

**ADJOURNED SESSION
WINNEBAGO COUNTY BOARD OF SUPERVISORS
TUESDAY, AUGUST 21, 2018**

There will be an Adjourned Meeting of the Winnebago County Board of Supervisors on Tuesday, August 21, 2018, at 6:00 p.m., in the Supervisors' Room, Fourth Floor, Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin. At this meeting, the following will be presented to the Board for its consideration:

- Roll Call
- Pledge of Allegiance
- Invocation
- Adopt agenda

Time will be allowed for persons present to express their opinion on any resolution or ordinance that appears on the agenda, as well as, any matter over which this body has jurisdiction.

- Correspondence:
 - Scholarship thank you note from Evan Kubiak
 - Resolutions from other counties:
 - Adams County – Resolution 31-2018: Resolution in Support of Increased Public Defender Access and Pay
 - Barron County – Resolution No. 2018-23: Resolution Supporting Dark Store Loophole Referendum
 - Barron County – Resolution No. 2018-24: Resolution Urging the State of Wisconsin to Increase Compensation for Defense Counsel Assigned by the State Public Defender
 - Monroe County – Resolution 06-18-12: Resolution Authorizing An Advisory Referendum for Dark Store Tax Loopholes
 - Sawyer County – Resolution 2018-28: Urging the State of Wisconsin to Increase Compensation for Defense Counsel Assigned by the State Public Defender
 - Petition for Zoning Amendment – Randall B. Streblov, Town of Nekimi, rezoning from R-8/A-2 to A-2 for tax parcel nos. 012-0390(p) and 012-0391-23(p)
- Reports from Committees, Commissions & Boards
- Approval of the proceedings from the July 17, 2018 County Board meeting –**BEING SENT SEPARATELY**
- County Executive's Report
- County Executive's Appointments:
 - Aging and Disability Resource Center Committee – Rob Paterson, 530 North Main Street, Oshkosh
- County Board Chairman's Report
- Memorandum – "Interpretation of Rule 7.7 of the Rules of the Winnebago County Board of Supervisors" from Mary Anne Mueller, Winnebago County Corporation Counsel
- 2019 Purchase of Six Squad Cars – Sheriff John Matz

ZONING REPORTS & ORDINANCES

No zoning reports or ordinances this month.

RESOLUTIONS AND ORDINANCES

- | | |
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| RESOLUTION NO. 061-082018: | Commendation for Linda Kriz
Submitted by:
PERSONNEL & FINANCE COMMITTEE |
| RESOLUTION NO. 062-082018: | Approve Values on In-Rem (Tax Deed) Property
Submitted by:
PERSONNEL & FINANCE COMMITTEE |
| RESOLUTION NO. 063-082018: | Approve Transfer of Property to City of Neenah
Submitted by:
PERSONNEL & FINANCE COMMITTEE |

- RESOLUTION NO. 064-082018: Authorize the Transfer of \$175,000 from the Winnebago County Undesignated General Fund Account to the Winnebago County Park Capital Outlay Account for the Purpose of Acquiring a 20-Acre Parcel Adjoining the East Boundary of the Sunnyview Exposition Center
Submitted by:
PARKS & RECREATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 065-082018: Authorize Two (2) -Year Agreement Between Winnebago County and the State of Wisconsin Department of Health Services to provide Competency Restoration Services to Adult Defendants While Inmates in the Winnebago County Jail
Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE
- RESOLUTION NO. 066-082018: Authorize Payment of Excess Committee Days (April 1, 2017 through March 31, 2018)
Submitted by:
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 067-082018: Amend Rule 7.7 of the Rules of the Winnebago County Board of Supervisors
Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

Upon request, provisions will be made for people with disabilities.
(Times provided are estimates. Any item on the agenda may be taken up by the Board after 6:00 P.M.)

**PROCEEDINGS OF THE
WINNEBAGO COUNTY BOARD OF
SUPERVISORS**

**Adjourned Session
July 17, 2018**

**Winnebago County Courthouse
415 Jackson Street
Oshkosh, Wisconsin**

**Printed by authority of the Winnebago County Board
Shiloh Ramos, Chairman Susan T. Ertmer, Clerk**

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, JULY 17, 2018**

Chairman Shiloh Ramos called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, 415 Jackson Street, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance.

The following Supervisors were present: 33 - Koneczke, Brunn, Borchart, Eisen, Ramos, Defferding, Lenz, Smith, Hogan, Spellman, Albrecht, Gabert, Binder, Schorse, Wojciechowski, Gordon, Wingren, Lautenschlager, Norton, Warnke, Robl, Singstock, Powers, Locke, Wise, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, and Joas. Excused: 3 – Wallin, Buck and Snider.

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

PUBLIC HEARING

The following people spoke in opposition to Resolution No. 043-062018: "Authorize a Transfer of Funds of \$58,000 from the General Fund Contingency Account to the Sheriff's Department 2018 Budget for a Jail Expansion Study":

- Koby Schellinger – 1212 Otter Avenue, Oshkosh
- Bob Poeschl – 828 Washington Avenue, Oshkosh

The following people spoke in favor of Resolution No. 047-062018: "Support the Creation of a Nonpartisan Procedure of Legislative and Congressional Redistricting Plans":

- Susan Curran – 8726 County Road K, Omro
- Ann Marshall – 1120 Olson Avenue, Oshkosh
- Julie Lizotte – 448 Jefferson Street, Oshkosh

The following people spoke in favor of Resolution No. 050-062018: "Authorize the Winnebago County Clerk to Publish a Notice of a Referendum Regarding the Legalization and Decriminalization of Marijuana and the Implementation of a Tax on the Sale of Marijuana in the State of Wisconsin":

- Sandy Keberlein – 283 Arbutus Court, Omro
- Katie Schierl – 7529 Sunburst Lane, Neenah
- Terry Polish – N4698 Deerwoods Glen Road, Baraboo
- Brian Berg – 1040 Brookwood Drive, Neenah
- Mark Kelderman – W2457 Lomira Drive, Brownsville
- Shawn Kelderman – W2457 Lomira Drive, Brownsville
- Sandra Handel – 230 Brook Drive, Omro
- Dan Schierl – 7529 Sunburst Lane, Neenah
- Paul Schloemer – 201 W. Forest Avenue, Neenah
- Mike Shields – 938 N. Sawyer Avenue, Oshkosh
- Rachel Seidl – 3400 N. Gordon Place, Milwaukee
- Logan Luker – 223 N. Main Street, Oshkosh
- Cindy Kerwin – 130 Stoney Beach Road, Oshkosh
- Javier Ontiveros – 953 Hickory Lane, Neenah

The following person spoke in opposition of Resolution No. 050-062018: "Authorize the Winnebago County Clerk to Publish a Notice of a Referendum Regarding the Legalization and Decriminalization of Marijuana and the Implementation of a Tax on the Sale of Marijuana in the State of Wisconsin":

- Sharon Koerner – 709 Merritt Avenue, Oshkosh

The following person spoke in support of Resolution No. 060-072018: "Support a Constitutional Amendment to Allow Limits on Campaign Contributions and Conducting a Non-Binding Statewide Referendum":

- Katie Schierl, 759 Sunburst Lane, Neenah

COMMUNICATIONS AND PETITIONS

The following correspondence was presented to the board by Susan Ertmer, County Clerk:

- Thank you note received from Carson Kraus for the County Board scholarship that he received.
- Report from the Veterans' Service Office. A copy was also placed on Supervisors' desks
- Resolution from Dunn County – Resolution No. 52: "Urging the State of Wisconsin to Increase Compensation for Defense Counsel Assigned by the State Public Defender" was referred to the Legislative Committee

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Norton reported on his attendance to the NACo Conference held in Nashville, Tennessee, July 12 - 17, 2018. He highlighted some of the topics that were presented.

Supervisor Ellis commented on the Park View Health Center Newsletter and encouraged Supervisors to take time to read it.

Supervisor Finch reported on his attendance to LiFest. He felt it to be quite successful.

Supervisor Smith reported on his attendance to the Railroad Consortium meeting held July 11, 2018 in Juneau, WI.

Supervisor Powers reported on reactions received from persons attending LiFest. She received many pleasing comments.

Supervisor Gabert announced that EAA will be held July 23 – 29, 2018. She encouraged Supervisors to attend this event.

Motion by Supervisor Robl and seconded by Supervisor Albrecht to approve the proceedings from the June 19, 2018 county board meeting. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Mark Harris spoke in favor of the following resolutions:

- Resolution No. 043-062018: Authorize a Transfer of Funds of \$58,000 from the General Fund Contingency Account to the Sheriff's Department 2018 Budget for a Jail Expansion Study. Executive Harris is in favor of the study, but would like to investigate options to avoid expansion of the facility.

Executive Harris is in favor of the following resolutions:

- Resolution No. 054-072018: Authorize the Winnebago County Executive to Sign an Agreement of the Fox Valley Wisconsin Counties Consortium Under the Workforce Innovation and Opportunity Act.
- Resolution No. 058-072018: Request the Wisconsin State Legislature to Require an Audit of the Veterans Trust Fund, Detailing the Revenues Received, All Disbursements from the Veterans Trust Fund, and the Amount of Direct Benefits Paid to Veterans for Each Year Since 2014

COUNTY EXECUTIVE'S APPOINTMENTS

AGING AND DISABILITY RESOURCE CENTER COMMITTEE

Executive Harris asked for the Board's approval of his appointment of Tanisha Alvarado, 221 Oxford Street, Oshkosh and Jan Olson, 6497 Paulson Road, Winneconne to the Aging and Disability Resource Center Committee. Ms. Olson will replace Eileen Leinweber whose term expires August 31, 2021. This is a three-year term for Ms. Alvarado, which will expire August 31, 2021.

Motion by Supervisor Ellis and seconded by Supervisor Lautenschlager to approve. CARRIED BY VOICE VOTE.

WINNEBAGO COUNTY LAND RECORDS COUNCIL

Executive Harris asked for the Board's approval of his appointment of Robert Keller to the Winnebago County Land Records Council. Mr. Keller will be filling the unexpired term of Larry Kriescher which will expire May 31, 2020.

Motion by Supervisor Ellis and seconded by Supervisor Konetzke to approve. CARRIED BY VOICE VOTE.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Ramos reported that Supervisors Wallin, Buck and Snider are excused from tonight's meeting.

Chairman Ramos commended Sheriff Matz for his reading of the Declaration of Independence on the 4th of July at the Courthouse.

Chairman Ramos recognized the dedication of the Ken Robl Memorial Park to be held Wednesday, July 18 at the park located at 3396 Walter Street, Oshkosh.

