- (e) Leave of absence. Eligibility of an employee to continue coverage while on a paid or unpaid leave shall be subject to the provisions of the plan document. If continuation during an unpaid leave is permitted, the employee shall be responsible for paying the full premium to the department. An employee who chooses not to retain coverage during a leave shall be eligible to reenroll upon return to a qualifying position.
- (f) Termination of coverage. Insurance coverage shall terminate in a manner consistent with sec. 15-436, or as otherwise required by the plan document.

Sec. 15-547. to 15-549. Reserved.”

PART 5. THAT Division 5 and Sections 15-550 to 15-559 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“DIVISION 5. RETIREMENT BENEFITS

Sec. 15-550. Policy.

It is the policy of the county to provide retirement benefits and services for employees and elected officers, subject to the provisions of this division.

Sec. 15-551. Benefits provided by law.

- (a) The following benefits are provided, subject to law and administrative regulations:
 - (1) Wisconsin Retirement System (WRS). [effective January 1, 1960; res. #11-17-59]
 - (2) Social security and federal Medicare insurance. [effective January 1, 1951]
- (b) The director shall be the reporting agent for retirement benefit programs and shall determine the appropriate employment category for reporting each eligible employee, consistent with law and administrative regulations.

Sec. 15-552. Contributions.

- (a) For a represented employee the county shall pay employer-required WRS contributions and shall pay, on behalf of the employee, employee-required contributions up to the amount required by the terms of a collective bargaining agreement.
- (b) For a non-represented employee the county shall pay employer-required WRS contributions and shall pay, on behalf of the employee, employee-required contributions up to the amount set by resolution of the county board.
- (c) A casual, limited term or student intern employee who meets WRS eligibility requirements shall be required to pay the employee-required WRS contribution.
- (d) The county shall not pay any portion of the employee required contribution for social security and federal Medicare insurance.

Sec. 15-553. Deferred compensation plan.

The county shall participate in the National Association of Counties Deferred Compensation Plan, under section 457 of the Internal Revenue Code. The plan under this section shall be available to all employees and elected officials who meet the eligibility requirements specified in the plan document.

Sec. 15-554. Tax sheltered annuities.

The county may provide tax sheltered annuity options for professional teaching staff in the special education department. After consultation with the special education director and human resources director, annuity vendors may be added, modified, or deleted, subject to final approval of the county administrator.

Sec. 15-555. Early retirement incentives.

- (a) The county may from time to time consider options to encourage employees to retire early. Early retirement incentives may be restricted to specific classes, departments, or other segments of the workforce, and the incentive may be constructed in any lawful manner. The county administrator shall make final recommendation on any retirement incentive offer, subject to final approval of the committee and available funds in the budget.
- (b) The county board has elected to participate in the Actuarial Reduction Program, as provided by §40.23 (2m) (g), Wis. Stats. [Resolution 37-07/92.]

Sec. 15-556. Retiree health insurance.

- (a) Eligibility. The following employees shall, for a continuous and indefinite period, be eligible to remain in the group health care plan at retirement:
 - (1) An employee enrolled in the health care plan who retires on an immediate retirement annuity from the Wisconsin Retirement System. *Immediate* means the annuity application must be made within 60 days following the date of termination; or
 - (2) An employee enrolled in the health care plan who terminated county employment at age 50 or older and has a minimum of 20 years of county service at the time of termination.
 - (3) An employee enrolled in the health care plan who applies for and receives a disability annuity from the WRS upon termination.
- (b) Changes in coverage. Any changes in coverage shall be subject to qualifying events as defined under the plan document, COBRA regulations, or HIPAA regulations.
- (c) Late enrollment not permitted. An otherwise eligible employee who elects not to continue under the group health plan at retirement, except as provided in sec. 15-339, shall not be eligible to enroll at a later time.
- (d) Surviving spouse. A surviving spouse of a deceased retiree may continue with group health care plan indefinitely.
- (e) Spouses both retirees. When each spouse is eligible for retiree insurance pursuant to sub. (a), each retiree may elect single coverage in lieu of family coverage.
- (f) Transfer back to retiree insurance. When a retiree's spouse is employed by the county and is eligible to enroll in the health care plan, coverage may be maintained by the working spouse, and upon termination of coverage under the working spouse's health care benefit, coverage may be transferred back to the eligible retiree.

- (g) Premium payments. The retiree shall be responsible for full payment of the premium, except as otherwise provided under sec. 15-339 or 15-362, or the terms of a collective bargaining agreement.

Sec. 15-557. Other insurance benefits.

- (a) Dental. The continuation of dental care benefits shall be limited to the time periods specified under COBRA regulations.
- (b) Life. Life insurance benefits shall terminate upon retirement. The plan document shall specify conversion options, if any, that may be available.
- (c) LTD. Long-term disability benefits shall terminate upon retirement.

Sec. 15-558. to 15-563. Reserved.

PART 6: THAT Division 6 and Sections 15-564 to 15-569 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

"DIVISION 6. UNEMPLOYMENT COMPENSATION

Sec. 15-564. Policy.

It is the policy of the county to provide reimbursement financing for unemployment insurance benefits pursuant to §108.15 (2), stats.

Sec. 15-565. Eligibility and exclusions.

- (a) Benefits shall be paid to an eligible employee as determined by the appropriate state agency, except as the county has elected to exclude from coverage pursuant to sub. (b).
- (b) The county shall not extend coverage for unemployment insurance to persons providing services as:
 - (1) An official elected by vote of the public;
 - (2) An official appointed to fill part or all of the unexpired term of a vacant position normally otherwise filled by vote of the public;
 - (3) A member of a legislative or the judiciary of the county;
 - (4) An employee serving solely on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;
 - (5) An individual receiving work relief or work training as part of an unemployment work-relief or work-training program as specified under §108.02 (15) (g) (1), stats.;
 - (6) An individual receiving rehabilitation or remunerative work as specified under §108.02 (15) (g) (2), stats.;
 - (7) An inmate of a custodial or penal institution; or

- (8) A student employed by an educational institution who is enrolled and is regularly attending classes at such institution.

Sec. 15-566. Administrative provisions.

- (a) Actual unemployment expenses shall be charged to the employing department.
- (b) The department shall allocate an employee's final pay to a specific week(s) and give the employee written notice thereof. The pay shall be allocated at the employee's approximate full weekly wage rate.

Sec. 15-567. to 15-569. Reserved.”

PART 7: THAT Division 7 and Sections 15-570 to 15-579 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“DIVISION 7. WORKERS COMPENSATION

Sec. 15-570. Policy.

It is the policy of the County to provide workers compensation benefits to employees and elected officers in the service of the County, whether elected or appointed, in accordance with chapter 102, stats.

Sec. 15-571. Eligibility and exclusions.

- (a) Except as provided in sub. (b) or (c), employees and elected officers of the county shall be subject to workers compensation coverage.
- (b) The county shall not extend coverage for workers compensation to persons providing services as a bona fide volunteer worker.
- (c) Workers compensation benefits for workers under specialized work programs shall be restricted to only those benefits required by law, including, but not limited to, the following:
 - (1) A student of a public school performing uncompensated services pursuant to §102.07(12m), stats.
 - (2) A juvenile performing uncompensated community service work pursuant to §102.07(13), stats.
 - (3) An adult performing uncompensated community service work pursuant to §102.07(14), stats.
 - (4) An inmate participating in a work release program pursuant to §102.07(16), stats.

- (5) A prisoner of the county jail assigned to a work camp pursuant to §102.07(17), stats.
- (6) A participant in a job under the Wisconsin works program pursuant to §102.07(17m) and (18), stats.
- (d) Casual, limited term, or student intern employees shall be excluded from county benefits provided under sec. 15-472.

Sec. 15-572. County provided benefits.

- (a) Supplemental pay. A regular employee absent due to a workers compensation claim arising out of county employment and accepted as compensable under worker's compensation shall be paid his or her regular wages for the day of injury and the next three calendar days of disability immediately following the date of injury. Beginning with the fourth calendar day of disability, a salary supplement shall be paid to a regular employee equal to the difference between the employee's normal net ("after-tax") pay and the temporary disability payment under worker's compensation. Time covered by this section shall not be charged against sick leave. The period of supplemental pay is limited to one year from the date of injury.
- (b) Elected officer salary continuation. An elected officer or county board supervisor who incurs a compensable injury while engaged in an activity related to and arising out of county employment shall continue to receive their regular salary during the period of temporary disability and only while the officer continues to hold the elected office. Temporary disability payments under worker's compensation are not payable to the elected officer during the period that the salary is continued

Sec. 15-573. Administrative provisions.

Workers compensation costs shall be allocated to departments based on each department's experience.

Sec. 15-574. to 15-579. Reserved."

PART 8: THAT Division 8 and Sections 15-580 to 15-599 in Article IV of Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

"DIVISION 8. EMPLOYEE SERVICES

Sec. 15-580. Policy.

