

**ADJOURNED SESSION  
WINNEBAGO COUNTY BOARD OF SUPERVISORS MEETING  
TUESDAY, JUNE 20, 2023**

**A. CALL TO ORDER**

Chairman Thomas Egan called the meeting of the Winnebago County Board of Supervisors to order at 6:00 P.M. from the Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin and virtually by ZOOM.

**B. ROLL CALL**

The following Supervisors were present: 33 – Dowling, Nichols, Borchart, Eisen, Horan, Defferding, Ellenberger, Wise, Nussbaum, Stafford, Albrecht, Gabert, Binder, Swan, Robinson, Gordon, Ponzer, Belleville, Hinz, Zellmer, Schellenger, Buck, Powers, Hanson, Cox, Gustafson, Youngquist, Farrey, Harrison, Egan, Beem, Nelson and Miller; Excused: 2 – Floam and Zastera; Vacant: 1.

**C. PLEDGE OF ALLEGIANCE**

The meeting was opened with the Pledge of Allegiance.

**D. INVOCATION**

Invocation by Supervisor Karen Powers

**E. ADOPT AGENDA**

Motion by Supervisor Albrecht, seconded by Supervisor Cox, to adopt the agenda for tonight's meeting. CARRIED BY VOICE VOTE.

**F. PUBLIC COMMENTS**

Bruce Abraham from the Town of Algoma sent in a proposal request to build new pickleball courts at the Winnebago County Community Park in Oshkosh. The Oshkosh Pickleball Club will be having their 2<sup>nd</sup> annual fundraiser on July 6, 2023, at the Fox River Brewing Company. Their goal is to advance pickleball opportunities within the Oshkosh community and Winnebago County. Pickleball has a low cost of entry, great benefits and is the fastest growing sport in the United States.

Tracy Ogden who resides in Neenah and is the CEO of the Boys & Girls Club of Oshkosh, asked the Board to reconsider their decision from the March 21, 2023, County Board meeting, to not allocate ARPA funds to non-profits. The Boys & Girls Club has served the Winnebago County community for 53 years by keeping to their mission of improving the lives of children and families. Please consider opening up options to help them serve more kids on a daily basis.

Mark Lasky, who resides in Oshkosh and is the Capital Campaign Manager and here on behalf of the Boys & Girls Club. He believes in the mission of the club. They have a \$18 million dollar project and have the support of the community. They need the counties help, whether it is ARPA or Spirit funds. The Boys and Girls Club of Oshkosh which serves Winnebago County should qualify under any standard that the county would look at for funds. Thank you for your consideration.

Eric Vlach, Oshkosh, objected to Timothy C. Ernst being appointed to the County Board of Supervisors, District 20 vacant position.

Abby Amacher, Oshkosh, supported Timothy C. Ernst being appointed to the County Board of Supervisors, District 20 vacant position.

**G. COMMUNICATIONS. PETITIONS. MEMORIALS. ACCOUNTS. COMMENDATIONS. ETC.**

Cassie Smith-Gregor, Winnebago County Deputy Clerk, presented the following communications:

1. The following Resolutions from Other Counties have been referred to the Legislative Committee:
  - Door County – Resolution No. 2023-43 – "Request State of Wisconsin to Use a Portion of the 2023 Budgetary Surplus for the Maintenance, Repair and Replacement of County Trunk Highway System"
  - Douglas County – Resolution #26-23 – "Request State of Wisconsin Review and Revise Compensation Rate for State Public Defenders"
  - Jackson County – Resolution No. 19-05-2023 – "Request State to Revise the Current Real Estate Transfer Fee Revenue Sharing Formula"
  - Lincoln County – Resolution 2023-04-27 – "Resolution Requesting the State Revise the Current Real Estate Transfer Fees Revenue Sharing Formula"
  - Portage County Resolution – "Resolution to Request the State Revise the Current Real Estate Transfer Fees Revenue Sharing Formula"
  - Price County – Resolution No. 19-23 – "Request the State of Wisconsin to Address Concerns of Act 216, Relating to Distributing the Proceeds from the Sale of Tax Delinquent Property to the Former Owner"