Chairman Ramos expressed satisfaction with the survey from Park View Health Center. They received very high remarks from their survey.

SUNNYVIEW EXPOSITION CENTER PROPERTY PURCHASE PRESENTATION

Rob Way, Director of Winnebago County Parks, presented to the board the need to purchase additional land to expand the Sunnyview Exposition site. The Parks Department has submitted an offer to purchase a parcel of land adjacent to the expo grounds.

The Parks Department has seen an increase in size of the various horse shows that are held at the Expo Center. Camping space, trailer storage and electrical problems are some of the issues being faced due to the size of the shows. This limits the ability to host more than one activity at the Expo Center.

With the new stadium, it is anticipated that large scale concerts or festivals will be held at the Expo Center. As such, more land must be acquired around the Expo to diminish the chances for conflicting use of the Community Park,

promote safety for event attendees, as well as, park patrons, and to alleviate pressure on law enforcement to erect a formal staffed crossing area on East County Road Y.

The purchase of this land will benefit LiFest by providing more parking and/or camping spaces as this event continues to grow each year.

Mr. Way discussed the projected projects that have been included in the Master Plan for the Expo grounds that would include another building for horses, increased parking and camping space and a six acre wetland area that was requested from the family that is selling the property.

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

ZONING REPORTS & ORDINANCES

- Report No. 01 – A report from the Planning and Zoning Committee regarding a requested zoning change from Springbrook Sportsman's Club, Inc., Town of Omro; for tax parcel nos. 016-0288-01 and 016-0289. Motion by Supervisor Ellis and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
- Amendatory Ordinance No. 07/01/2018 – A requested zoning change from R-1/B-2 (Rural Residential/Community Business) to A-2 (General Agriculture) for tax parcel nos. 016-0288-01 and 016-0289. Motion by Supervisor Ellis and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: July 23, 2018)
- Amendatory Ordinance No. 2 – A requested zoning change from the Town of Vinland on behalf of Andrew Jaeger, et al, for zoning change from A-2 (General Farming District) to R-1 (Rural Residential District) for tax parcel no. 026-0300-12-02. Motion by Supervisor Farrey and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE. (Effective Date: July 23, 2018)
- Amendatory Ordinance No. 3 – A requested zoning change from the Town of Utica on behalf of Wesley Radloff, et al, for zoning change from A-2 (Agricultural District) to RR (Rural Residential Recreational Mixed Use) for tax parcel no. 024-0225-01-02. Motion by Supervisor Egan and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: July 23, 2018)
- Amendatory Ordinance No. 4 – A requested zoning change from the Town of Black Wolf on behalf of Kirk Versteegh for zoning change from A-2 (General Farming) to R-1 (Rural Residential) for tax parcel no. 004-0305-02-02. Motion by Supervisor Keller and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: July 23, 2018)
- Amendatory Ordinance No. 5 – A requested zoning change from the Town of Clayton on behalf of Karl Erdmann for zoning change from A-1 (Agribusiness Business District) to A-2 (General Agricultural District) for tax parcel no. 006-0834(p). Motion by Supervisor Farrey and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: July 23, 2018)
- Amendatory Ordinance No. 6 – A requested zoning change from the Town of Utica on behalf of Jeff Hunter for zoning change from A-2 (General Agricultural District) to RR (Rural Residential Recreational Mixed Use) for tax parcel nos. 024-0413-02, 024-0416 and 024-0416-01. Motion by Supervisor Egan and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: July 23, 2018)
- Amendatory Ordinance No. 7 – A requested zoning change from the Town of Winchester on behalf of Thomas Kolasinski for zoning change from R-1 (Rural Residential) to A-2 (General Agricultural District) for tax parcel no. 028-0839. Motion by Supervisor Joas and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE. (Effective Date: July 23, 2018)
- Amendatory Ordinance No. 8 – A requested zoning change from the Town of Oshkosh on behalf of Bill Monteith for zoning change from A-2 (General Farming District) to B-3 (General Business District) for tax parcel nos. 018-0586-27(p) and 018-0587-26(p). Motion by Supervisor Gabert and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE. (Effective Date: July 23, 2018)

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 043-062018: Authorize a Transfer of Funds of \$58,000 From the General Fund Contingency Account to the Sheriff's Department 2018 Budget for a Jail Expansion Study

WHEREAS, there has been a steady increase in the jail population, which has resulted in functional overcrowding; and

WHEREAS, this increase has occurred even as Winnebago County, through the Sheriff's Department and the Safe Streets Committee, has taken steps to reduce the jail population by implementing programs to provide alternatives to incarceration; and

WHEREAS, in 2011, an independent Jail Expansion Study to address jail overcrowding was completed; and

WHEREAS, due to an estimated shortfall of 173 beds by 2020, the 2011 Study recommended additional bed capacity be built at the current jail location; and

WHEREAS, your undersigned Committees recommend that an updated independent Jail Expansion Study be completed to determine the number and type of bed space required and/or other alternatives to incarceration; and

WHEREAS, the cost of the Jail Expansion Study is \$58,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer of \$58,000 from the General Fund Contingency Account to the Sheriff's Department's 2018 Budget to cover the cost of an independent Jail Expansion Study.

Submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Wingren and seconded by Supervisor Ellis to adopt.

Motion by Supervisor Norton and seconded by Supervisor Wojciechowski to refer back to committee. After much debate, motion by Supervisor Warnke and seconded by Supervisor Rasmussen to call to question. CARRIED BY VOICE VOTE.

Vote to refer back to Committee: AYES: 13 – Ramos, Defferding, Spellman, Gabert, Binder, Wojciechowski, Gordon, Lautenschlager, Norton, Singstock, Locke, Farrey and Egan; NAYES: 19; ABSTAIN: 0; ABSENT: 4 – Wallin, Robl, Buck and Snider. LOST.

After additional debate, motion by Supervisor Norton and seconded by Supervisor Lautenschlager to call the question on the original motion to adopt. CARRIED BY VOICE VOTE.

Vote on Resolution: AYES: 21; NAYES: 11 – Defferding, Lenz, Hogan, Spellman, Binder, Wojciechowski, Gordon, Lautenschlager, Norton, Singstock and Farrey. ABSTAIN: 0; ABSENT: 4 – Wallin, Robl, Buck and Snider. LOST. Required 2/3 of membership to pass.

RESOLUTION NO. 047-062018: Support the Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans

WHEREAS, pursuant to Article VI, Section 3, of the Wisconsin Constitution, the Legislature for the State of Wisconsin is directed to redistrict state legislative districts "according to the number of inhabitants" at its next session following the decennial federal census. The Wisconsin Legislature also reapportions congressional districts at the same interval pursuant to Federal Law; and

WHEREAS, because state and federal legislative redistricting is controlled by the majority party at the time of the redistricting, legislative and congressional plans in Wisconsin have been subject to partisan influence that places the desires of politicians ahead of the electoral prerogative of the people. Redistricting to achieve partisan gains is improper, whether it is done by a Republican-controlled or a Democratic-controlled legislature; and

WHEREAS, a panel of federal district court judges has ruled that redistricting in the State of Wisconsin in 2011 was unconstitutional. Legal costs in defense of redistricting in 2011 have already cost taxpayers in excess of \$2.1 million, and litigation is still ongoing; and

WHEREAS, the state and congressional districts belong to the citizens of Wisconsin and not to any legislator, interest group, or political party. The redistricting process should not be a tool used by those in power to protect and bolster their power, but should be designed with the best interests of Wisconsin's democracy and its citizens; and

WHEREAS, historically, Wisconsin's practice of redistricting by the majority party in each legislative chamber is an outdated practice that stifles political competition, discourages compromise, ensures continued control by the party in power, and lacks the transparency necessary to reinforce citizens' faith in the democratic process; and

WHEREAS, at this time, there is a critical need to restore trust, compromise, and fair competition to Wisconsin politics.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that before the start of the next redistricting process following the 2020 federal census, it hereby calls upon the Wisconsin State Legislature to pass legislation that creates a fair, nonpartisan procedure for the preparation of legislative and congressional redistricting plans, that promotes more accountability and transparency, prohibits the consideration of voting patterns, party information, and incumbents' residence information or demographic information in drawing the maps, except as necessary to ensure minority participation as required by the U.S. Constitution.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby advocates for an amendment to the Wisconsin Constitution giving the responsibility of legislative redistricting to a nonpartisan commission.

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 Wisconsin Counties Association, the Office of Governor Scott Walker, and all state senators and assembly members representing Winnebago County constituents.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Egan and seconded by Supervisor Ellis to adopt.

Motion by Supervisor Defferding and seconded by Supervisor Wingren to delete the word "except" from Line 33 of the resolution. CARRIED BY VOICE VOTE.

Vote on Resolution as Amended: CARRIED BY VOICE VOTE.

RESOLUTION NO 050-062018: Authorize the Winnebago County Clerk to Publish a Notice of a Referendum Regarding the Legalization and Decriminalization of Marijuana and the Implementation of a Tax on the Sale of Marijuana in the State of Wisconsin

WHEREAS, criminalizing marijuana use has failed to curb its use, and more than 100 million Americans say they have used marijuana; 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, the Wisconsin State Legislature has failed to act on legislation to legalize and regulate marijuana, and has not allowed hearings on such legislation; and

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

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

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

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

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

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 6, 2018, general election, and that a concise statement of the question be given and shall read as follows:

Question: Should the Wisconsin State Legislature enact proposed legislation that allows individuals 21 years of age and older to engage in the medical and recreational use of marijuana, while also regulating commercial marijuana-related activities including, but not limited to, imposing a tax on the sale of marijuana, and expunging marijuana-related crimes for those convicted in Wisconsin?

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. The question will appear on the ballot of the November 6, 2018, general election.

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:
AARON WOJCIECHOWSKI, District 16
MICHAEL NORTON, District 20
ANDY BUCK, District 24
TOM SNIDER, District 35
STEVE LENZ, District 7
JULIE GORDON, District 17

Motion by Supervisor Wojciechowski and seconded by Supervisor Norton to adopt. Motion by Supervisor Wojciechowski and seconded to amend his resolution by replacing lines 31 – 34 with the following verbage:

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

- (a) Be legal for adult use, taxed and regulated like alcohol?
- (b) Be legal for medical purposes only and available only by prescription through a medical dispensary?
- (c) Remain a criminally illegal drug as provided under current law?
- d) None of the above.

Motion by Supervisor Hogan and seconded by Supervisor Norton to amend Supervisor Wojciechowski's amendment by adding another line to read as follows:

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

- (a) Be legal for adult use, taxed and regulated like alcohol?
- (b) Be legal for medical purposes only and available only by prescription through a medical dispensary?
- (c) Be legal for adult use, taxed and regulated like alcohol and be legal for medical purposes and available only by prescription through a medical dispensary?
- (d) Remain a criminally illegal drug as provided under current law?
- (e) None of the above.