The committee may approve the addition or lawful modification or termination of various voluntary or incidental employee benefit or service programs. Employee benefits or service programs shall be subject to funds being included in the budget for said purpose and staff resources being available to carry-out administrative duties.

Sec. 15-581. Lunch facilities.

- (a) The county may provide lunchroom facilities to county employees on a non-discriminatory basis with reasonable accommodations provided for qualified disabled employees. Any lunchroom facilities made available to the general public shall be subject to the public accommodation provisions of the ADA. Lunch facilities shall be subject to recommendation of the county administrator and final approval of the public works committee.
- (b) The committee shall approve any request to furnish meals at the work site to employees without charge.

Sec. 15-582. Continuing education.

Employees may voluntarily participate in continuing education. The department head may authorize a modified work schedule to permit an employee to attend classes, provided the modified schedule does not disrupt the operations of the department. The request of an employee to reduce their work schedule to a lower FTE shall be subject to recommendation of the department head and final review and approval of the director.

Sec. 15-583. Onsite training.

The county may provide onsite training. The training announcement shall specify if attendance is voluntary or mandatory.

Sec. 15-584. Reimbursement of educational expenses.

- (a) **Preauthorization.** Subject to funding, the department shall provide reimbursement for preauthorized educational expenses. When requests for preauthorization exceed funds available, greatest weight shall be given to education that enhances the knowledge, skills and abilities of the employee for improved performance in their job.
- (b) **Eligibility and exclusions.** After completion of 6 months of employment, a regular employee scheduled to work at least 0.5 FTE or an elected officer shall be eligible for benefits under this section. When funds are limited, non-represented employees shall receive preference before represented employees. An employee eligible to receive educational incentive pay shall be excluded from this section.
- (c) **Non-work time.** Time in attendance at classes, travel time, or class preparation shall be the responsibility of the employee and shall not be claimed as working time.
- (d) **Reimbursement for credit-courses.**

- (1) Any employee eligible for other forms of educational assistance, such as scholarships or grants, must first exhaust that financial aid before applying for benefits under this section.
 - (2) Reimbursement may be denied for any course not preauthorized. An employee who terminates employment or transfers to a non-qualifying position before completion of the approved course(s) shall not receive reimbursement.
 - (3) Upon successful completion of a credit-course, an employee shall be reimbursed for tuition, course fees, and books, up to 50% for a "C" grade, 75% for a "B" grade, or 80% for an "A" grade. Maximum reimbursement shall be \$500 per semester or \$1,000 per year. Reimbursement for a part-time employee shall be prorated based on FTE.
 - (4) Reimbursement may be denied for a claim received by the director more than 60 days after the course completion date.
- (e) Other forms of training. Reimbursement of expenses for continuing education units (CEU's), workshops, seminars, or conferences shall be subject to sec. 15-421.

Sec. 15-585. Employee assistance program (EAP).

- (a) The county shall provide an employee assistance program (EAP) to all employees, elected officers and their families. The purpose of the program shall be to prevent an employee's non-work-related problems from affecting the employee's work performance in a way that work performance falls to a level that requires disciplinary action.
- (b) The County shall pay the costs for the initial assessment services under the EAP as part of the administrative fees paid to the vendor. Subsequent expenses for treatment after initial assessment shall be the responsibility of the employee or family member. Expenses may be covered under the employee's health plan.

Sec. 15-586. Employee recognition program.

- (a) All regular employees and elected officers shall be recognized for their contributions and service to the county by presenting recognition and service awards to eligible persons upon completion of five years of service and every five years thereafter. The schedule of specific awards shall be subject to approval of the committee and available funding.
- (b) Upon retirement an employee shall be presented with an engraved plaque, specifying the number of years of continuous service and the retirement date.
- (c) In addition to the county award, a department head may provide other forms of recognition provided such recognition is at no cost to the county.

Sec. 15-587. Employee wellness program.

- (a) The county encourages employees to participate in exercise and wellness programs. The county may sponsor wellness programs, subject to approval of the committee and available funding.
- (b) An employee may be excluded from any exercise program if participation would pose a direct threat to the safety of the employee or others. Participating employees shall be required to sign waiver of liability forms for any athletic or exercise programs.

Sec. 15-588. to sec. 15-599. Reserved.”

PART 9. BE IT FURTHER ORDAINED THAT sec. 15-04 of the Walworth County Code of Ordinances entitled "Definitions" is hereby amended to create and insert the following definitions:

Regular status date means the effective date of an employee's appointment to a regular position, excluding a temporary assignment.

PART 10: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 9th day of March, 2004.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

Action Required: Majority Vote 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	3/6/04	N. Andersen/ts	3/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Ordinance No. 254-02/04

- I. Title: Creating Divisions 1 to 7 and Sections 15-500 to 15-599 of the Walworth County Code of Ordinances Relating to Employee Benefits In General; Accrued

Time-off Benefits; Group Health and Dental Insurance Benefits; Other Group Insurance Benefits; Retirement Benefits; Unemployment Compensation; Workers Compensation; and Employee Services

- II. Purpose and Policy Impact Statement: This ordinance adopts human resource policy by ordinance, and directs the county administrator to enact administrative procedures to carryout the provisions of the ordinance. In the past these policies were adopted by resolution. By separate resolution, the former policies related to this ordinance are repealed.
- III. Budget and Fiscal Impact: Passage of this ordinance has no fiscal impact.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources Meeting Date: February 18, 2004

Vote: 6-0 to recommend adoption.

County Board Meeting Date: March 9, 2004

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

David A. Bretl	3/5/04	N. Andersen/ts	3/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Supervisor Morrison offered a motion, seconded by Supervisor Felten, to approve item #4, Ordinance No. 260-03/04. On motion by Supervisor Morrison, seconded by Supervisor Kuhnke, sections 15-820, 15-821, and 15-822 of Ordinance 260-03/04 were amended as proposed in Deputy Corporation Counsel Mari Nahn's memo of March 5, 2004 to Bretl. Item #4, Ordinance No. 260-03/04 – Creating Article VI “County Property and Work Areas,” Article VII “Absence from Work,” Article VIII “Personal Conduct; Progressive Discipline,” and Article IX “Miscellaneous Employment Provisions” in Chapter 15 of the Walworth County Code of Ordinances, was approved, as amended, by voice vote.

Ordinance No. 260-03/04 - AMENDED

Creating Article VI “County Property and Work Areas,” Article VII “Absence from Work,” Article VIII “Personal Conduct; Progressive Discipline,” and Article IX “Miscellaneous Employment Provisions” in Chapter 15 of the Walworth County Code of Ordinances

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART 1: THAT Article VI, Divisions 1 to 3, and Sections 15-600 to 15-699 in Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“ARTICLE VI. COUNTY PROPERTY AND WORK AREAS

DIVISION 1. EMPLOYEE SAFETY

Sec. 15-600. Policy.

It is the policy of the county to comply with all applicable federal, state, and local health and safety regulations and to be proactive in identifying and eliminating safety and health risks. Employees shall be required to comply with all safety and health requirements.

Sec. 15-601. Responsibility for safety.

(a) The director shall develop and administer a county safety plan that identifies and eliminates safety and health risks and ensures compliance with applicable laws and regulations. Each management representative shall be responsible for carrying out supervisory duties under the county safety plan.

(b) Employee safety committees comprised of members of labor and management shall meet on a regular basis for the purpose of resolving safety concerns in the workplace and identifying and recommending solutions.

(c) Drug and alcohol testing shall be used to ensure safe practices, subject to section 15-810.

Sec. 15-602. Retaliation prohibited.

An employee shall not be discharged or discriminated against in any way because he or she has initiated a safety-related proceeding, has testified in such a proceeding, or has otherwise exercised any right provided by law. An employee may, on his or her own time, accompany safety compliance officers during walk-around inspections.

Sec. 15-603. to sec. 15-609. Reserved.

DIVISION 2. SECURITY IN THE WORKPLACE

Sec. 15-610. Personal property of employees.

It is the policy of the county to discourage employees from bringing unnecessary personal property to work. The County assumes no responsibility for the loss, damage, or theft of personal belongings.

Sec. 15-611. Firearms or weapons.

- (a) Except as provided in subsection (b), employees are prohibited from possessing firearms or other weapons on county property or at events sponsored by the County. Employees are further prohibited from carrying firearms or weapons in county-provided vehicles or in personal vehicles while on county business.
- (b) This section shall not apply to a sworn law enforcement officer in possession of or using a firearm or weapon within law enforcement standards.

Sec. 15-612. Storage areas containing personal property.