- Vernon County – Resolution #2023-33 – "Request to Revise the Current Real Estate Transfer Fees"
- 2. The following Petition for Zoning Amendments have been referred to the Planning and Zoning Committee:
  - 001 – Stephen C. Kratz; Town of Algoma, rezone from A-2 (General Agriculture District) to R-2 (Suburban Residential District)
- 3. Thank You Cards
  - Sue Ertmer
  - Sofia Kainz – Oshkosh West High School Scholarship Recipient
  - Logan Loether – Winneconne High School Scholarship Recipient
  - Josie Matiash – Valley Christian High School Scholarship Recipient
- 4. Commendation for Sarah Zblewski

#### **H. REPORTS FROM COMMITTEES, COMMISSIONS & BOARDS**

Supervisor Gabert provided an update to the board on the new hangar facility out at the airport. We have leases for 18 out of the 20 new hangars, and they are all from current tenants. This will open up 18 former hangars for the people on the 62 person waiting list. Thank you to the Board for approving this.

Supervisor Defferding spoke on behalf of Supervisor Floam who could not attend tonight's meeting. The Ad-Hoc Task Force on Committee Structure met on June 12, 2023, at 9:00 am. They have finalized their recommendations for the Judiciary & Public Safety (JPS) Committee regarding committee structure going forward for 2024 and on. Just a reminder for the board, as a Task Force, they are not there to provide resolutions, we are simply providing recommendations. The JPS committee at that point would decide and make resolutions going forward. I encourage you all to come to the JPS meeting on July 10, 2023, at 6:00 pm to discuss further on committee restructuring.

Supervisor Binder made everyone aware that there were Winnebago County Fair yard signs and posters available in the lobby. Please pick some up when you leave tonight. Tickets for the fair are on sale. If you buy them in advance, they are \$12 or \$15 at the door.

Supervisor Binder noted that the Pyrotechnics Guild International (PGI) Public Night Fireworks will be on August 13 & 18, 2023. You can buy tickets at the Parks Department. They will not sell the tickets on site; you will need to buy them in advance.

Supervisor Stafford reminded everyone that Sheriff John Matz will read the Declaration of Independence on Tuesday, July 4, 2023, at 8:00 a.m. on the Courthouse steps.

Supervisor Stafford also commented on interactions he has had with non-profits in Neenah. He wanted to share that the Ascend program helps young adults who are struggling and get them on a positive path to be a productive citizen. He wanted to give a shout out to the Ascend program and let everyone know that there are some great nonprofits out there.

Supervisor Nelson stated that the Village of Winneconne utilized some of the ARPA funds and matched it with a memorial fund that was established. They are building a couple of pickleball courts in Marble Park in Winneconne. Thank you to the board for the \$145,000 ARPA funds. They are putting it to good use.

#### **I. COUNTY EXECUTIVE'S REPORT**

Executive Doemel reported on the following topics:

- Executive Doemel named his appointments to boards and commissions.
- A presentation by Director Habeck will be given tonight on possible changes to the Merit Pay Plan. They are working on implementing recommendations from the compensation study. One of the next steps relates to updating the Merit Pay policy and adding a component that would adjust wages based on any changes made to the compensation schedule. This will help minimize creating future in-range compression issues, while still providing the Board with flexibility to meet budgetary targets. He hopes to bring an updated policy to the Board for approval in July.
- The 2024 Executive budget has begun and will follow the normal process. It is expected to be completed in mid-September. After that point, the budgets for departments will be available for review by committees and boards, followed by the board budget meetings in early November. One budget challenge includes a 3.2% expected increase in health premiums and a 4.9% increase in dental premiums.
- Governor Evers signed Assembly Bill 245 into law today. The new supplemental shared revenue appropriation for Winnebago County is \$1.78 million. This is an increase from the bill introduced by the Assembly.

