

**WINNEBAGO COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, AUGUST 4, 2020**

Chairman Shiloh Ramos called the virtual ZOOM meeting of the Winnebago County Board of Supervisors to order at 6:00 P.M. from the Winnebago County Administration Building at 112 Otter Avenue, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and the invocation by Supervisor Locke.

The following Supervisors were present: 34 - Konetzke, Brunn, Borchart, Eisen, Ramos, Defferding, Lenz, Neuhoff, Nussbaum, Spellman, Albrecht, Gabert, Binder, Schorse, Bolante, Wingren, Lautenschlager, Norton, Warnke, Zellmer, Schellenger, Buck, Powers, Locke, Wise, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Joas. Excused: 2 - Konrad and Gordon.

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

PUBLIC HEARING

Fifteen people spoke in support of Resolution No. 056-082020: "Authorize the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Legalization and Decriminalization of Cannabis in the State of Wisconsin."

One person spoke in opposition to Resolution No. 056-082020: "Authorize the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Legalization and Decriminalization of Cannabis in the State of Wisconsin."

Five people spoke in support of Resolution No. 055-082020: "Authorize the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Enactment of Proposed Legislation to Support the Passage of an Amendment to the United States Constitution to Reclaim Democracy from the Expansion of Corporate Personhood Rights and the Corrupting Influence of Unlimited Political Contributions and Spending."

One person commented on past board meetings and the wearing of masks.

COMMUNICATIONS and PETITIONS

No correspondence for this meeting.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Farrey reported that the State of Wisconsin Conservation Board approved the Winnebago County Land and Water Resource Management Plan. If the Land Conservation Committee approves this, it will be forwarded to the full county board. The Executive Committee of the Winnebago Waterways Lake Management Plan met and approved a plan. It will be addressed at the Winnebago County Land Conservation Committee meeting and if approved will be brought to the county board.

Supervisor Gabert reported that demolition is done on the west wing of the airport terminal. Excavation has started for the new terminal. She reported that Oshkosh Corporation is parking vehicles on airport property to generate revenue for the County.

Supervisor Schorse reported that the Emergency Management mobile command vehicle is on schedule. It is expected to be delivered in August.

COUNTY EXECUTIVE'S REPORT

Executive Harris spoke in support of Resolution Nos. 050-082020; 051-082020; 052-082020; 053-082020 and 054-082020 from the Industrial Development Board and the Affirmative Action Commission. These are housekeeping action items that are needed to pull the money back from the State.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Ramos reported that Supervisors Konrad and Gordon are excused from tonight's meeting.

Chairman Ramos thanked Supervisor Jim Wise for his service to the Winnebago County Board of Supervisors. Supervisor Wise is resigning his position as he is leaving his district.

Chairman Ramos addressed discussions that he has had regarding County Board agendas and how they relate to County Board rules. His goal is to be transparent, fair and inclusive. He considers and listens to all voices of the board. Chairman Ramos commented on County Board rule number 7.0 and 7.1 regarding how resolutions can be presented to the board. He reminded the board of a comment from the March 17th county board meeting. "Social Distancing should be Physical Distancing". During this pandemic, we have to stay socially and virtually connected and be kind to each other.

COUNTY BOARD CHAIRMAN'S APPOINTMENT

East Central International Trade, Business and Economic Development Council (ITBEC)

Chairman Shiloh Ramos, asked for the Board's approval of his appointment of Paul Sundquist, 222 Hudson Avenue, Oshkosh and Amy Albright, Oshkosh Convention and Visitors Bureau, 100 North Main Street, Oshkosh; to the International Trade, Business and Economic Development Council (ITBEC) Board. Motion by Supervisor Snider and seconded by Supervisor Schorse to accept. CARRIED BY VOICE VOTE.

ZONING REPORTS AND ORDINANCES

No zoning reports or ordinances this month.