- (a) At all times any lockers, storage areas, file cabinets, desks and other facilities remain the property of the county. The county makes no assurance of an expectation of privacy to employees using county furnished facilities for storage of personal property.
- (b) The County may inspect the contents of lockers, storage areas, file cabinets, desks, work stations and electronic storage devices at any time and may remove all County property and other items which are in violation of county rules and policies.
- (c) To the extent permitted by law, an employee's personal property may be searched, and the employee questioned or subjected to surveillance based on reasonable suspicion that the particular employee is involved in work-related misconduct. The employee shall have the right to be present, with a witness if requested, prior to a search of any personal property stored in a locker, storage area, file cabinet, desk or other facility.
- (d) The content of all electronically stored information remains the property of the County at all times. Security measures such as, but not limited to, passwords are implemented for the purpose of protecting the County's interests and are not intended to protect an individual employee's privacy rights.

Sec. 15-613. County parking areas.

Employees who use a county parking lot do so at their own risk. The county assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lot.

Sec. 15-614. to 15-629. Reserved.

DIVISION 3. EMPLOYEE USE OF COUNTY PROPERTY

Sec. 15-630. In general.

County property or equipment shall only be used for official county purposes. Personal use is prohibited, except as otherwise provided herein.

Sec. 15-631. No-solicitation; no-distribution.

- (a) Except as provided in subsections (b), solicitation, peddling, canvassing, or otherwise distributing items or information to employees for any purpose not associated with or related to county business during work time or in employee work areas is prohibited.
- (b) This section shall not prohibit voluntary acts between employees to contribute to a gift for a coworker for recognition of a special event for charitable purposes.

Sec. 15-632. Issue and return of county property.

- (a) Employees may be issued county property to permit access to property or equipment, or to aid in the performance their job duties. The director or department head shall keep a written record of all county property issued to an employee, including the employee's signed receipt.
- (b) Upon request of the department head, an employee shall return county property issued to them. A written record signed by the employee and department head shall be made indicating the items which have been returned and in what condition.

Sec. 15-633. Use of telephones.

- (a) Telephones are provided to employees for the conduct of County-related business. Improper use of telephones, including harassing, intimidating, demeaning, insulting, offensive or defaming telephone calls or messages, will result in discipline, up to and including termination. Employees may use county telephones (including cell phones) when it is necessary to place or receive personal calls at work. The employee must reimburse the county for any charges incurred. Personal use of telephones shall be kept at a minimum and restricted to rest periods or meal periods, whenever possible.
- (b) At all times voice mail messages stored on county telephone systems remain the property of the county and may be accessed by authorized persons without obtaining the consent of employees.

Sec. 15-634. Use of county vehicles

- (a) Except as provided under subsection (b), employees are prohibited from using a county vehicle to commute from home to work or work to home or for any other personal reasons.
- (b) Employees holding the following positions shall be assigned a county vehicle and are required to commute in the vehicle for bona fide non-compensatory business reasons: sheriff, under-sheriff, and patrol superintendent. At any time the department head may access the vehicle or assign alternative use of a county vehicle. The county may require that the vehicle be stored on county premises. Employees shall be required to maintain a log showing the personal use of the vehicle and submit the log for payroll processing.

Sec. 15-635. Use of computer-related resources

- (a) Computer and internet access is provided to employees for the conduct of County business. Improper use of computers or internet access, including harassing, intimidating, demeaning, insulting, offensive or defaming messages or materials, will result in discipline, up to and including termination. Employees may use computers to access the internet for personal use. Use shall be kept at a minimum and restricted to rest periods or meal periods. Employees shall not otherwise use county computers, e-mail, or the intranet for personal or solicitation purposes.
- (b) Employees shall not use county computer-related resources to disrupt management functions. Hardware or software shall not be destroyed, modified, copied, shared, transferred, decompiled, disassembled, disabled or otherwise wrongfully used in any manner. Employees shall not seek information on other users on the county's network, including but not limited to their passwords, files, data, electronic mail or other data that may be stored and accessible through said computers and networks.
- (c) All information stored on county computer-related resources is the property of the county. Authorized personnel may inspect any and all data stored in public or private areas of networked and individual storage systems of any kind, without notice or warning, and at any time or for any purpose.

Sec. 15-636. to sec. 15-699. Reserved.”

PART 2: THAT Article VII, Divisions 1 to 3, and sections 15-700 to 15-799 in Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“ARTICLE VII. ABSENCE FROM WORK

DIVISION 1. ATTENDANCE AND TARDINESS

Sec. 15-700. Policy.

It is the policy of the county to require employees to report for work as scheduled. Employees shall, in accordance with department work rules, give advance notice of the need for absence. All absences shall be subject to approval or disapproval by management, subject to the provisions of the Code. Excessive absences or tardiness disrupt the effective operation of county services and may be cause for discipline, up to and including termination.

Sec. 15-701. Applicability.

This division shall apply to short-term absences less than four days in duration, late reporting to work, or early departure from work. This division shall not apply to scheduled vacation periods or other leaves approved in advance.

Sec. 15-702. Short-term absence.

(a) An employee shall notify his or her supervisor of an anticipated absence with as much advance notice as is practicable under the circumstances. An employee may be required to accurately substantiate the need for the absence. An unscheduled absence shall be considered unexcused until approved by the employee's supervisor. An employee shall, consistent with accrued benefit policies, apply accrued time-off benefits to an excused absence to the extent the benefits are available for use.

(b) Any absence not approved by the supervisor shall be considered as unexcused. An unexcused absence shall be without pay.

Sec. 15-703. Absence without proper notice.

An employee absent from work for three consecutive scheduled workdays without proper notice to the county shall be deemed to have voluntarily quit employment.

Sec. 15-704. Late arrival; early departure.

(a) Records of incidents of late arrival or early departure shall be kept for all employees subject to overtime code 2 or 3 under subsection 15-321(c). Employees may not leave early without prior approval by the employee's supervisor.

(b) If a department head determines an employee had good cause for being tardy or leaving early, the employee may be allowed to make up the time, provided overtime liability is not incurred.

(c) When a replacement employee has been assigned to work due to the tardiness of an employee, the tardy employee may be sent home without pay upon reporting to work.

Sec. 15-705. Fitness to work.

Employees are required to report for work appropriately dressed and fit and ready to perform the essential functions of their assigned job.

Sec. 15-706. Absence for voting.

Any employee entitled to vote in a public primary and general election is entitled to be absent from work while the polls are open for the purpose of voting. Before Election Day the employee shall schedule the absence to vote with their supervisor at a time that least disrupts operations. The period of absence to vote shall not exceed 3 successive hours. The supervisor may designate the time of day for the absence. The absence shall be without pay unless the employee requests to use accrued time-off benefits.

Sec. 15-707. Absence due to severe weather or other emergencies.

(a) Except as provided in subsection (b), it is the policy of the county to continue county services during severe weather or other emergencies. All employees are expected to report to work as scheduled, unless an emergency closing is announced.

(b) The county administrator may authorize and publicly announce that certain county operations are temporarily closed due to severe weather or other emergency conditions.

Sec. 15-708. Absence for bereavement.

(a) All regular full-time or regular part-time employees regardless of probation status shall receive paid bereavement leave for absence from scheduled workdays in accordance with this section, or as otherwise provided by an applicable collective bargaining agreement.

(b) Bereavement leave may be used within 10 days from the date of death for bereavement over the death of a covered family member or to make other necessary personal or family arrangements. The paid leave may be delayed beyond 10 days based on verified need and subject to approval of the department head. The employee may be required to furnish verification of the date of death and the employee's relationship to the deceased. Bereavement leave shall be applied in day increments, except on the date of death when the employee must leave work early, and need not be applied consecutively.

(c) Bereavement leave up to three (3) days shall be paid for the death of the employee's spouse, child, step-child, parent, step-parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, or other member of the immediate household (excluding renters). Bereavement leave up to one (1) day shall be paid for the death of the employee's brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, or nephew.

(d) The relationship of husband and wife is broken by death or divorce. Bereavement leave shall apply to family members of a deceased spouse only if the employee has not remarried. Bereavement leave shall not apply to an ex-spouse (resulting from divorce or annulment) nor to family members of an ex-spouse.

(e) An employee may request that bereavement leave be substituted for otherwise scheduled days of paid absence for vacation, sick leave, holiday or compensatory time during the ten days immediately following death of a covered family member. Bereavement leave pay shall not apply during any unpaid leave of absence, layoff or suspension.

Sec. 15-709. Absence to participate in a military funeral or to serve as a pallbearer.

An employee called upon to be a participant in a military funeral or serving as a pallbearer in a civilian funeral shall be excused from work with pay for the number of hours necessary to perform such service, up to a maximum of one (1) day. Participation with pay in military funerals or service as a pallbearer shall not exceed four (4) occurrences per calendar year. The provisions of this section shall not apply if leave is provided under section 15-708.

Sec. 15-710. Absence for jury duty.

(a) All regular full-time or regular part-time employees regardless of probation status shall be made whole for their regular wages during jury duty service. The employee shall be paid a differential equal to the difference between regular wages and the jury duty pay, excluding mileage. The employee shall submit verification of the amount of jury pay to payroll.