#### **J. COUNTY BOARD CHAIRMAN'S REPORT**

Chairman Egan reported that Supervisor Floam and Zastera are excused from tonight's meeting.

## **K. COUNTY BOARD CHAIRMAN'S APPOINTMENTS**

### **Winnebago County Board of Supervisors. District 20**

Chairman Egan asked for the board's approval of his appointment of Timothy C. Ernst to Supervisor District No. 20. Timothy C. Ernst will complete the unexpired term of Michael Norton who passed away. The term will begin immediately and end on April 16, 2024.

Motion by Supervisor Powers, seconded by Supervisor Beem, to accept.

Motion by Supervisor Albrecht and seconded to call the question. CARRIED BY VOICE VOTE.

Vote on Appointment: AYES: 19; NAYES: 13 – Dowling, Horan, Nussbaum, Gabert, Swan, Robinson, Belville, Hinz, Hanson, Gustafson, Farrey, Nelson and Miller; ABSTAIN: 1 – Stafford; ABSENT: 2 – Floam and Zastera; VACANT: 1. PASSED.

Chairman Egan administered the Oath of Office to Timothy C. Ernst, and he was seated as Winnebago County Board Supervisor District 20.

### **Information Technology Committee**

Chairman Egan asked for the board's approval of his appointment of Supervisor Timothy C. Ernst to the Information Technology Committee. Supervisor Ernst will complete the unexpired term of Rebecca Nichols who resigned from the committee. The term will begin immediately and end on April 16, 2024.

Motion by Supervisor Binder, seconded by Supervisor Beem to accept. CARRIED BY VOICE VOTE.

## **L. ANNOUNCEMENT OF 2023 WINNEBAGO COUNTY SCHOLARSHIP RECIPIENTS:**

- Brielle Dieck – Fox Valley Lutheran High School – will be attending UW LaCrosse
- Ella Jaeger – Winneconne High School – will be attending the University of Minnesota
- Josie Matiash – Valley Christian High School – will be attending the Wisconsin Lutheran College
- Logan Olszewski – Menasha High School – will be attending UW Oshkosh
- Hava Zodrow – Valley Christian High School – will be attending Concordia University

Four Scholarship Recipients that were not able to attend this meeting:

- Alec Bricco – Winneconne High School
- Sofia Kainz – Oshkosh West High School
- Milana Krishnevsky – Winneconne High School
- Logan Loether – Winneconne High School

All of the recipients received a Certificate of Scholarship, a Winnebago County History Book and a check for \$500.00. They will receive a second check for \$500.00 after receipt of their transcript from the first semester of school showing a grade point average of greater than 2.5.

## **M. Purchase of Silvercrest Group Home Presentation – Dr. Bill Topel, Director of Human Services**

Dr. Bill Topel, Human Services Director, presented information for the Silvercrest Group Home located in Neenah, Wisconsin, to the County Board. The Silvercrest Group Home serves youth in our child welfare system. Winnebago County has contracted with Family Services to provide the staff and programming for the group home. They provide supervision, care, and treatment for youth who are unable to be at home, due to concerns for their safety or the safety of the community. We need a facility for the youth who are court ordered to a group home placement. We currently rent the building, which is zoned and licensed for a group home facility, from Winnebago County Housing Authority. We have a lease through the end of the year. In June or July, we will work our way through Human Services, Facilities, Personnel and Finance and the County Board to seek approval of the purchase of the building. The total capital project will be \$340,000 for this fully operational and licensed facility.

Dr. Bill Topel then took questions from the board. A copy of this presentation is available in the County Clerk's Office.

## **N. Presentation: Possible Change to Merit Pay Plan – Mark Habeck, Director of Human Resources**

Mark Habeck, Human Resources Director, presented information for the possible change to the Merit Pay Plan to the County Board. The Compensation Study was completed in the first quarter of 2023 by McGrath Human Resources Group. Mr. Habeck presented a review of the findings from the compensation study and what has been completed thus far. He discussed the major issues; in-range compression and COLA/Merit increases while also identifying problems with the current merit shares and impact of a schedule adjustment. He touched base on changes that would address recommendations and discussed the impact of a 2.0% merit increase, unless otherwise established by the Board.