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 050-082020: Authorize Winnebago County to Submit an Application for Community Development Block Grant Monies

WHEREAS, federal monies are available under the Community Development Block Grant (CDBG) Program, administered by the Wisconsin Department of Administration (DOA), Division of Energy, Housing and Community Resources (DEHCR), for the purpose of the provision or development of a Public Facility Improvement for Winnebago County; and

WHEREAS, after public meeting and due consideration, the Industrial Development Board (IDB) has recommended that an application be submitted to the DOA for the County Highway Y Reconstruction Project; and

WHEREAS, it is necessary for the Winnebago County Board of Supervisors to approve the preparation and filing of an application for Winnebago County to receive funds from this Program; and

WHEREAS, the Winnebago County Board of Supervisors has reviewed the need for the proposed project and the benefits to be gained therefrom.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves and authorizes the preparation and filing of an application for the above-named project and that the Winnebago County Executive and the Winnebago County Clerk are authorized to sign all necessary documents on behalf of Winnebago County and that authority is granted to the Industrial Development Board to take the necessary steps to prepare and file the application for funds under this program in accordance with this Resolution.

Submitted by:

INDUSTRIAL DEVELOPMENT BOARD

Motion by Supervisor Keller and seconded by Supervisor Buck to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 051-082020: Create a Residential Anti-Displacement and Relocation Assistance Plan (RADRAP)

WHEREAS, in accordance with the Housing and Community Development Act of 1974, as amended, and HUD Regulations at 24 CRF 42.325, a Residential Anti-Displacement and Relocation Assistance Plan (RADRAP), prepared by Winnebago County, applicable to the Winnebago County Community Development Block Grant (CDBG) Project is created (see attached).

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby creates the attached Residential Anti-Displacement and Relocation Assistance Plan (RADRAP), which is made a part of this Resolution and incorporated herein by reference.

Submitted by:

INDUSTRIAL DEVELOPMENT BOARD

Motion by Supervisor Keller and seconded by Supervisor Buck to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 052-082020: Authorize the Adoption of a Citizen Participation Plan

WHEREAS, Winnebago County has applied for a Community Development Block Grant (CDBG); and

WHEREAS, the State of Wisconsin, Department of Administration (DOA) and the U.S. Department of Housing and Urban Development (HUD) require recipients of CDBG monies to have in place a Citizen Participation Plan; and

WHEREAS, the Citizen Participation Plan shall encourage citizen participation (especially by persons of low and moderate income), provide citizens reasonable and timely access to local meetings and information, provide for technical assistance, provide for public hearings, provide for complaint procedures, and accommodate non-English-speaking residents; and

WHEREAS, Winnebago County has prepared and publicly reviewed a Citizen Participation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby adopts the attached Citizen Participation Plan, which is incorporated herein by reference and made a part of this Resolution.

Submitted by:
INDUSTRIAL DEVELOPMENT BOARD

Motion by Supervisor Keller and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.

ORDINANCE NO. 053-082020: Repeal Section 11.15 Fair Housing, of the General Code of Winnebago County; and Create Section 11.16 of the General Code of Winnebago County to Adopt a Fair Housing Ordinance Relating to the Equal Rights of All Persons to Fair Housing and Providing Means for the Implementation and Enforcement Thereof

WHEREAS, §106.50, Wis. Stats., as amended, relates to the equal rights of all persons to fair and open housing, and provides a means for the implementation and enforcement thereof; and

WHEREAS, the Winnebago County Board of Supervisors recognizes its responsibilities under §106.50, Wis. Stats., as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein.

NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS: that it hereby repeals Section 11.15: Fair Housing; of the General Code of Winnebago County.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that it hereby creates Section 11.16 of the General Code of Winnebago County: Fair Housing, and adopts §106.50, Wis. Stats., as amended, and all subsequent amendments thereto, to read as follows:

11.16 FAIR HOUSING:

(1) Winnebago County hereby adopts §106.50, Wis. Stats., as amended, and all subsequent amendments thereto.

(2) The officials and employees of Winnebago County shall assist in the orderly prevention and removal of all discrimination in housing within Winnebago County by implementing the authority and enforcement procedures set forth in §106.50, Wis. Stats., as amended.

(3) The Winnebago County Clerk shall maintain forms for complaints to be filed under §106.50, Wis. Stats., as amended, and shall assist any person alleging a violation thereof in Winnebago County to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of §106.50, Wis. Stats., as amended.