(b) The employee shall not be eligible for jury duty supplemental pay for any day when the employee was not otherwise scheduled to be at work.

(c) An employee called for jury duty is required to report to work prior to and following jury duty to complete the regular work shift, except when excused by the employee's supervisor because the time at work would be de minimus.

Sec. 15-711. Absence for witness service.

(a) Except as provided in (b), all regular full-time or regular part-time employees regardless of probation status shall be made whole for their regular wages when subpoenaed to testify in an action or proceeding resulting from a crime against the County or as a result of the employee's involvement in a matter arising out of his or her performance of official job duties. The employee shall be paid a differential equal to the difference between regular wages and the witness fee, excluding mileage. The employee shall submit verification of the amount of witness fees to payroll.

(b) Differential pay for witness service shall not apply when an employee is subpoenaed as a witness for a matter not related to and not arising from the performance of official county job duties.

(c) The employee shall not be eligible for witness service supplemental pay for any day when the employee was not otherwise scheduled to be at work.

(d) An employee called for witness service is required to report to work prior to and following witness service to complete the regular work shift, except when excused by the employee's supervisor because the time at work would be de minimus.

(e) An employee may not be discharged because the employee is subpoenaed to testify in an action or proceeding pertaining to a crime or pursuant to the Children's Code or Criminal Code of the Wisconsin Statutes.

Sec. 15-712. to 15-719. Reserved.

DIVISION 2. LEAVES OF ABSENCE

Sec. 15-720. Policy.

It is the policy of the county that employee written requests for leaves of absence with a reasonable expectation of return to work may be granted, subject to the provisions of this division. County benefits shall be harmonized and run concurrent with collective bargaining agreement provisions and any benefits provided by Federal or State Family and Medical Leave laws.

Sec. 15-721. Applicability.

(a) Except as provided in subsection (b), this division shall apply to all absences from work of more than three consecutive workdays, and any subsequent periods of absence related to the same reason for initial absence and that involves:

- (1) Any absence covered by the FMLA;
- (2) Periods of absence for non-medical reasons; or
- (3) Requests to reduce hours of work on a temporary basis for a period of more than one month.

(b) This division shall not apply to the use of vacation, compensatory time, or holiday time scheduled in advance in accordance with normal departmental scheduling practices and not covered by the FMLA.

Sec. 15-722. Eligibility and exclusions.

This division shall apply to all regular employees, subject to any further restrictions contained herein. This division shall not apply to elected officers, casual, limited term, or student intern employees.

Sec. 15-723. Conditions for a leave of absence.

(a) All requests for a leave of absence, inclusive of any required documentation, shall be submitted in writing to the director as soon as possible, but no less than 15 days prior to the requested start of the leave. An employee's request to amend a leave shall be submitted in the same manner.

(b) An employee shall not be entitled to a leave, except as otherwise required by a collective bargaining agreement or law. Decisions to grant or deny an employee request for a leave of absence shall be made without discrimination and shall take into consideration the employees' interests and county operational needs.

(c) A leave of absence request related to medical conditions shall require a written medical certification on a form prescribed by the director. A second medical

opinion to substantiate the need for and length of the leave may be required. If the opinions are not consistent, a third opinion may be required.

(d) It is the employee's responsibility to keep the department informed of any substantive changes in circumstances upon which the leave was approved. Authorization of a leave of absence may be withdrawn for cause if the employee uses the leave of absence for purposes inconsistent with the reasons stated for the need for a leave, or when it becomes known with a reasonable degree of certainty that the employee will not return to their job.

(e) An employee may not engage in other employment during a leave of absence, except when the other employment has been disclosed and approved as a special condition of the leave.

(f) The probationary period for an employee shall be extended by a period of time equal to the length of any leave of absence granted during the employee's probationary period.

Sec. 15-724. Involuntary leave.

Leave may be involuntary and imposed by management for cause.

Sec. 15-725. Intermittent or reduced leave.

(a) With consideration given to the department head's recommendation or as required by the FMLA, the director may grant an employee a leave on an intermittent or reduced hours basis. The employee shall provide a schedule which includes the likely duration and frequency of periods of absence and the date specific that the employee is expected to return to their regular work schedule.

(b) During an intermittent leave or reduced schedule, the employee may be assigned to an alternative position that better accommodates the intermittent or reduced leave schedule.

(c) The employee shall be required to apply available accrued benefits to time not worked. When accrued benefits are exhausted during an intermittent or reduced leave, employee benefits shall be based on the number of hours for which the employee is paid, or as otherwise provided by the FMLA.

Sec. 15-726. Absence without leave.

An employee absent without leave shall not be permitted to apply accrued benefits to unexcused absences. The director may, upon receipt of substantiation giving good reason for the unexcused absence, grant an approved leave of absence retroactively.

Sec. 15.727. Types and duration of leave.

(a) All leaves shall specify a beginning date and an expected return to work date. A leave for an indefinite and unknown duration may be denied.

(b) A leave of absence may be granted for the following purposes:

(1) Medical leave. A medical leave shall be granted consistent with the FMLA and may be granted for an extended period. All medical leaves run concurrently with FMLA leaves.

(2) Birth or adoption. A leave for birth or adoption shall be granted for up to the maximum period required by FMLA provisions. All leaves for birth or adoption run concurrently with FMLA leaves.

(3) Personal leave. A personal leave may be granted at the sole discretion of the county. Personal leave shall not normally be granted for other employment, long-term travel, or serving a jail or prison sentence. A personal leave exceeding 30 calendar days shall be subject to approval of the committee.

(4) Educational leave. An educational leave may be granted for up to one year.

(5) Political leave. An employee becoming a candidate for any publicly elected office shall be entitled to an unpaid political leave for up to four months and ending on the date the board of canvassers certifies the election results. Except as provided in section 15-191, an employee shall not be given a leave of absence to accept an office subject to election by the public. Upon being sworn-in in the elective office, the employee shall be deemed to have resigned his or her employee position with the county.

(6) Union leave. A leave of absence for the conduct of union business shall only be provided to the extent required by collective bargaining agreement provisions.

(7) Military leave. A leave for military active or reserve duty shall be subject to sections 15-740 to 15-744.

Sec. 15-728. Return from leave.

(a) An employee's return to work prior to the expected return to work date shall be subject to approval of the director.

(b) An employee may be required to submit a fitness for duty certification prior to return to work.

(c) Any employee who fails to report for duty on the scheduled return date shall be considered absent without leave and subject to section 15-726.

Sec. 15-729. Restoration provisions.

(a) An employee returning from FMLA leave is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

(b) An employee returning from non-FMLA leave not exceeding four months in duration shall have the same restoration provisions as in subsection (a). An employee returning from a non-FMLA leave exceeding four months shall be restored to the first vacant position for which the employee is qualified.

Sec. 15-730. Pay and benefit status during leave.

(a) **Accrued benefits.** Except as provided in subsection (b), an employee is required to use available accrued benefits for an approved leave of absence, except as otherwise provided under a state FMLA. When accrued benefits are exhausted, the remainder of the leave shall be without pay. If an employee commences an unpaid leave prior to reaching the date that accrued benefits are available for use, the accrued benefits are not available until the employee returns to work.

(b) **LTD coverage.** When an employee begins to receive benefits under the LTD plan, the employee may elect to take the remaining leave of absence without pay. The balances of accrued benefits shall not be available until the employee returns to work, or shall be paid upon termination, subject to severance pay provisions under sections 15-338 or 15-339.

(c) **Health insurance during FMLA leave.** The county shall maintain an employee's health coverage during a paid or unpaid FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

(d) **Other insurance benefits.** For a non-FMLA leave the county shall continue to pay its share of health, dental, life or LTD insurance during a paid leave of absence. County-paid premiums shall terminate based on the last day paid, and subject to the plan document provisions for each benefit plan.

(e) **Continuation of insurance coverage.** The employee may continue insurance coverage after county contributions end, subject to the plan document provisions for each benefit plan.

(f) **Insurance cancellation.** An employee who lets insurance coverage lapse during an unpaid leave shall be eligible to re-enroll within 30 days of return to active employment at the same coverage level that existed at the time coverage ended. The plan document provisions shall determine the effective date of coverage, any waiting periods or pre-existing conditions.

Sec. 15-731. to sec. 15-339. Reserved.

DIVISION 3. SERVICE IN THE ARMED FORCES

Sec. 15-740. Policy.

It is the policy of the county to provide leave rights and job protections to employees who serve in the U.S. armed forces.

Sec. 15-741. Definitions.

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

The term "military" means the Army, the Navy, the Marines, the Coast Guard, the Merchant Marine, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency

USERRA means the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C.S 4301 et seq).

Sec. 15-742. Two-week differential pay.

A county employee who is required to report for military training shall be paid his or her county pay, less any military pay and allowances that he or she receives, for up to two weeks each year, unless the military pay and allowances equal or exceed his or her county pay. The employee shall continue to receive his or her benefits and accruals as though no interruption in service has occurred.