Mr. Habeck then took questions from the board. A copy of this presentation is available in the County Clerk's Office.

## **O. CONSENT CALENDAR**

**Consent Calendar Items are those items of a Routine Administrative Nature that are Voted on by the Winnebago County Board of Supervisors in a Single Roll Call Vote. Staff Recommends Approval of all Items. Any Winnebago County Board of Supervisor may Request that an Item be Removed from the Consent Calendar for Discussion. Questions relating to items on the Consent Calendar do not require the item be removed from the Consent Calendar if a satisfactory answer is provided.**

1. **Approval of Proceedings:** Approval of Proceedings from the May 2, 2023, Special Orders Meeting and the May 16, 2023, Adjourned Session of the Winnebago County Board of Supervisors.
2. **County Executive's Appointments**
  - a. **ADRC Committee** – Supervisor James Ponzer and Susan T. Ertmer, Oshkosh. Supervisor Ponzer is filling a vacant position. His term will expire August 31, 2025. Ms. Ertmer's is a three-year term expiring August 31, 2026.
  - b. **Winnebago County Land Records Council** – Maribeth Gabert – County Board Supervisor; Jerry Bougie – Planning and Zoning Director; Paul Schmidt – Realtor; Eric Rasmussen – Emergency Management Director; Darryl Lehman – Registered Land Surveyor, Martenson – Eisele; and Mike Zuege – East Central Regional Planning Commission. These are three-year terms that will expire May 31, 2026.
  - c. **Oshkosh Public Library** – Larry Lautenschlager, Oshkosh. This is a three-year term expiring April 30, 2026.
  - d. **Winnebago County Housing Authority** – Rebecca Hackett, Oshkosh. This is a five-year term expiring April, 2028.

### **ZONING REPORTS & ORDINANCES**

3. **Report No. 001** – Julie Chikowski, Town of Wolf River
4. **Amendatory Ordinance No. 06/001/23** – Rezoning from B-2 (Community Business) to R-1 (Rural Residential) for tax parcel no. 032-0346-03 (Effective Date: June 28, 2023)
7. **Report No. 003** – Julie Chikowski, ETAL, (Bartel Family Land, LLP), Town of Wolf River
8. **Amendatory Ordinance No. 06/003/23** – Rezoning from A-2 (General Agriculture) to B-2 (Community Business) for tax parcel no. 032-0350(p) (Effective Date: June 28, 2023)
9. **Report No. 004** – BL Titan, LLC, Town of Algoma
10. **Amendatory Ordinance No. 06/004/23** – Rezoning from B-3 (Regional Business) to R-2 (Suburban Low Density Residential) for tax parcel nos. 002-0091-02-06 & 002-0091-02-05(p)(Effective Date: June 28, 2023)

### **RESOLUTIONS & ORDINANCES**

#### **13. Resolution No. 234-062023: Commendation for Sarah Zblewski**

WHEREAS, Sarah Zblewski has been employed with the Sheriff, for the past thirty-one years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Sarah Zblewski has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be, and it hereby is extended to Sarah Zblewski for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Sarah Zblewski.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

#### **14. Resolution No. 235-062023: Disallow Claim of Erin Metcher**

WHEREAS, your Personnel and Finance Committee has had the claim of Erin Metcher referred to it for review; and

WHEREAS, your Committee has investigated the claim and recommends it be disallowed by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Erin Metcher, filed with the County Clerk on May 2, 2023, is hereby disallowed since there is no basis for liability on the part of Winnebago County.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

#### **15. Resolution No. 236-062023: Approve Ground Lease Renewal between Badger Works, LLC and Winnebago County**

WHEREAS, Badger Works, LLC desires to renew a ground lease with Winnebago County; and

WHEREAS, Badger Works, LLC has been a long-time tenant in a hangar owned and constructed by Badger Works, LLC on county-owned grounds at Wittman Regional Airport.; and