Vote on Supervisor Hogan's amendment: AYES: 19; NAYES: 10 – Konetzke, Brunn, Borchart, Smith Albrecht, Gabert, Schorse, Wingren, Singstock and Ellis; ABSTAIN: 2 – Wise and Rasmussen; ABSENT: 5 – Wallin, Robl, Buck, Finch and Snider. CARRIED.

After much debate, motion by Supervisor Farrey and seconded by Supervisor Norton to call for the question. CARRIED BY VOICE VOTE.

Vote on Amendment by Supervisor Wojciechowski as amended by Supervisor Hogan: AYES: 18; NAYES: 8 – Konetzke, Brunn, Borchart, Smith, Schorse, Wingren, Singstock and Ellis; ABSTAIN: 4 – Albrecht, Gabert, Wise and Rasmussen; ABSENT: 6 – Wallin, Robl, Buck, Locke, Finch, and Snider. CARRIED.

After additional debate, motion by Supervisor Ellis and seconded by Supervisor Rasmussen to call for question. CARRIED BY VOICE VOTE.

After discussion regarding Corporation Counsel and County Board Chairman's decision on the vote requirement for passage, motion was made by Supervisor Rasmussen and seconded by Supervisor Brunn to challenge the Chairman's ruling that only a majority vote is required on Resolution No. 050-062018 per County Board Rule 7.7. Vote on Challenge: AYES: 10 – Konetzke, Brunn, Borchart, Albrecht, Gabert, Schorse, Wingren, Rasmussen, Keller and Ellis; NAYES: 19; ABSTAIN: 1 – Wise; ABSENT: 6 – Wallin, Robl, Buck, Locke, Finch and Snider. FAILED. This required 2/3's of membership to pass.

Vote on Original Resolution as Amended: AYES: 14; NAYES: 13 – Konetzke, Brunn, Borchart, Eisen, Smith, Albrecht, Schorse, Wingren, Warnke, Singstock, Wise, Rasmussen and Ellis; ABSTAIN: 3 – Gabert, Youngquist and Joas; ABSENT: 6 – Wallin, Robl, Buck, Locke, Finch and Snider. LOST. Vote required majority of all members present.

RESOLUTION NO. 051-072018: Commendation for Leo Podoski

WHEREAS, Leo Podoski has been employed with the Winnebago County Department of Human Services for the past thirty-eight (38) years, and during that time has been a most conscientious and devoted County employee; and

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

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

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Leo Podoski.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 052-072018: Disallow Claim of Mega Rentals Inc

WHEREAS, your Personnel and Finance Committee has had the claim of Mega Rentals Inc referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Mega Rentals Inc, filed with the County Clerk on June 8, 2018, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 053-072018: Disallow Claim of American Family Insurance on behalf of Daniel C. and Maitrang L. Strong

WHEREAS, your Personnel and Finance Committee has had the claim of American Family Insurance on behalf of Daniel C and Maitrang L Strong referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of American Family Insurance on behalf of Daniel C and Maitrang L Strong, filed with the County Clerk on May 29, 2018, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 054-072018: Authorize the Winnebago County Executive to Sign an Agreement of the Fox Valley Wisconsin Counties Consortium Under the Workforce Innovation and Opportunity Act

WHEREAS, §66.0301(2), Wis Stats, provides “. . .any municipality may contract with other municipalities, for . . . the joint exercise of any power or duty required or authorized by law”; and

WHEREAS, the Counties of Winnebago, Calumet, Fond du Lac, Green Lake, Waupaca, and Waushara continue to have a mutual interest in a single-purpose Workforce Development Area (WDA), as defined in Public Law 113-128 of the Federal Workforce Innovation and Opportunity Act of 2014 (WIOA) for the purpose of increasing occupational skills, employment, job retention, and earnings, in an effort to reduce welfare dependency, improve quality, and enhance the productivity and competitiveness of the workforce within the boundaries of the WDA; and

WHEREAS, the WDA has reviewed and updated the current agreement; and

WHEREAS, your undersigned County Board Supervisor requests the Winnebago County Board of Supervisors to authorize the Winnebago County Executive to continue to serve as the chief elected official representing Winnebago County and sign said Agreement on behalf of Winnebago County; and

WHEREAS, the updated Consortium Agreement for the Chief Elected Officials of the Fox Valley Workforce Development Area is attached hereto and made a part of this Resolution and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive to execute the Agreement of the Fox Valley Wisconsin Counties Consortium under the Workforce Innovation and Opportunity Act.

Submitted by:
LARRY LAUTENSCHLAGER, District 19

Motion by Supervisor Lautenschlager and seconded by Supervisor Farrey to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 055-072018: Approve Values of Tax Deeded Property

WHEREAS Section 3.03(1)(a), of the General Code of Winnebago County requires that all tax deeded lands have their appraised value determined by the Personnel and Finance Committee and approved by the County Board of Supervisors; and

WHEREAS, the appraised value of said properties as provided by the Winnebago County Treasurer has been approved by your undersigned committee pursuant to Section 3.03(1)(a) of the General Code of Winnebago County and is herewith submitted to the Winnebago County Board of Supervisors for approval; and

WHEREAS, the parcel numbers, descriptions and the suggested appraised value of said tax deeded properties are as follows:

*TOWN OF CLAYTON
Parcel No. 006-0934
4520 Grandview Rd, Larsen
Previous Appraised Value \$60,000.00
Suggested Appraised Value \$35,000.00

CITY OF OSHKOSH
Parcel No. 904-0528
Formerly 670 Grand St, Oshkosh
Suggested Value \$8,000.00

CITY OF MENASHA
Parcel No. 702-0177
Formerly 115 Kaukauna St, Menasha
Suggested Appraised Value \$10,000.00

CITY OF OSHKOSH
Parcel 908-0530
803 Harney Ave, Oshkosh
Suggested Appraised Value \$20,000.00

*CITY OF MENASHA
Parcel No. 703-0861
267 Kaukauna St, Menasha
Previous Appraised Value \$35,000.00
Suggested Appraised Value \$20,000.00

*CITY OF OSHKOSH
Parcel No. 912-1005
1632 Ontario St, Oshkosh
Previous Appraised Value \$25,000.00
Suggested Appraised Value \$15,000.00

CITY OF MENASHA
Parcel No. 705-0303
Formerly 878 Second St, Menasha
Suggested Appraised Value \$10,000.00

CITY OF OSHKOSH
Parcel No. 914-0242
144 W 22nd Ave, Oshkosh
Suggested Appraised Value \$25,000.00

* reducing a previously established value

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the appraised values of the parcels of property listed above, which were acquired by the Winnebago County Treasurer for tax delinquency pursuant to an In Rem judgment.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 056-072018: Advocate the State Legislature to Prohibit the Use and Practice of Conversion Therapy to Minors Within the State of Wisconsin

WHEREAS, the Human Rights Campaign has rated Oshkosh 29th out of 100 in its 2017 Municipal Equality Index, which examines how inclusive state, county, and city laws, policies, and services are of the LGBTQ people who live and work in Oshkosh.

WHEREAS, conversion therapy is a practice that is detrimental to the mental, emotional, and physical well-being of LGBTQ individuals; and

WHEREAS, "conversion therapy" means any practice that seeks to change an individual's gender expression, gender identity, or sexual orientation, including efforts to change behaviors or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex; and

WHEREAS, "conversion therapy" does not include counseling or therapy that provides acceptance, support, and understanding of the individual or the facilitation of an individual's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, or counseling for an individual seeking to transition from one gender to another.

WHEREAS, California, Connecticut, District of Columbia, Hawaii, Illinois, Maryland, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington, have all banned conversion therapy for minors in their states; and

WHEREAS, 34 cities and/or counties including Milwaukee, WI, have passed local conversion therapy bans.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that Winnebago County hereby advocates the prohibition of conversion therapy practices for individuals under 18 years of age in the State of Wisconsin.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby supports the implementation of a ban against the use of conversion therapy practices for individuals under the age of 18 pursuant to amendments to the Wisconsin State Statutes and Administrative Code rules.

BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to forward this Resolution to the Wisconsin Counties Association, the Office of Governor Scott Walker, and all state legislators and assembly members representing Winnebago County constituents.

Submitted by:
AARON WOJCIECHOWSKI, District 16

Motion by Supervisor Wojciechowski and seconded by Supervisor Powers.

Motion by Supervisor Rasmussen and seconded by Supervisor Ellis to postpone indefinitely until Corporation Counsel can review and provide clarification of County Board Rule 7.7.

Motion by Supervisor Norton and seconded by Supervisor Gabert to amend Supervisor Rasmussen's amendment to read as postpone until the August 21, 2018 meeting. Vote on Postponing to August 21, 2018: AYES: 11 – Defferding, Hogan, Spellman, Gabert, Wojciechowski, Norton, Singstock, Powers, Farrey, Egan and Joas; NAYES: 18; ABSTAIN: 1 – Borchart; ABSENT: 6 – Wallin, Robl, Buck, Locke, Finch and Snider. LOST.

Motion by Supervisor Norton and seconded to call for question.

Vote on motion to postpone indefinitely until Corporation Counsel can review and provide clarification of County Board Rule 7.7. AYES: 18; NAYES: 12 – Borchart, Eisen, Defferding, Smith, Spellman, Albrecht, Wojciechowski, Gordon, Lautenschlager, Norton, Warnke and Powers; ABSTAIN: 0; ABSENT: 6 – Wallin, Robl, Buck, Locke, Finch and Snider. CARRIED.

RESOLUTION NO. 057-072018: Authorize a Three (3)-Year Extension of the Inmate Telephone Services Agreement Between Winnebago County and Inmate Calling Solutions LLC

WHEREAS, the Winnebago County Sheriffs Department desires to extend the agreement with Inmate Calling Solutions LLC for an additional three (3) years for the purpose of providing telephone services to inmates at the Winnebago County Jail; and

WHEREAS, Amendment Number 3 to the Inmate Telephone Services Agreement, along with the original Inmate Telephone Services Agreement, is attached hereto and made a part of this resolution by reference; and

WHEREAS, said agreement provides that Winnebago County shall be paid a commission of 83.1% of the gross revenue for all call types generated from the County's service locations plus the remaining 16.9% on the first \$50,000 of debit usage each term year of the Agreement. Commissions shall be based on a minimum annual guarantee (MAG) for gross call revenue of \$300,000 for each Agreement term year. The MAG shall be reconciled annually against actual gross call revenue and, if applicable, any commission shortfall paid within 30 days following each such term year; and

WHEREAS, your undersigned Committee recommends the approval of a three-year extension to the Agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to execute the attached Amendment Number 3 to the Inmate Telephone Services Agreement between Winnebago County and Inmate calling Solutions LLC for the provision of telephone services to inmates at the Winnebago County Jail, pursuant to those terms contained within the Agreement and Amendment.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said Agreement shall run from the date when the Agreement is executed through October 31, 2021.