Sec. 15-743. Rights and benefits during military leave.

(a) The employee shall provide reasonable advance notice of his or her order for military service. An employee giving notice of military service shall be granted a military leave of absence. If the leave is for a period greater than two weeks, the leave shall be without pay. An employee on military leave shall be eligible to participate in benefit plans available to employees on other types of leave and shall be allowed to use any accrued vacation, compensatory time or holiday time, upon request. Health insurance continuation under COBRA shall apply for up to 18 months.

(b) The maximum cumulative leave for military service shall be five years, except as otherwise provided by law.

Sec. 15-744. Reinstatement rights.

(a) For an absence of 1 to 30 days the employee must report for work no later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight

hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or as soon as possible after the expiration of the eight-hour period, if reporting within the period referred to is impossible or unreasonable through no fault of the employee.

(b) For service periods of 31 days or more the employee shall submit an application for reemployment within the following designated time periods:

<u>Service Period</u>	<u>Apply Within</u>
31 to 180 days	14 days
Over 180 days	90 days
Disability	2 years

(c) Upon request, the employee shall furnish documentation that the application for reemployment is timely; the military service has not exceeded the 5 year limit; and the military service did not end under other than honorable circumstances.

(d) Upon reinstatement the employee's insurance benefits shall be immediately reinstated, retirement plan contributions and creditable service shall be reported for the period of military leave, and any other seniority-based employee benefits that he or she had when the military leave began and all benefits that would have accrued if the employee had remained continuously employed shall be restored.

Sec. 15-745. to 15-799. Reserved.”

PART 3: THAT Article VIII, Divisions 1 to 3, and sections 15-800 to 15-899 in Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“ARTICLE VIII. PERSONAL CONDUCT; PROGRESSIVE DISCIPLINE

DIVISION 1. PERSONAL CONDUCT

Sec. 15-800. Policy.

It is the policy of the county that all employees are expected to respect and follow the work rules of the workplace. Employees and elected officers are expected to refrain from any personal conduct that interferes with operations, that diminishes the level of public trust and confidence in county government, or that is offensive to others. Employees shall treat customers and other employees in a courteous and respectful manner at all times. When used in this division, the word “employees” shall include elected officers.

Sec. 15-801. Work rules in general.

Work rules shall be promulgated as administrative procedures, subject to approval of the county administrator. Work rules shall be in writing, include an effective

date, and be disseminated to all employees to whom the rules apply. Work rules shall be consistent with all provisions of Chapter 15, collective bargaining agreement provisions, and applicable laws.

Sec. 15-802. Ethical standards for employees.

(a) Employees shall avoid conflicts between their personal interests and their responsibilities as public employees. Employees shall not engage in, any on the job conduct that is disloyal, disruptive, competitive, or damaging to the County. Employees shall not engage in any off duty conduct that significantly diminishes the public level of trust and confidence in the employee's position with the County.

(b) Employees may not accept employment or serve as an advisor or consultant with any organization which does business with the county or which is in conflict with county official interests.

(c) Employees shall disclose any financial interest they or their immediate family have in any firm which does business with the county or which competes with the county.

(d) Employees and their immediate family are not to accept gifts, except those of nominal value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the county.

(e) Employees shall not give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, of a potential customer, or of a financial institution in connection with any transaction or business that the county may have with such customer, potential customer, or financial institution.

(f) Employees shall not disclose confidential information to anyone, either inside or outside the organization, who does not have a lawful and legitimate business need to know it.

Sec. 15-803. Private interest in a public contract.

Employees are prohibited from having a private interest in a public contract(s) aggregating more than the limit permitted by law, subject to the following:

- (1) In his or her private capacity, an employee may not negotiate or bid or enter into a contract in which he or she has a private pecuniary (monetary) interest, direct or indirect, if at the same time he or she is authorized or required by law to participate in his or her public capacity in the making of that contract or he or she is required to perform in regard to that contract some official function requiring the exercise of discretion; or
- (2) In his or her public capacity, an employee may not participate in the making of a contract in which he or she has a private pecuniary interest,

direct or indirect, or performs in regard to the contract some function requiring the exercise of discretion.

Sec. 15-804. Political activity.

(a) Employees other than elected officers shall not engage in political activity during working time or in any County workplace. Elected officers shall not engage in political activity in any County workplace. Political-related materials shall not be distributed during working time. County equipment, property, or services may not be used for the conduct or support of political-related activities.

(b) Employees are specifically prohibited from directly or indirectly coercing any person to hold or contribute monetary or other types of assistance to any political candidate, party or purpose.

(c) Employees who are principally employed in an activity which is financed in whole or in part by Federal loans or grants are prohibited from becoming political candidates in partisan elections or politically involved. [Hatch Act 5 U.S.C. 1501-1508.]

Sec. 15-805. Union business.

(a) Except as provided in subsection (b), employees shall not engage in union business during working time or during the working time of others; union-related materials shall not be distributed during working time; and county equipment, property, or services may not be used for the conduct or support of union-related activities.

(b) Employees may confer on union business during break periods, unpaid lunch periods, or before or after their work shift. A union officer or steward may engage in limited union business during working hours, subject to advance authorization by the department head or designee. Authorization for union business shall be limited to meetings with management for purposes of disciplinary meetings, appeal hearings, or collective bargaining.

Sec. 15-806. Grooming standards.

At the time of hiring each employee shall be notified about any hairstyle, facial hair or clothing requirements.

Sec. 15-807. Customers with disabilities.

The county shall provide reasonable accommodations to ensure that any customer with a disability is able to access county services. Employees shall assist disabled persons in entry or exit from a county building (i.e., opening or holding doors, responding to bells for assistance, meeting in alternative sites, etc.), but are not required to assist in personal care needs.

Sec. 15-808. Personal liability; scope of employment.

(a) Employees acting within the scope of their employment shall be protected by the county and be free of any personal liability in carrying out the duties of their position.

(b) Subject to the rules of the county board, the county administrator may authorize the payment of all reasonable expenses which an officer or employee necessarily expends to defend himself or herself as to a personal liability growing out of the performance of official duties. This authorization does not extend to criminal charges filed against the employee.

Sec. 15-809. Drug- and alcohol-free workplace.

(a) Policy. The county shall maintain a drug- and alcohol-free workplace in conformance with the Drug-Free Workplace Act (41 U.S.C. 701 et seq. and regulations promulgated thereunder..

(b) Employees shall be notified that the use of alcohol, or the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and shall specify the actions that will be taken against employees for violation of such prohibition.

(c) Employees shall be notified, as a condition of employment, that they must report any conviction under a criminal drug statute for violations occurring on or off County premises while conducting County business. A report of a conviction must be made to the director within five (5) calendar days after the conviction.

Sec. 15-810. Drug or alcohol testing.

(a) The county shall specify the positions in county service that require the incumbent to hold a valid commercial driver's license (CDL) to perform job duties. All employees required to hold a ~~GLD~~ CDL shall be subject to random drug testing for the presence of illegal drugs, inappropriate legal drugs, or alcohol in their systems.

(b) Persons applying for employment or transfer shall be subject to a post-offer medical examination, inclusive of drug and alcohol testing.

(c) An employee may be required to complete drug and alcohol testing immediately following an on-the-job accident or when there is reasonable suspicion to believe that the employee is using or is under the influence of drugs or alcohol.

Sec. 15-811. to 15-819. Reserved.

DIVISION 2. PROGRESSIVE DISCIPLINE

Sec. 15-820. Policy.

It is the policy of the county that all employees are required to comply with County policies, procedures and work rules which define standards of behavior and

~~performance. Employees shall be informed of any noncompliance with these standards and of required correction. Employees who fail to correct behavior or performance shall be subject to discipline.~~ and that any noncompliance must be remedied. The County generally endorses a policy of progressive discipline in which it attempts to notify employees of performance or conduct deficiencies and an opportunity to improve. However, the County retains the right to administer discipline in any manner it sees fit, including the right to discharge for a first offense.

Sec. 15-821. Applicability.

This division shall apply to all employees of the County, excluding elected officers. Nothing in ~~¶~~this division shall not operate to modify the right of the County to terminate the employment of an at-will or probationary employee.

Sec. 15-822. Fairness and consistency standards.