**Resolution No. 236-062023 cont.**

WHEREAS, said Agreement renewal shall be for a period of twenty (20) years, from July 1, 2023, to June 30, 2043; and

WHEREAS, Badger Works, LLC agrees to pay Winnebago County \$1,263.50 per year for the Badger Works, LLC Hangar and with an increase adjusted by the percentage change in CPI-U on the anniversary of the agreement at each three (3) year interval.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves execution by the Winnebago County Executive and Winnebago County Clerk of the renewal of a Ground Lease Agreement between Badger Works, LLC and Winnebago County for the purpose of conducting aircraft storage.

Submitted by:

**AVIATION COMMITTEE**

Motion by Supervisor Hinz and seconded by Supervisor Powers, to adopt the consent calendar excluding:  
Supervisor Gabert requested that these items be pulled from the Consent Calendar.

5. Report No. 002 – Hot Head Properties, LLC, Town of Neenah

6. Amendatory Ordinance No. 06/002/23 – Rezoning from B-3 (Regional Business) to I-1 (Light Industrial) for tax parcel no. 010-0203-03

Supervisor Eisen requested that these items be pulled from the Consent Calendar.

11. Report No. 005 – Lindsay Bahn, ETAL, Town of Utica

12. Amendatory Ordinance No. 06/005/23 – Rezoning from A-2/R-2 (General Agriculture, Suburban Low Density Residential) to A-2/R-2 (General Agriculture, Suburban Low Density Residential) for tax parcel nos. 024-0181-02(p) and 024-0181-01(p)

Supervisor Powers requested that these items be pulled from the Consent Calendar.

16. Resolution No. 237-062023: Urge the Wisconsin Legislature to Support Health Care Providers Referring Individuals to Aging and Disability Resource Centers for Options Counseling

17. Resolution No. 238-062023: Recommending Revision to State Renewable Energy Contract Regulations

18. Resolution No. 239-062023: Requesting the State of Wisconsin to Review and Revise the Compensation Rate for State Public Defenders and Require the State of Wisconsin to Reimburse Winnebago County the Hourly Rate That Has Been Appropriated by Wisconsin to Provide Required Counsel Coverage in Criminal Cases

Vote on Consent Calendar: CARRIED BY VOICE VOTE.

**ZONING REPORTS & ORDINANCES**

**5. Report No. 002 – Hot Head Properties, LLC, Town of Neenah**

**6. Amendatory Ordinance No. 06/002/23 – Rezoning from B-3 (Regional Business) to I-1 (Light Industrial) for tax parcel no. 010-0203-03**

Consent Calendar Items No. 5 and No. 6 were pulled from the Consent Calendar by Supervisor Gabert.

Motion by Supervisor Nussbaum, seconded by Supervisor Hanson to refer both items back to the Town of Neenah.

After discussion, Supervisor Nussbaum withdrew his motion and Supervisor Hanson withdrew his second.

Motion by Supervisor Gabert, seconded by Supervisor Beem to refer both items back to the Planning & Zoning Committee. CARRIED BY VOICE VOTE.

**11. Report No. 005 – Lindsay Bahn, ETAL, Town of Utica**

**12. Amendatory Ordinance No. 06/005/23 – Rezoning from A-2/R-2 (General Agriculture, Suburban Low Density Residential) to A-2/R-2 (General Agriculture, Suburban Low Density Residential) for tax parcel nos. 024-0181-02(p) and 024-0181-01(p).**

Consent Calendar Items No. 11 and No. 12 were pulled from the Consent Calendar by Supervisor Eisen.

Motion by Supervisor Eisen, seconded by Supervisor Powers to refer both items back to the Planning & Zoning Committee. CARRIED BY VOICE VOTE.