Submitted by:

JUDICIARY AND PUBLIC SAFETY COMMITTEE

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

RESOLUTION NO. 058-072018: Request the Wisconsin State Legislature to Require an Audit of the Veterans Trust Fund, Detailing the Revenues Received, All Disbursements from the Veterans Trust Fund, and the Amount of Direct Benefits Paid to Veterans for Each Year Since 2014

WHEREAS, the Wisconsin Department of Veterans Affairs (WDVA) paid a significant amount of benefits directly to individual veterans from the Veterans Trust Fund prior to 2009; and

WHEREAS, the Veterans Trust Fund was funded primarily by interest income from loans made to Veterans, and the WDVA discontinued the loan programs between 2010 and 2013; and

WHEREAS, in recent years the Veterans Trust Fund has been funded largely by transfers of reserves from King Veterans Home, including nine (9) million dollars in December 2016 and 13 million dollars scheduled in each year of this biennium; and

WHEREAS, direct benefits to the Veterans have been reduced to very small amounts and the detail of these benefits is no longer readily available to the public.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby requests the State Legislature to require an audit of the Veterans Trust Fund, detailing the revenues received by and all disbursements from the Veterans Trust Fund and the amount of direct benefits paid to veterans for each year since 2014.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this Resolution be forwarded to all Wisconsin Legislators.

Submitted by:

LEGISLATIVE COMMITTEE

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

RESOLUTION NO. 059-072018: Authorize Support of Increased Public Defender Access and Pay

WHEREAS, criminal cases continue to rise due to a variety of factors including increased drug crimes; and
WHEREAS, both the United States Constitution and the Constitution of the State of Wisconsin provide that persons accused have the right to counsel; and

WHEREAS, in Wisconsin, the Office of the Public Defender provides counsel to those persons meeting income eligibility guidelines for services; and

WHEREAS, judges are being forced to appoint counsel at county expense for persons for whom the public defender cannot find representation due to a lack of available counsel as a result of the low compensation rate; and

WHEREAS, this results in costs to counties to appoint counsel, increased costs to jail persons held before trial pending appointment of counsel, and a delay in obtaining justice for victims; and

WHEREAS, the rate of compensation for private bar attorneys has not been increased since 1995 and currently is the lowest hourly rate in the nation; and

WHEREAS, this has created a burden on the courts and Wisconsin counties.

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

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby supports increasing the rate of reimbursement for assigned counsel attorneys to a market rate that will ensure the prompt appointment of counsel and will ensure that cases are handled in a timely and efficient manner.

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 Office of Governor Scott Walker, the Wisconsin Counties Association, and all state senators and assembly members representing Winnebago County constituents.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Egan and seconded by Supervisor Farrey to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 060-072018: Support a Constitutional Amendment to Allow Limits on Campaign Contributions and Conducting a non-Binding Statewide Referendum

WHEREAS, free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, the appearance of buying access to candidates or influencing policy, governance, and judicial decisions because of large outsider donations erodes voter confidence in our elections and democracy; and

WHEREAS, Winnebago County has an interest in protecting itself and its citizens against intrusions on local control by mitigating the influence of money and privileged access in state and federal elections; and

WHEREAS, the US Supreme Court's decisions in *Citizens United* and related cases allow unlimited spending by certain groups known as Super-PACS to influence local, state, and federal elections; and

WHEREAS, the above-mentioned US Supreme Court cases have:

- granted corporations, unions, non-profits, and other manmade entities (such as Super-PACS) the same constitutional protections given only to individual human beings by the framers of the constitution; and
- declared money to be "free speech"; and

WHEREAS, Winnebago County municipalities have called upon the Winnebago County Board of Supervisors to support their resolutions supporting a constitutional amendment to allow limits on campaign contributions and conducting a non-binding statewide referendum.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby calls upon our elected state assembly representatives and senators, and the Wisconsin State Legislature, to hold a non-binding statewide referendum asking the voters if they wish the State of Wisconsin to support an amendment to the US Constitution stating:

1. Only human beings are endowed with individual constitutional rights, not corporations, unions, non-profits, or artificial entities (such as Super-PACS).
2. Money is not speech and, therefore, limiting political contributions and spending is not equivalent to limiting political speech.

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 Office of Governor Scott Walker, the Wisconsin Counties Association, and all state senators and assembly members representing Winnebago County constituents.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Egan and seconded by Supervisor Farrey to adopt. CARRIED BY VOICE VOTE.
NAYES: 1 - Konetzke

Motion by Supervisor Albrecht and seconded by Supervisor Farrey to adjourn until the August 21, 2018 meeting at 6:00 p.m. The meeting was adjourned at 10:15 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 July 17, 2018.

Julie A. Barthels
Winnebago County Deputy Clerk

MARK L. HARRIS
County Executive

112 OTTER AVE., P. O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808



Winnebago County
Office of the County Executive

OSHKOSH (920) 232-3450
FOX CITIES (920) 727-2880
FAX (920) 232-3429

TO: Members of the Winnebago County Board
FROM: Mark L. Harris
DATE: August 21, 2018
SUBJECT: Appointment to the **AGING AND DISABILITY RESOURCE CENTER COMMITTEE**

Subject to your approval, I am hereby making the following appointment to the **AGING AND DISABILITY RESOURCE CENTER COMMITTEE**.

Rob Paterson
530 N. Main St., Apt. 103
Oshkosh, WI. 54901

Mr. Paterson replaces Mike Norton whose term has expired.

This is a three (3) year term which will expire August 31, 2021.

Thank you in advance for your favorable consideration of this appointment.

Mark L. Harris, County Executive

MLH/jpf
CC: County Clerk
Aging and Disability Resource Center Committee

1 061-082018

2 **RESOLUTION: Commendation for Linda Kriz**

3

4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5

6 **WHEREAS**, Linda Kriz has been employed with the Winnebago County District Attorney’s Office for the
7 past forty-three (43) years, and during that time has been a most conscientious and devoted County employee; and

8 **WHEREAS**, Linda Kriz has now retired from those duties, and it is appropriate for the Winnebago County
9 Board of Supervisors to acknowledge her years of service.

10

11 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
12 appreciation and commendation be and is hereby extended to Linda Kriz for the fine services she has rendered to
13 Winnebago County.

14

15 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
16 Linda Kriz.

17

18 Respectfully submitted by:
19 **PERSONNEL AND FINANCE COMMITTEE**

20

21 Committee Vote: **5-0**

22 Vote Required for Passage: **Majority of Those Present**

23

24

Approved by the Winnebago County Executive this _____ day of _____, 2018.

25

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27

28

Mark L Harris
Winnebago County Executive

1 **062-082018**

2 **RESOLUTION: Approve Values on In-Rem (Tax Deed) Property**

3
4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5 **WHEREAS** Section 3.03(1)(a), of the General Code of Winnebago County requires that all tax deeded lands
6 have their appraised value determined by the Personnel and Finance Committee and approved by the County Board
7 of Supervisors; and

8 **WHEREAS**, the parcel numbers, descriptions and the suggested appraised value of said tax deeded
9 properties are as follows:

10	*TOWN OF OMRO	TOWN OF OMRO
11	Parcel No. 016-0317	Parcel No. 016-1122
12	Vacant Lot on Leonard Point Rd, Oshkosh	Vacant Lot on Ormand Beach Ct, Oshkosh
13	Suggested Appraised Value \$22,000.00	Suggested Appraised Value \$15,000.00
14		
15	*TOWN OF OMRO	TOWN OF OMRO
16	Parcel No. 016-0331	Parcel No. 016-1129
17	Vacant Lot on Leonard Point Rd, Oshkosh	Vacant Lot on Lakeland Dr, Oshkosh
18	Suggested Appraised Value \$49,000.00	Suggested Appraised Value \$15,000.00
19		
20	TOWN OF OMRO	*TOWN OF OMRO
21	Parcel No. 016-1121	Parcel No. 016-1133
22	Vacant Lot on Ormand Beach Ct, Oshkosh	Vacant Lot on Lakeland Dr, Oshkosh
23	Suggested Appraised Value \$15,000.00	Suggested Appraised Value \$2,500.00

24
25 *Should be sold together; and

26
27 **WHEREAS**, the appraised value of said property as provided by the Winnebago County Treasurer
28 has been approved by the undersigned Committee as is required by Section 3.03(1)(a) of the General Code of
29 Winnebago County and is herewith submitted to the Winnebago County Board of Supervisors for approval.

30
31 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
32 approves the appraised values of the parcels of property listed above, which were acquired by the Winnebago
33 County Treasurer for tax delinquency pursuant to an In Rem judgment.

34
35 Respectfully submitted by:

36 **PERSONNEL AND FINANCE COMMITTEE**

37 **Committee Vote: 5-0**

38 Vote Required for Passage: **Majority of Those Present**

39

40

41 Approved by the Winnebago County Executive this ____ day of _____, 2018.

42

43

44

45

Mark L Harris
Winnebago County Executive

1 **063-082018**

2 **RESOLUTION: Approve Transfer of Property to City of Neenah**

3
4

5 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

6 **WHEREAS**, the property taxes for property in the City of Neenah located at 1231 South Commercial Street
7 have been delinquent for the years 2008 to 2017; and

8 **WHEREAS**, Winnebago County had not perfected title to this property, that had housed a dry cleaning
9 business for a number of years, due to an extensive history with the Department of Natural Resources dating back to
10 1999; and

11 **WHEREAS**, pursuant to §75.17, Wis Stats, Winnebago County received a request from the City of Neenah
12 to proceed with tax foreclosure on the property; and

13 **WHEREAS**, pursuant to §75.17, Wis Stats, Winnebago County may either retain ownership to the property
14 or, if the County does not wish to retain ownership, transfer ownership to the City of Neenah for no consideration.

15
16 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
17 authorizes the Winnebago County Treasurer to proceed with transferring ownership of the property described as
18 1231 South Commercial Street, Neenah, WI 54956, to the City of Neenah for no consideration.