Employee discipline shall be administered in a fair and consistent manner, taking into consideration any mitigating factors and the entire work record of the employee. For most performance deficiencies, ~~¶~~the following standards shall be followed used:

- (1) Notice. The employee ~~shall be~~ is notified of the standard for behavior and performance.
- (2) Work-related standard. The direct order or the standard for behavior or performance ~~shall be~~ is work-related, except that off-duty misconduct that diminishes the public trust and confidence in the position may be considered.
- (3) Investigation. An investigation to determine any noncompliance ~~shall be~~ is completed before a decision to discipline is made.
- (4) Fair investigation. An objective investigation ~~shall be~~ is conducted, including the collective ~~on~~ of facts, signed statements from witnesses, and a weighing of all factual evidence before a decision is made.
- (5) Proof. The level of discipline ~~shall be~~ is normally based on proof and the degree of noncompliance with behavior or performance standards.
- (6) Equal treatment. Progressive discipline ~~shall~~ generally provides similar treatment for similar offenses with similar circumstances.
- (7) Appropriate penalty. The employee's entire work record and the relationship of the employee's noncompliance to the interests of the County shall be taken into consideration in deciding the appropriate disciplinary penalty. Where the nature of the offense or conduct is serious, not likely to be corrected by progressive discipline or in substantial disregard of the employing agency's purpose, dismissal may be the appropriate penalty.

Sec. 15-823. Progressive discipline procedures.

Management staff shall be responsible for progressive discipline decisions in conformance with administrative procedures promulgated by the county administrator. The director shall provide consultation to department management staff on disciplinary issues.

Sec. 15-824. Right to representative.

An employee shall have the right to request representation at any meeting in which the employee has a reasonable belief that he or she may be subject to discipline or other adverse consequences resulting from what he or she says. The meeting need not be unreasonably delayed because of the unavailability of the employee's preferred representative. An employee who is interviewed as a witness only shall not be entitled to representation.

Sec. 15-825. Compelled statement.

After consultation with and approval by the director or corporation counsel, an employee may, as part of a workplace investigation, be compelled to answer a question fully and completely as a condition of employment.

Sec. 15-826. Employee property rights.

(a) This section shall not apply to a probationary or at-will employee.

(b) Except as provided in subsection (a), an employee subject to suspension, involuntary demotion, termination, or other loss of property rights shall be given a hearing prior to the deprivation of property interests. The employee shall be given notice of the charges and time for hearing, evidence shall be received in the presence of the employee, and the employee shall be given the opportunity to present his or her defense.

(c) Upon appeal an employee having property rights shall be given a full evidentiary hearing with the right to contest the accuracy of the charges and the actions taken that resulted in the deprivation of property rights.

Sec. 15-827. Administrative leave.

(a) Administrative leave means that an employee is placed on a paid leave of absence pending the completion of a workplace investigation that may involve the employee and may result in disciplinary action of the employee or others.

(b) After consultation with and approval by the county administrator, an employee may, as part of a workplace investigation, be placed on paid administrative leave. The employee's regular pay and benefits shall continue during the administrative leave on the same basis as if the employee had remained at work. During a paid

administrative leave and during times when the employee would otherwise be at work, the employee may be required to remain at home and be available to answer phones calls and report to work if called.

Sec. 15-828. to sec. 15-899. Reserved.”

PART 4: THAT Article IX, Divisions 1 to 3, and Sections 15-900 to 15-999 in Chapter 15 of the Walworth County Code of Ordinances are created to read as follows:

“ARTICLE IX. MISCELLANEOUS EMPLOYMENT PROVISIONS

DIVISION 1. EMPLOYMENT RECORDS

Sec. 15-900. Privacy policy.

The county adopts the following privacy principles for the protection of employee personal data. Personal data means any information relating to an identified or identifiable individual.

- (1) Employees shall be provided information about county policies regarding the collection, use, and disclosure of personal data.
- (2) The collection and use of personal data shall be limited to that which is needed for valid employment purposes, to administer employee benefits, or to comply with law, and any such data will be obtained only by lawful and fair means.
- (3) Employees shall have the opportunity to review and correct their personal data.
- (4) The county shall not release personal data to third parties, unless (1) the employee requests it; (2) the data is provided to help complete an employee-initiated transaction; (3) the disclosure is required by law; or (4) the employee has been informed about the possibility of such disclosure and the employee has decided to proceed with the transaction.
- (5) Personal data shall be protected from unauthorized access and disclosure, including limiting access to such data only to those employees with a business need to know.
- (6) These principles shall apply to all stored information, regardless of the specific technologies employed for data collection and use.
- (7) The county shall ensure that the destruction of any records containing personal data be done in a manner that protects personal data.

Sec. 15-901. How records are kept.

The director is designated as the records custodian for all employee records and shall have the authority to prescribe how employee records shall be prepared and maintained. The director shall establish administrative procedures, subject to approval of the county administrator, for dealing with requests from the public or from employees for access to employment-related records.

Sec. 15-902. Public records.

(a) The county is required under the state open records law to permit public inspection of certain records in an employee's personnel file. Except as redacted pursuant to subsection (b), records deemed "open" include the following: appointment letter, awards and commendations received, continuing education record, current rate of pay and pay increases, leaves of absence (medical information redacted), moving expense record, transfer record, job description, reallocation notice, reclassification record, resignation letter, termination letter, layoff notice,

(b) The following information shall be redacted from employee records prior to permitting public inspection: home address, home electronic mail address, home telephone number, social security number, date of birth, sex, ethnic origin, disability, bank accounts, medical information and other HIPPA-protected health information.

(c) In addition to the records identified in subsection (b), the following records are closed: materials used to evaluate or screen an applicant; reference materials; disability-related records; EAP participation or enrollment; notice of involuntary dismissal; notice of reprimand or disciplinary action; performance evaluations or other comments or ratings of employees; probationary evaluation; I-9 form; or lists of participants, annuitants or beneficiaries under the retirement plan.

(d) The following records may be open and shall be handled on a case-by-case basis by the director: arbitration decisions, grievances, appeals, investigation materials of completed disciplinary matters, payroll-related documents, settlement agreements, or other employment records not specified in this section.

Sec. 15-903. Records open to employee.

Consistent with Wis. Stat. §103.13 and within seven working days of a written request, an employee shall be permitted to inspect or copy his or her personnel records.

Sec. 15-904. Medical records.

Medical information, including FMLA medical certification forms, documentation of a disability, doctor's notes, drug or alcohol test, post-offer medical examinations, and worker's compensation records shall be stored in filing areas separate from the employee's personnel file. Access to medical records shall be restricted to authorized individuals in a need-to-know capacity.

Sec. 15-905. to 15-909. Reserved.

DIVISION 2. APPEAL PROCEDURE

Sec. 15-910. Policy.

It is the policy of the county and responsibility of the director to ensure that an established written appeal procedure relating to conditions of employment is available to county employees who are not covered by a collective bargaining agreement for the disposition of employee appeals. This appeal procedure shall ensure that each employee may, without prejudice, express and present an appeal through proper channels with the assurance of timely and thorough consideration. During the formal appeal procedures, the appellant and employer shall make efforts to resolve the appeal by seeking a mutually acceptable solution to the matters grieved.

Sec. 15-911. Definitions.

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

Appeal means a written complaint by an employee requesting relief in a matter which is of concern or dissatisfaction relating to conditions of employment and which is subject to the control of the employer and within the limitations of chapter 15.

Appellant means an employee who has filed an appeal.

Decision means the written response to an appeal by the employer representative, including the rationale for the response.

Employee means a county employee who is not covered by a collective bargaining agreement, excluding elected officers.

Employer means a county department in which the employee is or has been employed.

Group appeal means an appeal filed by more than one appellant which involves like circumstances and facts for the appellants involved.

Relief means a specific remedy directly affecting an appellant.

Retaliation means any action taken by an employer in order to adversely affect the employee's conditions of employment, when such action is taken because of the employee's exercise of rights under this chapter.

Step means a level of management authority where an appeal may be appealed.

Work rule means a written regulation promulgated by the employer within its discretion which regulates the conduct of employees as it affects their employment.

Sec. 15-912. Scope of an appeal.

(a) Except as provided in subsection (b), an employee may appeal issues which affect his or her conditions of employment, appropriate administration of chapter 15 or administrative procedures, and including any matter on which the employee alleges that coercion or retaliation has occurred.

(b) An employee may not use this appeal procedure to appeal:

- (1) An action delegated by the county board or county administrator to an appointing authority;
- (2) The reassignment of an at-will employee;
- (3) The failure of a supervisor to process a reclassification request;
- (4) An oral reprimand;
- (5) The content of chapter 15 and administrative procedures;
- (6) A condition of employment which is a management right of the employer;
- (7) A performance evaluation; or
- (8) The evaluation methodology used by an employer to determine a discretionary pay award, or the amount of the award.

Sec. 15-913. Management rights.

(a) This division shall not interfere with the sole right of the employer to carry out its statutory mandate and goals.

(b) For the purpose of this division, the management rights of the employer include, but are not limited to, the following:

- (1) Utilizing personnel, methods and means to carry out the statutory mandate and goals of the department.
- (2) Determining the size and composition of the work force.
- (3) Managing and directing the employees of the department.
- (4) Hiring, promoting, transferring, assigning or retaining employees.
- (5) Establishing reasonable work rules.
- (6) Taking disciplinary action for just cause against an employee.

- (7) Laying off employees due to lack of work or funds or organizational changes.