**16. Resolution No. 237-062023: Urge the Wisconsin Legislature to Support Health Care Providers Referring Individuals to Aging and Disability Resource Centers for Options Counseling**

WHEREAS, the Wisconsin Legislature seeks to create Wis. Stat. 46.281 (ln) (bm) which will allow health care providers to refer individuals to an Aging and Disability Resource Center (hereinafter "ADRC") or an ADRC website for information relating to long term care options for counseling; and

WHEREAS, this bill requires the Department of Health Services (hereinafter "DHS") to allow a health care provider to send communications to a patient referring the patient to an ADRC or to an ADRC or DHS website for information regarding long-term care options counseling; and

WHEREAS, the bill also requires DHS to make a long-term care options counseling referral letter available on its website for use by health care providers; and

WHEREAS, options counseling is a decision support service intended to empower older adults, adults with disabilities, and their families and caregivers to make informed decisions about current or future long-term care choices.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby urges the Wisconsin Legislature to support health care providers referring individuals to Aging and Disability Resource Centers for Options Counseling.

BE FURTHER IT RESOLVED by the Winnebago County Board of Supervisors that the County Clerk forward a copy of this Resolution to the Governor of the State of Wisconsin and the state senators and state representatives representing Winnebago County.

Submitted by:  
LEGISLATIVE COMMITTEE

Consent Calendar - Resolution No. 237-062023 was pulled from the Consent Calendar by Supervisor Powers.

Motion by Supervisor Farrey, seconded by Supervisor Powers, to adopt. A friendly amendment was requested to amend the Legislative Committee vote from 9-0 to 8-1 on this resolution. CARRIED BY VOICE VOTE. ABSTAIN: 1 - NICHOLS

#### **17. Resolution No. 238-062023: Recommending Revision to State Renewable Energy Contract Regulations**

WHEREAS, the Wisconsin Legislature has limited how counties can regulate solar and wind energy systems. See Wis. Stats. 66.0401, 196.02, 196.025 & 196.378; and

WHEREAS, the Wisconsin Public Service Commission ("PSC") has promulgated rules that limit how counties can regulate wind energy systems. See PSC 128 of the Wisconsin Administrative Code; and

WHEREAS, Planning and Zoning is a fundamental regulatory function and authority of Wisconsin counties; and

WHEREAS, Winnebago County residents have expressed concerns about contractual provisions proposed by both solar and wind renewable energy companies in renewable energy easement agreements; and

WHEREAS, the Winnebago County Planning & Zoning Committee and the Winnebago County Board of Supervisors have concerns about the use of renewable energy systems and their impacts on our residents, agricultural land and production, as well as our water ways; and

WHEREAS, the Winnebago County Planning and Zoning Committee and the Winnebago County Board of Supervisors have concerns about the regulatory limitations placed on the counties by PSC 128, Chapter 66, and Chapter 196 Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it recommends and requests the Wisconsin Public Service Commission and the Wisconsin State Legislature revise PSC 128 and Chapters 66 & 196 of the Wisconsin Statutes to address the following concerns:

- a. Some renewable energy contracts under the current regulations appear to bind owners and their property to decades worth of encumbrances while allowing renewable energy companies to terminate the contracts at any time for any or no reason.
- b. The law does not prohibit energy companies from shifting liability created by the renewable energy company to the landowners. This includes liability for stray voltage, diminished property values, neurological problems, cancer, and death that the renewable energy companies cause.
- c. The law prohibits the regulation of the density and footprint of renewable energy systems by municipalities and prohibits Winnebago County from requiring bonding certain to ensure proper decommissioning of renewable energy systems.
- d. Winnebago County has concerns about the use of renewable energy systems and their impact on agricultural land and production at a time when food chains are disrupted, food shortages exist, and domestically uncontrolled inflation abounds.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the County Clerk forward a copy of this Resolution to Governor Tony Evers, all members of the State Legislature, the Wisconsin Counties Association, and all other Wisconsin Counties.

Submitted by:  
LEGISLATIVE COMMITTEE

Consent Agenda - Resolution No. 238-062023 was pulled from the Consent Calendar by Supervisor Powers.