19

20 Respectfully submitted by:

21 **PERSONNEL AND FINANCE COMMITTEE**

22 Committee Vote: **5-0**

23 Vote Required for Passage: **Majority of Those Present**

24

25 Approved by the Winnebago County Executive this ____ day of _____, 2018.

26

27

28 _____
29 Mark L Harris
Winnebago County Executive

1 064-082018

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RESOLUTION: Authorize the Transfer of \$175,000 from the Winnebago County Undesignated General Fund Account to the Winnebago County Park Capital Outlay Account for the Purpose of Acquiring a 20-Acre Parcel Adjoining the East Boundary of the Sunnyview Exposition Center

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

10 **WHEREAS** over the past two decades Winnebago County has experienced major growth in the number and
11 variety of program events taking place at the Sunnyview Exposition Center; and

12 **WHEREAS**, the number of people attending these events has risen to such an extent that the amount of
13 space needed to support the added programming and parking needs has begun to exceed available land at the
14 Sunnyview Exposition Center; and

15 **WHEREAS**, trends for horse shows in the upper mid-west have shown that the promoters running these
16 types of programs have been consolidating their events by choosing to band together and conduct larger shows at
17 fewer locations; and

18 **WHEREAS**, because of its popularity, the Sunnyview Exposition Center has been benefiting from the
19 aforementioned consolidation both in terms of added revenue and having a very stable base of clientele booking the
20 facility year-after-year; and

21 **WHEREAS**, in order to prevent possible conflicts as horse shows continue to grow, and as large programs
22 begin using the new Stadium venue as well as the Exposition Building, it is necessary that additional land near the
23 Sunnyview Exposition Center be acquired as a means of accommodating these increasing demands; and

24 **WHEREAS**, as with other types of entertainment venues similar to the Sunnyview Exposition Center where
25 programming characteristics include events that may be loud and involve an influx of traffic and people into the area,
26 it is advisable that, whenever possible, managers of such properties consider acquisition of surrounding land(s) in
27 order to create buffers between their venue and nearby residences to provide distance between neighbors and
28 increase safety; and

29 **WHEREAS**, given the real estate listing of a 20-acre parcel, available for the first time in over fifty years,
30 adjoining the east side of the Sunnyview Exposition Center, it is appropriate that Winnebago County proceed to
31 purchase the aforementioned parcel; and

32 **WHEREAS**, this 20-acre parcel, with approximately 14 acres of relatively flat open field space, would provide
33 an excellent means for relieving the looming parking and camping space shortage and allow for the establishment of
34 a safety and noise buffer between the Expo Center and adjacent private properties.

35
36 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
37 authorizes the transfer of \$175,000 from the Winnebago County Undesignated General Fund Account to the
38 Winnebago County Park Capital Outlay Account for the purpose of acquiring a 20-Acre Parcel adjoining the east
39 boundary of the Sunnyview Exposition Center, identified as Parcel Number 018-0278.

40
41 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that in accordance with the
42 terms entered in the Netzer family counter offer dated May 30, 2018, the county shall maintain the approximate
43 6-acre area immediately surrounding a pond in the north west corner of Parcel Number 018-0278 in a natural

44 conservancy style state with limited development, with the area to be used for recreational enjoyment and
45 conservation education purposes, and with a plaque and/or memorial bench dedicated to Donald Netzer to be placed
46 in an appropriate location near the site.

47

48 **FISCAL IMPACT:** The Undesignated General Fund Account will be reduced by \$175,000.

49

50

51 Respectfully submitted by:

52 **PARKS & RECREATION COMMITTEE**

53 Committee Vote: **4-0**

54 Respectfully submitted by:

55 **PERSONNEL & FINANCE COMMITTEE**

56 Committee Vote: **4-1**

57 Vote Required for Passage: **Two-Thirds of Membership**

58

59 Approved by the Winnebago County Executive this ____ day of _____, 2018.

60

61

62

63

Mark L Harris
Winnebago County Executive

SUNNYVIEW EXPOSITION CENTER PROPERTY PURCHASE

Recall that during last month's County Board meeting the Parks Department delivered a presentation that expounded upon the reasons why consideration should be given towards approving the \$175,000 funding needed to purchase a 20 acre parcel of farmland adjoining the east boundary of the Expo Center. The explanations for those reasons were contained within the summary document included in last month's packet and herein provided again for your reference (see Attachment "A").

It was also during last month's presentation that questions were raised by Board members regarding several facets of the purchase. In response, I have included below the various questions that I felt still needed to be addressed along with an accompanying answer:

Question – Why hasn't the search for added property included land to the northwest of the expo?

Answer – The need for additional property is mainly driven by the attempt to counter some of the recurring problems we are having with the increasing program sizes of the horse shows. With the continued growth of these shows their footprint on the grounds has likewise gotten larger, particularly along the east side of the main parking lot. Our goal is to free-up the main parking lot from use by the large RVs and horse show trailers so that a promoter renting the expo building and/or the stadium will no longer have to employ extraordinary measures to work around large rigs taking-up key areas of the parking lot. Because of its remoteness, acquisition of property to the northwest of the expo would not help this situation whereas purchasing property along the east boundary would allow horse show parking to be expanded out in that direction.

Question – Is the subject property considered a landlocked parcel?

Answer – The answer to the question of whether-or-not the property is considered to be landlocked is relative to the position of the seller and the party purchasing the property. Specifically, property is considered to be landlocked if the purchaser is someone who does not own any of the acreage adjoining the parcel. However, if the land abuts the property of the potential buyer, it is not considered to be landlocked and therefore it is not uncommon for the seller to demand a higher asking price from the buyer.

Question – Because several different inquiries were made about the property concerning the financial aspects of acquiring it, I felt it would work best to bundle the answers into a single summary sheet that provides a profile of revenues vs. expenses (see Attachment "B").

Rob Way
Winnebago County Parks & Expo Director

Attachment "A"

(originally provided the County Board - July 17, 2018)

Identified as Parcel #0180278 and owned by the Netzer family for over 55 years, this 20 acre lot has been on the market since November. Last month the County decided to submit an *Offer to Purchase* for the north parcel that abuts the east boundary of the Expo Center. Although the County's *Offer to Purchase* was rejected by the Netzer family, a counter offer soon followed. The \$175,000 counter offer subsequently fell within the range of what the County felt was acceptable and the processes required to have the matter go before the County Board for consideration have since moved forward.

The reasons why the County is in need of acquiring added land along the eastern border of the Expo Center are as follows:

1. The various horse shows that have long been the mainstay of summer programming and revenue at the Expo Center have been increasing in size. Because these shows are now bringing in more and more RVs, campers and horse trailers onto the site, staff is beginning to struggle with where to park these large rigs so they do not interfere with other programs using the main parking lot and causing electrical overloads in some areas. The electrical hook ups within the main horse show area are tapped out as far as adding more plug-ins and the 11 acre area to the east has room on its panel for growth as well as the capacity to extend the electrical service further to the east, as necessary. In particular, the department's chief concern is that once the new stadium begins to regularly attract crowds of 4,000+ for grandstand shows, the main parking lot will have to assume a bigger role in accommodating the parking for these shows as well as events using the exposition building. These circumstances will force management to have to move horse show parking and camping into the limited space presently available on the east side of the Expo. As these horse shows continue to grow this limited space will quickly be used up and there will be no additional areas left unless new land is added to the east.
2. Because of the growth of the horse shows, it is anticipated that there likely will be a future need to build another barn on site, which has been in long range plans for over a decade. With nowhere else to put it, the building will likely be installed in what is presently an open field area on the northeast side of the property currently being used for RV camping purposes. Given this eventuality, this pending loss of space will further exacerbate the need to come up with more horse show camping and general parking accommodations.
3. In the coming years it is anticipated that with the potential for the new stadium to attract one or two large scale concerts or festivals to the Expo grounds, there will be an overwhelming need to accommodate crowd sizes of 30,000 or more people. In order to avoid the logistical conflicts that are likely to develop if the Community Park were to be regularly used as a back-up location for overflow parking at the Expo, it is management's aim to attempt to contain as much of the Expo related parking to areas situated on the north side of E. County Road Y. As such, more land must be acquired around the Expo to diminish the chances for conflicting use of the Community Park, promote safety for event attendees as well as park patrons, and to alleviate pressure on law enforcement to erect a formal staffed crossing area on East County Road Y.

4. Concerning the continued unprecedented growth being experienced by Life Promotions for Lifest, building of the new stage within the stadium has managed to free-up several new acres of camping in the front portion of the Expo which in all probability will be used up well ahead of schedule because of the higher than anticipated demand for camping space. It had originally been calculated that with relocation of the stage inside of what is now the stadium, Life Promotions would have a 10 year supply of land available to be able to address its increasing camping needs; this was based on a 6% per year growth rate.

As circumstances would have it, the most recent numbers taken from Life Promotion's 2018 Lifest camping projections indicate that there has been a 15% increase in camping reservations. Thus, with this year's growth in camping alone, Life Promotions is already nearly two years ahead of where the organization is supposed to be in accounting for available camping space at the Expo. Further, more land is needed to not only accommodate projected growth in camping, but also general daily parking needs as well as it is anticipated that a 12% rise in general daily attendance will take place in 2018.

5. Recently, the Parks Department initiated the beginning phases of updating the Sunnyview Expo Center Master Plan. As an early finding of that process it has been determined that one of the primary facility needs that must be addressed is to both improve and expand the hard surface parking areas at the facility. Unfortunately, one of the main challenges that will need to be confronted in this process will be to come-up with new areas of the grounds to devote towards handling of the increased storm water run-off produced by the expanded hard surface areas. With land use at the Expo already at a premium, it is management's contention that the best means for dealing with the rise in storm water volume will be to purchase new land for retention purposes. Given this contingency, it is perhaps fortuitous that the Netzer family's counter offer includes with it a requirement that the County keep a 6 acre wetland area within the parcel in the same type of natural theme as it had originally been designed and developed into by Dr. Donald Netzer and that it be dedicated in memory of Dr. Netzer by show of a plaque or memorial bench. In having this 6 acre wetland area it will allow the County to more easily accommodate and account for the increased storm water run-off derived from added hard surface areas.

Since the key use intended for the added property revolves around addressing the increasing need for more camping and parking space, it is anticipated that over the next several years a 14 acre area within the 20 acre parcel will need to be converted from cropland to turf; this will mirror the conditions maintained within other camping areas built on porous surfaces. Consequently, it will require between two-to-three years of development before it will be viable to use for camping purposes. It is estimated that given this three year schedule, the total conversion cost will come-out to approximately \$21,000 (labor, material and equipment included) most of which will be completed using in house resources and the County Highway Department.

Lastly, it is to be noted that this property coming on the market is a once in a generation opportunity to purchase land to buffer the Expo grounds from what may eventually become conflicting development. Further, the purchase of the Expo west annex property in 1993, former Sportsman's Park, proved to be invaluable for continued growth of events taking place on the grounds. It is anticipated that purchase of the Netzer property will be equally prudent.