Sec. 15-914. Form and filing of the appeal.

(a) Appeals shall be submitted to the designated employer representative on the forms provided by the director.

(b) Only one subject matter shall be covered in any one appeal.

(c) An appeal shall describe the condition of employment which is the subject of the appeal; the facts upon which the appeal is based, and the relief sought by the employee.

(d) Employees may initiate a group appeal, but one appellant chosen by the appellants shall represent the interests of the group. Group appeals shall be so designated at the first step of the appeal procedure and signed by all employees party to the appeal.

(e) The employer may consolidate appeals where a reasonable basis for consolidation exists.

Sec. 15-915. Procedures and time limits.

(a) All appeals shall be filed with the designated employer representative no later than 30 working days from the date the employee first became aware or should have become aware of the matter appealed.

(b) Appeals shall be pursued in accordance with the following steps and time limits:

(1) First step. Within 15 working days of receipt of the appeal from the employee or representative, the department head shall meet with the appellant and representative to hear the appeal. A written decision on the appeal shall be delivered to the appellant and representative within 10 working days following the step one meeting.

(2) Second step. If the appellant is dissatisfied with the first step decision, the decision shall be appealed to the director within 10 working days from receipt of the first step answer. Within 15 working days the director shall meet with the appellant and representative and department head and attempt to resolve the appeal. A written decision on the appeal shall be delivered to the appellant, representative and department head within 10 working days following the second step meeting.

(3) Third step. If the appellant or department head is dissatisfied with the second step decision, the decision shall be appealed to the county administrator within 10 working days from receipt of the second step

answer. Within 15 working days the county administrator shall meet with the appellant and representative and management representatives to discuss and attempt to resolve the appeal. A written decision on the appeal shall be delivered to the second step parties within 10 working days following the third step meeting. The third step decision shall be final.

(c) If the last day on which an appeal is to be filed or a decision is to be appealed or served is a Saturday, Sunday, or holiday observed by the county, the next county business day shall be the due date. An appeal or a decision is timely if received by the employer during normal business hours or postmarked by 12:00 midnight on the due date.

(d) The employer and appellant may mutually agree in writing to waive the time limits at any step of the appeal process.

(e) The employer and appellant may mutually agree in writing to waive a meeting at any step to facilitate or expedite resolution of the appeal.

Sec. 15-916. Failure to meet time limits.

(a) The employer shall reject any appeals not filed or any decision not appealed in accordance with the time limits set forth in this division. Any decision not appealed in a timely manner shall be decided on the basis of the last preceding decision.

(b) If the appeal is not answered within the time limits set forth in this division, the appellant may proceed to the next step within 15 working days following the last day on which the appeal could have been timely answered.

Sec. 15-917. Appellant representation.

(a) Each employee may have assistance by a representative of his or her own choice during the appeal procedure, including during informal resolution efforts.

(b) The county shall schedule appeal meetings during normal business hours. The employee and representative, if a county employee, shall be allowed to participate in appeal meetings without loss of pay.

(c) Any expense incurred by the appellant or representative in investigating, preparing or presenting an appeal shall be the responsibility of the appellant or representative.

Sec. 15-918. Retaliation prohibited.

The employer shall not retaliate against an appellant, representative, or witness who participates or is scheduled to participate in appeal proceedings or for using the appeal procedure.

Sec. 15-919. Retroactivity.

An answer to an appeal shall not grant any relief retroactive to more than 30 calendar days prior to the filing of the appeal at the first step.

Sec. 15-920. Informal discussions.

Nothing in this division precludes an employee from informally discussing with the employer any matter of concern, whether appealable or not.

Sec. 15-921. to 15-999. Reserved."

PART 5. BE IT FURTHER ORDAINED THAT sec. 15-04 of the Walworth County Code of Ordinances entitled "Definitions" is hereby amended to create and insert the following definitions:

Accrued benefits means paid time-off benefits earned by an employee and available for use and includes vacation, sick leave, compensatory time or holiday time

FMLA means the federal or state Family and Medical Leave Acts.

LTD means long-term disability insurance.

PART 4: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 9th day of March, 2004.

William M. Norem	3/24/04	Kimberly S. Bushey	
County Board Chairman	Date	County Clerk	Date

County Board Meeting Date: March 9, 2004

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	3/5/04	N. Andersen/ts	3/5/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

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

Policy and Fiscal Note
Ordinance No. 260--03/04

- I. Title: Creating Article VI "County Property and Work Areas," Article VII "Absence from Work," Article VIII "Personal Conduct; Progressive Discipline," and Article IX "Miscellaneous Employment Provisions" in Chapter 15 of the Walworth County Code of Ordinances
- II. Purpose and Policy Impact Statement: This ordinance adopts human resource policy by ordinance, and directs the county administrator to enact administrative procedures to carryout the provisions of the ordinance. In the past these policies were adopted by resolution. By separate resolution, the former policies related to this ordinance are repealed.
- III. Budget and Fiscal Impact: Passage of this ordinance codifies the existing personnel code and, therefore, has no fiscal impact, beyond that which has already been budgeted
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources

Meeting Date: March 1, 2004

Vote: 6-0 to recommend adoption

County Board Meeting Date: March 9, 2004

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

David A. Bretl
County Administrator/
Corporation Counsel

3/5/04
Date

N. Andersen/ts
Finance Director

3/5/04
Date

Supervisor Wenglowky pointed out a typo on page 15 of Ordinance No. 260-03/04, Section 15-810, line 16, CLD should be CDL. Bretl said that the technical change would be made.

On motion by Supervisor Miles, seconded by Supervisor Morrison, item #5, Resolution No. 113-03/04 – Repealing Chapters of the Personnel Code and Replacing Them with a Human Resources Ordinance, was approved by voice vote.

Resolution No. 113 - 03/04

Repealing Chapters of the Personnel Code
and Replacing them with a Human Resources Ordinance

Moved/Sponsored by: Human Resources Committee

WHEREAS, Human Resources Committee ("Committee") recommends eventually eliminating the Personnel Code and replacing it with a Human Resources ordinance ("Ordinance"); and

WHEREAS, the Committee recommends repeal of the below-listed Personnel Code chapters contingent upon adoption by the County Board of Supervisors of Ordinance No. 252 - 02/04, 253-02/04, 254-02/04 and 260-03/04.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the following chapters of the Personnel Code be and the same are hereby repealed in their entirety, effective upon adoption and publication of the designated ordinance:

Ordinance	Personnel Code Chapters
252-2/04	301, 302, 303, 304, 308, 309, 310, 313, 314, 315, 320, 330
254-2/04	501, 502, 503, 504, 505, 510, 511, 512, 513, 514, 520, 521, 523, 524, 525, 530, 531, 532, 533, 534
260-3/04	601, 602, 603, 604, 605, 606, 607, 701, 702, 703, 704, 705, 706, 707, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 821, 822, 831, 832, 901, 910, 911

BE IT FURTHER RESOLVED THAT the County Administrator be authorized to promulgate administrative procedures to supplement and carry out the provisions of Ordinance No. 252 - 02/04, 253-02/04, 254-02/04 and 260-03/04.

BE IT FURTHER RESOLVED THAT those chapters of the Personnel Code not repealed by this resolution shall remain in full force and effect.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

Action Required: Majority Vote 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

3/3/04
Date

N. Andersen
Finance Director

3/4/04
Date

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

Policy and Fiscal Note
Res. No. 113 - 03/04

- I. Title: Repealing Sections of the Personnel Code and Replacing them with a Human Resources Ordinance.
- II. Purpose and Policy Impact Statement:
The purpose of this resolution is to repeal those chapters of the Personnel Code that have been replaced by the County Board in ordinance form pursuant to Ordinance Nos. 252 - 02/04, 253-02/04, 254-02/04 and 260-03/04.
- III. Budget and fiscal impact:
Passage of this resolution has no fiscal impact on the 2004 county budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources
Vote: 6-0

Date: March 1, 2004

County Board Meeting Date: March 9, 2004

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

David A. Bretl
County Administrator/
Corporation Counsel

3/3/04
Date

N. Andersen
Finance Director

3/4/04
Date

Land Conservation Committee

- 1. Resolution No. 115-03/04 – Opposing State Legislation Seeking to Bypass Local Authority Regarding Concentrated Animal Feeding Operations in Wisconsin
- 2. Resolution No. 116-03/04 – Encouraging the Wisconsin Department of Transportation to Maintain Abandoned Highway Rest Areas

On motion by Supervisor Lightfield, seconded by Supervisor Hilbelink, item #1, Resolution No. 115-03/04 and item #2, Resolution No. 116-03/04, were approved by voice vote.