Motion by Supervisor Farrey, seconded by Supervisor Powers, to adopt. Vote on Resolution: AYES: 21; NAYES: 9 – Nichols, Gabert, Swan, Ernst, Zellmer, Schellenger, Buck, Hanson and Nelson; ABSTAIN: 3 – Eisen, Defferding and Albrecht; ABSENT: 3 – Floam, Gustafson and Zastera. FAILED. (Required three-fourths of members present to pass)

**18. Resolution No. 239-062023: Requesting the State of Wisconsin to Review and Revise the Compensation Rate for State Public Defenders and Require the State of Wisconsin to Reimburse Winnebago County the Hourly Rate That Has Been Appropriated by Wisconsin to Provide Required Counsel Coverage in Criminal Cases**

WHEREAS, criminal cases continue to rise due to a variety of factors with a backlog of 35,000 pending cases across the state due to a shortage of public defenders; and

WHEREAS, both the United States Constitution and the Wisconsin Constitution provide that persons accused of crimes have the right to counsel; and

WHEREAS, the Wisconsin Office of the Public Defender provides legal counsel to criminal defendants and other persons meeting income eligibility guidelines for services; and

WHEREAS, public defender offices do not have enough staff attorneys available or public defender assigned private attorneys willing to assist the Public Defender's office because of inadequate pay: 17 to 20 percent of staff attorney jobs are currently unfilled coupled with a shortage of private attorneys willing to take public defender cases; and

WHEREAS, this scenario results in increased costs to counties by requiring counties to pay significantly higher hourly rates for private attorneys to represent criminal defendants coupled with holding inmates in jail for longer periods of time pending court appointment of private attorneys, resulting in reduced efficiency of Courts and law enforcement, and delayed justice for victims; and

WHEREAS, the State Public Defenders (SPD) rate was adjusted downward in 1995 to \$40 per hour, making it the lowest private attorney rate in the nation. In January 2020, the SPD rate increased to \$70 per hour; and

WHEREAS, Wisconsin is the only state in the country with a state-funded, state-administered public defense system that requires counties to pay a higher rate for attorneys when the state cannot obtain counsel; and

WHEREAS, Wisconsin's Circuit Court system is a partnership funded with a mix of state general purpose revenue (GPR), court fees and surcharges, and county taxes; and

WHEREAS, in recent years, the partnership has frayed as counties have borne a growing share of the costs including the salaries and benefits of the clerks of circuit court and their employees, salaries and benefits for court commissioners, courtroom security personnel and equipment, office supplies, law libraries, and jury costs.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it supports providing sufficient resources to the Wisconsin Office of the Public Defender to ensure that the Wisconsin criminal justice system operates effectively and efficiently.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it supports an increase in the rate of reimbursement for assigned public defender appointments by private attorneys to a market rate that will help ensure prompt legal representation for criminal defendants and allow cases to be handled in a timely and efficient manner.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it supports requiring the State of Wisconsin to reimburse Winnebago County the hourly rate that has been appropriated by Wisconsin to provide required counsel coverage in criminal cases.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the County Clerk forward a copy of this Resolution to Governor Tony Evers, members of the Wisconsin State Assembly and State Senate, every county in the State of Wisconsin, and the Wisconsin Counties Association.

Submitted by:

LEGISLATIVE COMMITTEE

Consent Calendar - Resolution No. 239-062023 was pulled from the Consent Calendar by Supervisor Powers.

Motion by Supervisor Farrey, seconded by Supervisor Powers, to adopt. CARRIED BY VOICE VOTE.

**P. ADJOURNMENT**

Motion by Supervisor Albrecht, seconded by Supervisor Stafford, to adjourn until the Board's next meeting on Tuesday, July 18, 2023, at 6:00 p.m. The meeting was adjourned at 9:53 p.m.

Submitted by:

Cassie J. Smith-Gregor

Winnebago County Deputy Clerk

State of Wisconsin)

County of Winnebago) ss

I, Cassie J. Smith-Gregor do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held June 20, 2023.

Cassie J. Smith-Gregor

Winnebago County Deputy Clerk