Rob Way
Winnebago County Parks & Expo Director

Attachment "B"

REVENUES & EXPENSES ASSOCIATED WITH NETZER PROPERTY PURCHASE

REVENUES

Forecast of probable financial effects attributable to purchase of the Netzer property.

1. Local economic impact derived from booking of Pyrotechnic Guild International Convention (PGI) at Expo Center beginning 2020:

- a. Additional rental fee income of \$80,294 for week-long PGI event plus potential extended 9 year agreement covering 3 more PGI conventions –

Total All 4 Conventions 2020 - 2029 = \$321,176

- b. Impact on local economy (see attached Exhibit "A" Economic Impact of the 2012 PGI Convention - LaPorte County Indiana) –

Total All 4 Conventions 2020 - 2029 = \$10,724,024

LOCAL ECONOMIC IMPACT OF PGI EVENT 2020 - 2029 = \$11,045,200

2. Revenue generated through show rentals of Netzer property beginning 2020:

- a. Given 3 large horse shows that utilize the west 4 acres at \$100 per use –

Annual Revenue = \$300

- b. Given 2 large horse shows that utilize both the west 4 acres and the east 10 acres at \$200 per use –

Annual Revenue = \$400

- c. Given 2 large concerts plus Lifest that utilize both the west 4 acres and the east 10 acres at \$200 per use –

Annual Revenue = \$600

TOTAL ANNUAL RENTAL REVENUE = \$1,300

3. Speculation on scenarios affecting potential added revenues – timeline(s) unknown:

- a. Given 3 large horse shows that utilize Barn F at \$550 per day with each show being 4 days long –

Potential Annual Revenue = \$6,600

- b. Potential lost revenue associated with rejection of medium size stadium event due to constriction of available rental property (not including stage income or local economic impact) –

Potential Annual Revenue = \$13,000

- c. Local economic impact generated through development of a Barn F and attracting of an additional 212 horse show attendees for each of 3 large horse shows (impact estimate based on non-hotel stays with \$90 spent per attendee per average 4 day stay or \$19,080 per horse show) –

Potential Annual Local Economic Impact = \$57,240

TOTAL POTENTIAL ANNUAL ADDED REVENUES = \$76,840(not included below)

TOTAL POTENTIAL REVENUES 2020 - 2029 = \$11,046,500

EXPENSES

Purchase of Netzer property:

TOTAL = \$175,000

Estimated expenditures following 3 years of property development (includes labor, equipment and materials):

- Grading, tilling and rolling,
- Seeding
- Fertilizing
- Installation of 3 culverts

TOTAL = \$36,000

Estimated annual maintenance expenditures (includes labor, equipment and materials):

- Mowing
- Fertilizing
- Turf repairs
- Trimming
- Misc.

TOTAL = \$2,800

TOTAL EXPENSES 2018 - 2029 = \$241,800

Exhibit "A"

ECONOMIC IMPACT OF THE 2012 PYROTECHNICS GUILD INTERNATIONAL CONVENTION

Prepared for:

**LaPorte County Convention
& Visitors Bureau**

Prepared by

**Certec Inc.
Versailles, Kentucky**

September 2012

Certec Inc.©

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EXECUTIVE SUMMARY

A detailed examination of the expenditure and tax impacts generated by visitors to the 2012 Pyrotechnics Guild International Convention has been conducted for the LaPorte County Convention & Visitors Bureau. This event was held August 12-17, 2012 at the LaPorte County Fairgrounds. The major findings of the research follow:

- Non-local visitors to the event contributed \$3.5 million to LaPorte County's economy in 2012. Direct expenditures by travelers to the event accounted for \$2.3 million of this total.
- These visitors generated over \$921,100 in tax revenues to government - \$338,600 to the state government, \$182,400 to the local government, and \$400,100 to the federal government.
- The event-generated jobs provided nearly \$805,000 in wages to LaPorte County workers.
- Expenditures by category showed that shopping, food and beverage, and lodging accounted for over eight out of every ten dollars spent.
- Over half of the attendees to the convention are from Wisconsin, Illinois, Michigan, and Minnesota.
- The typical visitor is most likely a college graduate. Another one in four have attended college but not graduated.
- Over two in four are professionals. Another one in five is retired.
- Over three-fifths (61.5 percent) of the attendees to PGI are on a vacation. Eight in ten are on their first visit to the county. Seven in ten attended the last PGI Convention.

INTRODUCTION

Tourism is a key component of the LaPorte County economy. A recent study for the LaPorte County Convention and Visitors Bureau determined that tourism generated \$572.3 million in economic impact for the county in 2010. Direct expenditures by tourists accounted for \$454.8 million of this total. The county's conventions and meetings are an important part of the local tourism industry. The purpose of this study is to quantify the economic impact of the 2012 Pyrotechnics Guild International Convention by examining visitation to the event and then determining the expenditures and tax revenues that accrued to the local economy from these travelers in the current year. This convention was held August 12-17, 2012 at the LaPorte County Fairgrounds.

ECONOMIC IMPACT

Expenditures

The PGI Convention has an important impact on the economy of the area. The non-local visitors to the event generated an infusion of \$3.5 million to the local economy (Table 1). The initial round of expenditures, i.e. the direct expenditures, accounted for two-thirds of this spending (\$2.3 million). The multiplier effect on the economy of these initial purchases generated the indirect spending -- \$1.2 million.

This spending directly benefits key elements of the tourism industry infrastructure. These include the convention itself, restaurants, shopping centers and other retail outlets, and automobile service stations. The distribution of the direct expenditures in LaPorte County among these businesses is reflected in Chart 1. Retail shopping accounts for over 49 percent of the expenditures made in the county. Food and beverage businesses receive nearly 21 percent of these dollars. Lodging establishments also benefit substantially from this spending—14 percent of the total. Automobile service stations and attractions, including but not limited to the convention, each take in seven percent of the direct

expenditures. Souvenir vendors receive two percent of these expenditures. However, a number of other businesses throughout the local and regional economies also experience increased revenues as a result of the event, particularly through the multiplier effect of the initial round of spending.

The PGI convention visitor spending stimulates non-tourist businesses, such as agriculture, fishing, meatpacking, food processing, brewing and distilling, bottling, floriculture, construction and appliance, furniture and linen manufacture. For example, demand for hotel rooms can create demand for the service of contractors, which generates secondary demand for steel, bricks, lumber, tile, marble, glass, plumbing and air conditioning systems, elevator cars, carpets, and a variety of other goods. Similarly, tourist demand for restaurant meals creates business not only for restaurants, but for producers and packagers of fresh and frozen foods, butchers, dairies, and ultimately, for manufacturers of farm implements and fertilizers. This business activity also creates demand for professional services such as insurance, legal, and accounting.

The nature of tourism expenditures is such that they are not confined to a limited geographic area. Tourists make purchases as they travel to and from their destination. While at an event, such as the PGI, they make additional purchases when they visit other attractions, retail outlets, and points of interest in the surrounding area. It is this tourist behavior that will result in substantial additional spending in LaPorte County outside of this convention.

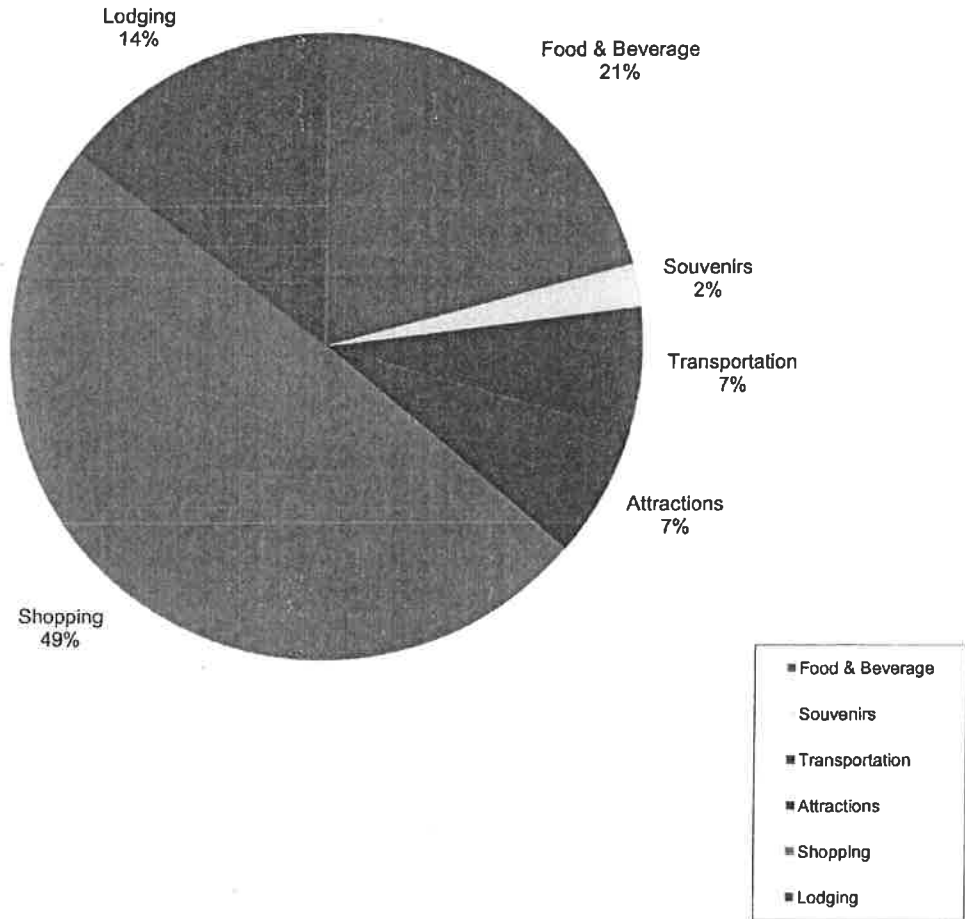
Table 1

**ECONOMIC IMPACT OF THE VISITATION TO
THE 2012 PYROTECHNICS GUILD INTERNATIONAL CONVENTION**

Total Expenditures	\$3,522,782
Direct Expenditures	\$2,355,588
Indirect Expenditures	\$1,167,194
Total Wages	\$ 804,855
Total Taxes	\$ 921,176
State Taxes	\$ 338,599
Local Taxes	\$ 182,459
Federal Taxes	\$ 400,118
Jobs	47

Chart 1

Travel Expenditures by Category



Total Expenditures = \$2,355,588

Certec Inc.
Versailles, KY

Wages

The expenditures of travelers are the business receipts of the establishments patronized. A portion of these revenues is used by the businesses to pay their employees. Every dollar spent by travelers to the PGI convention produced an average of 22.8 cents in wage and salary income. The total wage and salary income generated by visitors and paid by local businesses was nearly \$805,000 (Table 1). These wages supported 47 jobs.