Resolution No. 115-03/04

Opposing State Legislation Seeking to Bypass Local Authority Regarding Concentrated Animal Feeding Operations in Wisconsin

Moved/Sponsored by: Land Conservation Committee

WHEREAS, Walworth County deems that agriculture and agricultural economics are integral to the welfare of the State of Wisconsin; and

WHEREAS, Walworth County encourages the promotion and protection of agriculture and agricultural land uses through established goals in the Walworth County Land and Water Management Plans as well as other adopted county plans; and

WHEREAS, Walworth County recognizes that counties have the authority under section 59.69 of the Wisconsin Statutes to create local zoning ordinances to promote the health, welfare and safety of county residents, and have been delegated the responsibility to exercise this authority; and

WHEREAS, through application of this zoning authority, counties now use zoning districts and conditional use permits to manage and control a diversity of land uses, including concentrated animal feeding operations; and

WHEREAS, Walworth County believes that a strong agricultural economy can be maintained in Wisconsin by maintaining the authority of counties to manage the siting or expansion of concentrated animal feeding operations through judicious use of zoning and conditional use permits.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors oppose legislation that would preempt county ordinances by removing local authority to manage or restrict the siting or expansion of concentrated animal feeding operations through use of zoning and conditional use permits; and

BE IT FURTHER RESOLVED that the County Clerk forward this resolution to our state legislative representatives, the Secretary of Agriculture, Trade and Consumer Protections, the chairs of the Senate and Assembly Committees on agriculture and natural resources, and to Governor Doyle.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

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

3/2/04
Date

N. Andersen
Finance Director

3/2/04
Date

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

Policy and Fiscal Note
Resolution No. 115-03/04

I. Title: Opposing State Legislation Seeking to Bypass Local Authority Regarding Concentrated Animal Feeding Operations in Wisconsin

II. Purpose and Policy Impact Statement: The Walworth County Board of Supervisors oppose legislation that would preempt county ordinances by removing local authority to manage or restrict the siting or expansion of concentrated animal feeding operations through use of zoning and conditional use permits.

III. Budget and Fiscal Impact: None

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

Committee: Land Conservation Committee Meeting Date: February 16, 2004

Vote: 6-0

County Board Meeting Date: March 9, 2004

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

David A. Bretl	3/2/04	N. Andersen	3/2/04
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 116 - 03/04

Encouraging the Wisconsin Department of Transportation to Maintain Abandoned Highway Rest Areas

Moved/Sponsored by: Land Conservation Committee

WHEREAS, Walworth County holds a long history of promoting and protecting the natural beauty of all land located within the county boundaries; and

WHEREAS, the State of Wisconsin through the Department of Transportation has abandoned numerous state highway rest areas throughout Walworth County; and

WHEREAS, these abandoned highway rest areas have fallen into various states of disrepair; and

WHEREAS, Walworth County does not seek to acquire title to these parcels; and

WHEREAS, Walworth County recognizes that the State of Wisconsin may need to close some highway rest areas throughout the state due to various budget constraints that impact all citizens in the State of Wisconsin; and

WHEREAS, these rest areas include the abandoned rest areas located: on State Highway 11 near Cobb Road; State Highway 14 near Creek Road; and State Highway 120 south of County Highway D.

WHEREAS, these abandoned rest areas have old structures, old camping grills, and fallen trees located on the parcels; and

WHEREAS, Walworth County encourages the Wisconsin Department of Transportation to either clean and maintain these abandoned rest areas or deed these areas to the adjoining property owners.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors encourage the Wisconsin Department of Transportation to better maintain abandoned highway rest areas throughout Walworth County; and

BE IT FURTHER RESOLVED that the Walworth County Board of Supervisors encourage the Wisconsin Department of Transportation to deed these abandoned rest areas over to adjoining property owners if the State of Wisconsin will not better maintain these parcels; and

BE IT FURTHER RESOLVED that the County Clerk forward a copy of this resolution to our state legislative representatives, the Wisconsin Department of Transportation, and to Governor Doyle.

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

County Board Meeting Date: March 9, 2004

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

3/2/04
Date

N. Andersen
Finance Director

3/2/04
Date

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

Policy and Fiscal Note
Resolution No. 116 - 03/04

- I. Title: Encouraging the Wisconsin Department of Transportation to Maintain Abandoned Highway Rest Areas
- II. Purpose and Policy Impact Statement: The Walworth County Board of Supervisors encourages the Wisconsin Department of Transportation to better maintain abandoned highway rest areas throughout Walworth County. In the alternative, the Walworth County Board of Supervisors would encourage the State of Wisconsin to deed these abandoned rest areas over to the adjoining property owners. The State of Wisconsin created these unsightly abandoned rest areas and Walworth County would like to see the State of Wisconsin clean and better maintain these areas.
- III. Budget and Fiscal Impact: None
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Land Conservation Committee Meeting Date: February 16, 2004

Vote: 6-0

County Board Meeting Date: March 9, 2004

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

David A. Bretl	3/2/04	N. Andersen	
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Reports of Special Committees

There were no reports of Special Committees.

Chairman Norem reminded the Supervisors of the special meeting scheduled for Monday, March 15 at 10:00 a.m.

Chairman Norem thanked the Board of Supervisors and Mr. Bretl for helping get things accomplished over the past two years. Vice-chairman Grant also expressed his appreciation to the Board for their accomplishments and for the opportunity to act as Vice-chairman.

Adjournment

On motion by Supervisor Lohrmann, seconded by Supervisor Polyock, the meeting of the Walworth County Board of Supervisors adjourned at 7:45 p.m.

The April regularly scheduled meetings of the Walworth County Board will be held on Tuesday, April 20, 2004, and Thursday, April 22, 2004, at 6:00 p.m.

Kimberly S. Bushey
County Clerk

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the March 9, 2004 meeting.

THE MARCH 15, 2004 SPECIAL MEETING
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Norem at 10:00 a.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Roll call was read with all Supervisors present except Supervisors Guido, Schaefer, Scharine, and Wenglowisky.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Grant, seconded by Supervisor Gigante, the agenda was approved.

Comment Period by Members of the Public

There were no comments from members of the public.

Chairman's Report

Chairman Norem presented an award and a gift to Clerk of Courts Sheila Reiff for 35 years of service to Walworth County. Chairman Norem also presented retiring Supervisors Lothian, Miles, Shroble, and Peterson with plaques. Norem thanked the supervisors for their service to Walworth County. Retiring Supervisors Scharine and Wenglowisky were not present and their plaques will be delivered to them.

Chairman Norem announced that former County Board Supervisor Rulo Clark had passed away late last week and that the funeral services were scheduled for 11:00 a.m. today at the First United Methodist Church, North Broad Street, Elkhorn.

Norem also announced that the press would like to get "head shots" of the retiring Supervisors after the meeting this morning.

New Business

Closed Session

A motion was offered by Supervisor Lohrmann, seconded by Supervisor Morrison, to convene in closed session pursuant to the exemption contained in Wis. Stats. Sec. 19.85 (1) (c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, to consider the County Administrator's nomination of Shane Crawford as Walworth County Public Works Director.

A roll call vote was held on the motion to convene in closed session. Total vote 21: Ayes: 21 – Arnold, Burwell, Felten, Gigante, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Shroble, Twynning, Norem; Noes: 0; Absent: 4 – Guido, Schaefer, Scharine, Wenglowsky.

On motion by Supervisor Gigante, seconded by Supervisor Hilbelink, the Board reconvened in open session to consider the County Administrator's nomination of Shane Crawford as Public Works Director.

A motion was offered by Supervisor Hilbelink, seconded by Supervisor Ketchpaw, to approve Shane Crawford as the candidate and to approve the contract for Public Works Director. Discussion ensued.

Bretl said that he was pleased to announce his nomination of Shane Crawford as Public Works Director for Walworth County. He said that Shane brings with him experience both as an elected official on the Common Council for the City of La Crosse and as a County Board Supervisor in La Crosse County. Most recently he has served as County Administrator for Buffalo County and prior to that as the Administrative Coordinator in Buffalo County. Bretl said that while Shane is not an engineer, which is a departure for Walworth County as to how the County has done business in the past, that is not the first priority in that department at this time. He said that those are skills that the County can contract out. Bretl said that the position needs leadership, vision, organization, foresight, etc., and he feels Shane Crawford has those qualifications. Bretl introduced Mr. Crawford.

Crawford said that Bretl gave a very good overview of his qualifications. He said he was excited to come and work for Walworth County. Crawford answered questions from the Supervisors. If approved by the Board, Crawford said he would begin employment on April 26, 2004.

On motion by Supervisor Grant, seconded by Supervisor Gigante, Shane Crawford, as well as the contract, was approved as the Public Works Director by unanimous consent. Mr. Crawford thanked the Board.

The next meeting of the Walworth County Board will be an orientation meeting on April 13, 2004 at 5:00 p.m.

Adjournment

On motion by Supervisor Ketchpaw, seconded by Supervisor Morrison, the County Board meeting adjourned 10:35 a.m.

Kimberly S. Bushey
County Clerk

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Walworth County Board of Supervisors for the March 15, 2004 special meeting.