Submitted by:
AFFIRMATIVE ACTION COMMISSION

Motion by Supervisor Youngquist and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 054-082020: Authorize Winnebago County to Commit Other Funds for the 2019 Community Development Block Grant CLOSE-PUBLIC FACILITIES (CL-PF) Application Related to Winnebago County's Participation in the Community Development Block Grant (CDBG) Program

WHEREAS, federal monies are available under the Community Development Block Grant Close-Public Facilities (CDBG, CL-PF) Program, administered by the State of Wisconsin Department of Administration, for the purpose of improvement of public facilities; and

WHEREAS, the Winnebago County Board of Supervisors has authorized the submission of a CDBG Public Facilities Application to the State of Wisconsin for the following project: County Highway Y Reconstruction; and

WHEREAS, adequate local financial funds (other funds) must be provided for the proposed Public Facility project by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the commitment of other funds to be used as outlined in the CDBG application, for the match amount of \$23,500 from the following secured source(s): Industrial Development Board 2020 Budget.

Submitted by:
INDUSTRIAL DEVELOPMENT BOARD

Motion by Supervisor Keller and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 055-082020:

Authorize the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Enactment of Proposed Legislation to Support the Passage of an Amendment to the United States Constitution to Reclaim Democracy from the Expansion of Corporate Personhood Rights and the Corrupting Influence of Unlimited Political Contributions and Spending

WHEREAS, the group “United to Amend” is seeking support from “We the People” of Winnebago County to reclaim democracy from the expansion of corporate personhood rights and the corrupting influence of unlimited political contributions and spending by placing an advisory referendum on the ballot during the November 2020 general election; and

WHEREAS, § 59.52(25), Wis Stats, allows for a county board to conduct a county-wide referendum for advisory purposes. A county-wide advisory referendum on the issue of whether or not to limit contributions by corporations, unions, and other artificial entities would provide guidance to the state legislature as to the will of the Winnebago County electorate on this issue. This resolution seeks authorization to conduct such a county-wide advisory referendum.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Winnebago County to conduct a county-wide advisory referendum to appear on ballots during the November 2020 general election; and that a concise statement of the question be given and shall read as follows:

Question: Should the state legislature enact proposed legislation to support passage of an amendment to the United States Constitution that seeks to reclaim democracy from the expansion of corporate personhood rights and the corrupting influence of unlimited political contributions and spending?

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Corporation Counsel to prepare a Notice of Referendum to be published by the Winnebago County Clerk in accordance with statutory requirements.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that this Resolution and the referendum shall be filed with the Winnebago County Clerk no later than 70 days prior to the election at which the question will appear on the ballot.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to forward a copy of this Resolution to the Winnebago County Corporation Counsel and the Winnebago County Executive in accordance with statutory requirements.

Submitted by:

MICHAEL NORTON, District 20

STEPHANIE J SPELLMAN, District 10

Motion by Supervisor Norton and seconded by Supervisor Snider to adopt. Supervisor Norton asked for roll call votes for this resolution and Resolution No. 056-082020. VOTE ON RESOLUTION: AYES: 27; NAYES: 4 – Brunn, Nussbaum, Wingren and Ellis; ABSTAIN: 1 – Schorse; ABSENT: 2 – Konrad and Gordon; NOT RECORDED: 2 – Konetzke and Albrecht. CARRIED.

RESOLUTION NO. 056-082020:

Authorize the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Legalization and Decriminalization of Cannabis in the State of Wisconsin

WHEREAS, criminalizing cannabis use has failed to curb its use, and more than 100 million Americans say they have used cannabis; and

WHEREAS, in a 2016 poll, 59 percent of Wisconsinites said that marijuana should be “fully legalized and regulated like alcohol,” and recent polls show a majority of Americans favor legalization of adult recreational use of marijuana; and

WHEREAS, according to a 2019 report of a non-partisan organization, the Prison Policy Institute, “Drug offenses still account for the incarceration of almost half a million people, and nonviolent drug convictions remain a defining feature of the federal prison system”; and

WHEREAS, in 2016, Federal Bureau of Investigation (FBI) data indicated that annually in Wisconsin 15,000 people are arrested for marijuana offenses; and

WHEREAS, the cost of incarcerations, including probation revocations, in Winnebago County is \$60 per day; and

WHEREAS, in 2016 a University of Wisconsin-Madison study concluded that it costs taxpayers \$439 for each marijuana arrest, meaning that the annual cost to arrest individuals for marijuana offenses is \$6.5 Million per year; and

WHEREAS, according to a 2015 report from the Vera Institute of Justice, the average cost per incarcerated persons in Wisconsin State Prisons annually is \$38,644, with marijuana compounding to other sentences; and