Tax Revenues

Tourism and travel activity generates state, local, and federal taxes. A total of nearly \$338,600 in Indiana state taxes, over \$182,400 in local taxes, and over \$400,100 in federal taxes were collected as a result of the spending by the attendees and fireworks visitors to the event (Table 1). The \$921,100 in taxes are a part of the \$3.5 million in total spending.

Findings From Visitor Survey

The visitor survey results presented below should be interpreted with caution. They are based on a research sample that had a ± 10.0 percent sampling variability. Had the purpose of this survey been to document the event's market, instead of measuring visitor spending, a much larger sample of visitors would have been obtained.

The 2012 PGI Convention derived a majority of its attendees from four states:

- Wisconsin
- Illinois
- Michigan
- Minnesota.

These states accounted for over half of the attendees to the convention. The event also received participants from other states including Indiana, Missouri, Massachusetts, New Jersey, Ohio, Texas and Iowa. In all, thirty-two states were represented at the convention.

The strongest state markets for the event were, in rank order:

1)	Wisconsin	16.2%
2)	Illinois	14.4
3)	Michigan	14.4
4)	Minnesota	6.3

Demographics

The typical attendee to the PGI convention was most likely to be a college graduate (56.5 percent). Over one in four had attended college but not graduated (27.8 percent). The visitor was also most likely to be working in a professional/technical occupation (44.9 percent). Another one in five is retired (21.5 percent).

DEMOGRAPHICS OF VISITORS TO THE PYROTECHNICS GUILD INTERNATIONAL CONVENTION

EDUCATION

College Graduate	33.3%
Some College	27.8
Post-Graduate	23.2
High School Graduate	14.8
Some High School	0.9

OCCUPATION

Professional	44.9%
Retired	21.5
Craftsman	11.2
Manager	9.3
Personal Service	5.6
Sales	2.8
Laborer	1.9
Clerical	1.9
Construction	0.9

Trip Characteristics

The visitation the convention enjoys was derived primarily from attendees on a vacation (61.5%). Another 30.3 percent of the visitors stated they were on a business/convention trip. Eight in ten (83.3%) of the travelers to the PGI meeting were on their first visit to the county.

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Seven in ten (69.7%) had attended the last PGI Convention. Overall, visitors have taken an average of 1.4 trips to the area in the past two years. The typical travel party had an average of 2.7 people. The average length of stay in the area was 7.2 days.

The most frequently mentioned activities that visitors participated in while in the area are dining (38.5%), shopping (16.4%), visit museums (2.7%), gaming (1.8%), visit the dunes/lake (1.8%), and beach/swimming (0.9%). Visitors participated in an average of 1.8 activities in addition to the convention.



SUNNYVIEW EXPOSITION CENTER

Winnebago County



1 065-082018

2 **RESOLUTION: Authorize Two (2)-Year Agreement Between Winnebago County and the**
3 **State of Wisconsin Department of Health Services to Provide**
4 **Competency Restoration Services to Adult Defendants While Inmates in**
5 **the Winnebago County Jail**

6
7
8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

9 **WHEREAS**, §971.14(5)(a)1., Wis Stats, provides that a Court shall commit a criminal Defendant that it finds
10 not competent to proceed but likely to become competent if provided with appropriate treatment to the custody of the
11 Department Of Health Services for treatment for a period of time; and

12 **WHEREAS**, §971.14(5)(a)1. Wis Stats, also provides that the Department of Health Services shall determine
13 whether the Defendant will receive treatment in an appropriate institution designated by the Department; and

14 **WHEREAS**, the Department of Health Services has determined that treatment of certain individuals may be
15 appropriate in a county's jail setting; and

16 **WHEREAS**, your undersigned Committee supports treatment of designated inmates in the custody of the
17 Winnebago County Jail who have been determined by the court to be not competent to proceed at trial, but likely to
18 become competent if treatment is provided; and

19 **WHEREAS**, according to the terms of the proposed Agreement, attached hereto and made a part of this
20 Resolution herein by reference, Winnebago County would provide, at its own expense, the care and treatment it
21 would otherwise provide to any inmate in the jail, and the Department of Health Services would reimburse
22 Winnebago County for professional mental health services to inmates in furtherance of the inmate's court-ordered
23 treatment to competency; and

24 **WHEREAS**, according to the terms of the proposed Agreement, Winnebago County would agree to provide
25 access in the Jail to the designated jail inmates for health services staff for the purpose of providing treatment.

26
27 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
28 authorizes the Winnebago County Executive and the Winnebago County Clerk to execute Voluntary Agreement
29 between the State of Wisconsin Department of Health Services and Winnebago County for the purpose of providing
30 competency restoration to appropriate inmates in the Winnebago County Jail.

31
32 Respectfully submitted by:

33 **JUDICIARY AND PUBLIC SAFETY COMMITTEE**

34 Committee Vote: **3-0**

35 Vote Required for Passage: **Majority of Those Present**

36
37 Approved by the Winnebago County Executive this ____ day of _____, 2018.

38
39 _____
40 Mark L Harris
41 Winnebago County Executive

Scott Walker
Governor



DIVISION OF CARE AND TREATMENT SERVICES

1 WEST WILSON STREET
PO BOX 7851
MADISON WI 53707-7851

Linda Seemeyer
Secretary

State of Wisconsin
Department of Health Services

Telephone: 608-266-2717
Fax: 608-266-2579
TTY: 711 or 800-947-3529

May 29, 2018

Dear:

Thank you for the opportunity to share the Department of Health Services (DHS) programming updates at the Jail Administration Meeting on April 24, 2018. Connecting clients with the mental health treatment services they need is a priority for all of us and I appreciate your willingness to learn about our current efforts to address mental health institution waitlists.

DHS believes state and county systems can reduce the waiting period for forensic treatment by beginning treatment to competency services in county jails. Jail-Based Competency Restoration (JBCR) engages individuals in mental health treatment as soon as possible and can subsequently shorten the length of stay within inpatient settings. Currently, the average length of inpatient stay for an individual undergoing treatment to competency at the mental health institutions is 107 days. The waiting period for admission is approximately 45 days. If treatment to competency services were initiated within the county jail setting, the subsequent inpatient length of stay could be reduced by approximately 30-40 days. Clearly this promising practice has a positive impact on inpatient capacity.

JBCR strives to provide competency restoration services to adult defendants in the least restrictive setting, assisting each participant in learning about the court system, how to help in his/her defense, and how to make rational decisions throughout the court process. These programmatic options have helped to reduce the admission list as well as the time clients spend within the mental health institutes. Since 2016, 77 clients have been served and program staff project to serve 102 people through June 30, 2018. On average these clients spend 34 fewer days at the mental health institutes than those who did not receive access to the program. Nine counties have agreed to utilize DHS contracted staff, Behavioral Consultants, Inc. to provide competency restoration treatment to jail inmates: Ashland, Brown, Dane, Eau Claire, Jefferson, Marathon, Outagamie, Racine, and Waukesha.

I am enclosing an agreement which outlines the DHS interest in offering treatment to competency services in jail settings. I believe these services offer advantages for county sheriff's departments and correctional populations. Please contact me with questions at Beth.Dodsworth@wisconsin.gov or 608-267-7705.

Sincerely,

Beth Dodsworth, LCSW
Director, Bureau of Community Forensic Services

Enclosure: County Agreement

**VOLUNTARY AGREEMENT
BY AND BETWEEN THE STATE OF WISCONSIN
DEPARTMENT OF HEALTH SERVICES,
AND
_____ County [Sheriff] for
Competency Restoration in _____ County Jail**

This Agreement ("Agreement") is made and entered into by and between the State of Wisconsin Department of Health Services ("DHS"), and _____ County, Wisconsin ("the County"), hereinafter collectively referred to as "the parties."

WHEREAS, Wis. Stat. § 971.14(5)(a)1. provides that a Court shall commit a criminal Defendant that it finds not competent to proceed but likely to become competent to DHS for custody and treatment to competency; and,

WHEREAS, that statute provides that the DHS shall determine whether the defendant may appropriately receive treatment to competency in a County jail; and,

WHEREAS, the DHS has determined that treatment to competency of certain individuals may be appropriate in the County's Jail.

NOW, THEREFORE, in consideration of the mutual responsibilities and considerations set forth herein and in any Exhibits attached hereto and incorporated herein by reference, DHS and County agree as follows:

1. TERM OF AGREEMENT

The Term of this Agreement is from **June 1, 2018 to June 1, 2020**.

2. SCOPE OF THIS AGREEMENT

The Agreement and any Exhibits and/or Attachments to this Agreement constitute the entire understanding between the parties. The order of precedence is as follows: a. Laws, regulations and policies of the State.

b. This Agreement, including all exhibits, attachments, appendices, and addenda to the Agreement. Any conflict in terms shall be governed by the highest listed source.

3. FUNDING

Payment for services provided in accordance with the terms of this Agreement shall not exceed \$_____.

County and the DHS agree to renegotiate this Agreement or any part thereof in such circumstances as:

- Significant reduction in the monies available affecting the substance of this Agreement;
- Changes required by court action, or by changes to State law or regulations that substantially change the type of services delivered under this Agreement;
- Implementation of any new program or policy initiative that is not specifically mandated by Federal or State laws, rules or regulations.

Failure to agree to a renegotiated Agreement under these circumstances is cause for termination of this Agreement.

4. DESCRIPTION OF WORK

This Agreement supports treatment to competency of designated inmates in the custody of the County Jail who have been determined by the Court to be not competent to proceed at trial, but likely to become competent if treatment is provided.

a. The County shall provide, at its own expense, the care and treatment it would otherwise provide to any inmate in the Jail.

- b. DHS will reimburse the County for professional mental health services provided by the County or its subcontractors in furtherance of the inmate's Court-ordered treatment to competency. Mental health services include psychotropic medications the County provides to the inmate which have been prescribed by a qualified physician, and psychiatric evaluations by the County or its subcontractors in furtherance of the inmate's mental health care. Appendix A, attached, outlines reimbursement for allowable mental health services. Any services beyond those outlined in Appendix A must be approved by the DHS contract administrator.
- c. The County also agrees to provide access in the Jail to the designated Jail inmates for DHS staff and/or DHS subcontractors for purposes of providing treatment in furtherance of the Court ordered treatment to competency. The County agrees to provide a suitable space in the jail for treatment to competency programming to occur, this space should support individual counseling between the Jail inmate and the provider of service.