WHEREAS, marijuana offenses are still considered subject to felony conviction in the State of Wisconsin; and
WHEREAS, according to the Vera Institute of Justice using data from the Wisconsin Department of Corrections (DOC), the average cost of incarcerating first-time marijuana offenses is \$19,000 for a six-month sentence; and

WHEREAS, according to a 2019 report by the analytics company, New Frontier, “the impact of federally legal marijuana suggest that nationwide legalization could generate 1.1 million jobs by 2025,” and additional labor income will further economic growth almost immediately; and

WHEREAS, the Wisconsin State Legislature has failed to act on legislation to legalize and regulate cannabis and has not allowed hearings on such legislation; and

WHEREAS, legalizing and taxing cannabis could significantly increase state and local revenues; and

WHEREAS, an estimate of Congressional Research Service suggests that replacing cannabis prohibition with a system of taxation and regulation could yield \$6.8 billion in federal excise taxes alone; and

WHEREAS, Alaska, California, Colorado, Main, Massachusetts, Nevada, Oregon, and Washington have legalized adult personal use of marijuana and regulate the production, distribution, and sale of cannabis, while Vermont and the District of Columbia have legalized limited personal possession and cultivation of cannabis by adults; and

WHEREAS, the amount of time law enforcement spends enforcing existing cannabis laws and ordinances negatively impacts the time available to solve more serious crimes and apprehend more dangerous criminals; and

WHEREAS, cannabis prohibition makes product quality control and sales regulation impossible, leaving cannabis sellers free to target children as potential customers and to peddle potentially adulterated products; and

WHEREAS, according to the National Center for Biotechnology Information, studies have shown that THC from cannabis alleviates heroin and opioid addiction, thereby assisting in ending the opioid crises; and

WHEREAS, our current elected Governor recognizes the medical benefits of legal marijuana.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Winnebago County to conduct a countywide advisory referendum to appear on ballots during the November 2020 general election.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a concise statement of the question be given and shall read as follows:

Question: Cannabis Should:

(Please select one of the alternatives below or your vote will be invalid)

- (a) *Be legal for recreational use for adults 21 years of age and older, and legal for medical use, taxes and regulated similar to alcohol.*
- (b) *Be legal for medical purposes only.*
- (c) *Remain a criminally illegal drug as provided under current law.*
- (d) *None of the above.*

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Corporation Counsel to prepare a Notice of Referendum to be published by the Winnebago County Clerk in accordance with statutory requirements.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that this Resolution and the Referendum shall be filed with the Winnebago County Clerk no later than 70 days prior to the election at which the question will appear on the ballot.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to forward a copy of this Resolution to the Winnebago County Corporation Counsel and the Winnebago County Executive in accordance with statutory requirements.

Submitted by:

BRIAN DEFFERDING, District 6
STEPHANIE SPELLMAN, District 10
NICOLE NEUHOFF, District 8
STEVE LENZ, District 7
MICHAEL NORTON, District 20
KOBY SCHELLENGER, District 23

Motion by Supervisor Defferding and seconded by Supervisor Farrey to adopt.

After much discussion, motion by Supervisor Eisen and seconded by Supervisor Farrey to call for the question. Vote to Call for Question: AYES: 18; NAYES: 16 – Konetzke, Ramos, Gabert, Binder, Schorse, Wingren, Norton, Warnke, Schellenger, Powers, Locke, Finch, Youngquist, Rasmussen, Egan, and Ellis; ABSTAIN: 0; ABSENT: 2 – Konrad and Gordon. FAILED. This vote required two-thirds of the membership to pass.

Vote on Resolution: AYES: 16 – Eisen, Ramos, Defferding, Lenz, Neuhoff, Spellman, Bolante, Lautenschlager, Norton, Zellmer, Schellenger, Buck, Powers. Wise, Farrey and Snider; NAYES: 18; ABSENT: 2 – Konrad and Gordon. LOST.

Motion by Supervisor Albrecht and seconded by Supervisor Konezke to adjourn until the August 18, 2020 business meeting at 6:00 p.m. The meeting was adjourned at 8:27 p.m.

Submitted by:
Julie A. Barthels
Winnebago County Deputy Clerk

State of Wisconsin)
County of Winnebago) ss

I, Julie A. Barthels, 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 August 4, 2020.

Julie A. Barthels
Winnebago County Deputy Clerk