5. INVOICING AND PAYMENTS

Invoices will be provided to DHS on a monthly basis. The Invoice shall note services and medications provided. Payment shall be for all services and medications approved by DHS during that period, as detailed in Appendix A.

a. Invoice and Payment Schedule

Invoices will be submitted by the County to the DHS Agreement Administrator. Invoices must be detailed on an individual inmate basis.

b. Allowable Costs

DHS will reimburse the County for the costs in accordance with Appendix A, attached hereto. Invoices must include the cost of any psychotropic medication provided.

6. CANCELLATION AND TERMINATION

a. Termination for Cause

Either party may terminate this Agreement after providing the other party with ten (10) calendar day's written notice of the right to cure a failure to perform under the terms of this Agreement unless the other party cures its failure within the 10 day notice period.

Upon the termination of this Agreement each party shall be released from all obligations to the other party arising after the date of the termination or expiration, except for those that by their terms survive such termination or expiration.

b. Termination for Convenience

Either party may terminate this Agreement at any time, without cause, by providing a written notice to the other party at least ninety (90) days in advance of the intended date of termination.

In the event of termination for convenience by the County, the County shall be entitled to receive compensation for any payments owed under the Agreement only for deliverables that have been approved and accepted by DHS. Treatment to competency of the inmates in the Jail shall continue under this Agreement and the inmates will remain in the custody of the Jail, if and until DHS, in its sole discretion, makes other provision for the inmates.

C. Compensation

In the event of termination for convenience by DHS, the County shall be entitled to receive compensation for any payments owed under the Agreement for deliverables that have been approved and accepted by

DHS and may be compensated for partially completed Services that have value for DHS going forward. In this event, the County may be compensated only for the actual services provided.

DHS shall be entitled to a refund for services paid for but not received or implemented, such refund to be paid within 30 days' written notice to the County requesting the refund.

7. NON-APPROPRIATION

DHS reserves the right to cancel this Agreement in writing, in whole or in part, without penalty, if the Wisconsin Legislature, United States Congress, or any other direct funding entity contributing to the financial support of this Agreement fails to appropriate funds necessary to complete the Agreement. The County reserves the right to cancel this Agreement in writing, in whole or in part, without penalty, if the Brown County Board of Supervisors fails to appropriate funds necessary to complete the Agreement.

8. CONFIDENTIAL, PROPRIETARY, AND PERSONALLY IDENTIFIABLE INFORMATION

In connection with the performance of work hereunder, it will be necessary for DHS to disclose to County certain information that is considered to be Confidential, Proprietary, or containing Personally Identifiable Information ("Confidential Information"). The County shall not use such Confidential Information for any purpose other than the limited purposes set forth in this Agreement, and all related and necessary actions taken in fulfillment of the obligations herein. The County shall hold all Confidential Information in confidence, and shall not disclose such Confidential Information to any persons other than those directors, officers, employees, and agents who have a business-related need to have access to such Confidential Information in furtherance of the limited purposes of this Agreement and who have been apprised of, and agree to maintain, the confidential nature of such information in accordance with the terms of this Agreement.

In connection with the performance of work hereunder, it will be necessary for County to disclose to the DHS certain information that is considered to be Confidential, Proprietary, or containing Personally Identifiable Information ("Confidential Information"). The DHS shall not use such Confidential Information for any purpose other than the limited purposes set forth in this Agreement, and all related and necessary actions taken in fulfillment of the obligations herein. The DHS shall hold all Confidential Information in confidence, and shall not disclose such Confidential Information to any persons other than those directors, officers, employees, and agents who have a business-related need to have access to such Confidential Information in furtherance of the limited purposes of this Agreement and who have been apprised of, and agree to maintain, the confidential nature of such information in accordance with the terms of this Agreement.

Indemnification: In the event of a breach of this Section by County, County shall indemnify and hold harmless the DHS and the State and any of its officers, employees, or agents from any claims arising from the acts or omissions of the County, and its Subcontractors, employees and agents, in violation of this Section, including but not limited to, disallowances or penalties from federal oversight agencies, and any court costs, expenses, and reasonable attorney fees, incurred by the State in the enforcement of this Section.

In the event of a breach of this Section by the DHS, the DHS shall indemnify and hold harmless the County and any of its officers, employees, or agents from any claims arising from the acts or omissions of the DHS, and its Subcontractors, employees and agents, in violation of this Section, including but not limited to, disallowances or penalties from federal oversight agencies, and any court costs, expenses, and reasonable attorney fees, incurred by the County in the enforcement of this Section.

Equitable Relief: The County acknowledges and agrees that the unauthorized use, disclosure, or loss of Confidential Information may cause immediate and irreparable injury to the individuals whose information is disclosed and to the DHS, which injury will not be compensable by money damages and for which there is not an adequate remedy available by law. Accordingly, the parties specifically agree that the DHS, in its own behalf or on behalf of the affected individuals, may seek injunctive or other equitable relief to prevent or curtail any such

breach, threatened or actual, without posting security and without prejudice to such other rights as may be available under this Agreement or under applicable law.

The DHS acknowledges and agrees that the unauthorized use, disclosure, or loss of Confidential Information may cause immediate and irreparable injury to the individuals whose information is disclosed and to the County, which injury will not be compensable by money damages and for which there is not an adequate remedy available by law. Accordingly, the parties specifically agree that the County, in its own behalf or on behalf of the affected individuals, may seek injunctive or other equitable relief to prevent or curtail any such breach, threatened or actual, without posting security and without prejudice to such other rights as may be available under this Agreement or under applicable law.

9. NOTICE AND CHANGE OF CONTACT INFORMATION

Any notice required or permitted to be given hereunder shall be deemed to have been given on the date of delivery or three (3) Business Days after mailing by postal service, certified or registered mail-receipt requested. In the event the County updates contact information, the County shall inform DHS of such change in writing within ten (10) Business Days. DHS shall not be held responsible for payments delayed due to the County's failure to provide such notice. In the event the DHS updates contact information, the DHS shall inform County of such change in writing within ten (10) Business Days.

10. EXAMINATION OF RECORDS

DHS shall at any time during normal business hours, upon reasonable notice, have access to and the right to examine, audit, excerpt, transcribe, and copy, on County's premises, any of the County's records involving transactions directly pertinent to this Agreement. If the material is on computer data storage media, the County shall provide copies of the data storage media or a computer printout of such if DHS so requests. Any charges for copies of books, documents, papers, records, computer data storage media or computer printouts provided by the County shall not exceed the actual cost to the County. This provision shall survive the termination, cancellation, or expiration of this Agreement.

11. APPLICABLE LAW

This Agreement shall be governed by the laws of the State of Wisconsin. The County shall at all times comply with and observe all federal and state laws, rules and regulations, and policies and procedures relating to the provisions of services under this Agreement.

12. BREACH NOT WAIVER

A failure to exercise any right, or a delay in exercising any right, power or remedy hereunder on the part of either party shall not operate as a waiver thereof. Any express waiver shall be in writing and shall not affect any event or default other than the event or default specified in such waiver. A waiver of any covenant, term or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition. The making of any payment to the County under this Agreement shall not constitute a waiver of default, evidence of proper County performance, or Acceptance of any defective item or work furnished by the County.

13. AGREEMENT AMENDMENT

This Agreement may not be modified or amended except by mutual Agreement of both parties in writing.

14. SEVERABILITY

If any provision of this Agreement is found by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement shall remain valid and in full force and effect. The invalid provision shall be replaced by a valid provision that comes closest in intent to the invalid provision.

15. SOVEREIGN IMMUNITY

Nothing in this Agreement shall be construed to constitute a waiver of the State’s sovereign immunity under the Eleventh Amendment to the United States Constitution and Article IV, Section 27 of the Wisconsin Constitution.

16. ENTIRE AGREEMENT

This Agreement, including all documents incorporated herein by reference, constitutes the final and complete Agreement of the Parties in connection with the subject matter hereof, and supersedes all prior and contemporaneous Agreements, understandings, negotiations, and discussions, whether oral or written, by the Parties. This Agreement shall be construed as a fully integrated Agreement. There are no warranties, representations, or Agreements among the parties in conjunction with the subject matter hereof, except as specifically set forth or referred to herein.

17. RESPONSIBILITY FOR ACTIONS

The County shall be solely responsible for its actions and those of its agents, employees, or Subcontractors under this Agreement, and neither the County nor any of the foregoing parties has authority to act or speak on behalf of DHS. The DHS shall be solely responsible for its actions and those of its agents, employees, or Subcontractors under this Agreement, and neither the DHS nor any of the foregoing parties has authority to act or speak on behalf of the County.

18. STATE TAX EXEMPTION

DHS is exempt from payment of Wisconsin sales or use tax on all purchases.

19. FORCE MAJEURE

Neither party shall be in Default by reason of any failure in performance of this Agreement in accordance with reasonable control and without fault or negligence on their part. Such causes may include, but are not restricted to, acts of nature or the public enemy, acts of the government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather, but in every case, the failure to perform such must be beyond the reasonable control and without the fault or negligence of the party.

20. PARTIES’ CONTACT INFORMATION

Communications to either the County or DHS shall be provided in the manner(s) indicated herein. The parties reserve the right to make changes to the contact information by giving ten (10) days’ written notice to the other.

County Program Manager	Name: Address: Phone: Email:
DHS Agreement Administrator	Name: Holly Audley Address: 1 W. Wilson St. Rm 850, Madison, WI 53707 Phone: 608-266-2862 Email: HollyO.Audley@dhs.wisconsin.gov

This Agreement may be executed in two or more counterparts, each of which will be deemed an original.

IN WITNESS WHEREOF, DHS and the County have executed this Agreement as of the day and year first above written.

County Representative

Date

Printed Name

DHS Representative

Date

Holly O. Audley

Printed Name

APPENDIX A

The Department of Health Services will reimburse the County for costs of mental health services provided by the County (or County contracted healthcare provider) while the inmate is in the custody of the County Jail.

Services eligible for reimbursement include psychiatric evaluations, medication monitoring, other supportive mental health services including crisis intervention services, and psychotropic medications. Services need to be provided by qualified professional staff.

Reimbursement Rates

<u>Service</u>	<u>Reimbursement Rate</u>
Psychiatric Evaluation (including documentation)	\$200 for the Evaluation
Medication Monitoring (including documentation)	\$50 per 15 minute service
Supportive Mental Health Services crisis services)	Dependent upon credential level of (including provider; Reimbursed based on Wisconsin Medicaid rates (see www.forwardhealth.wi.gov)
Psychotropic Medications	Actual cost

1 066-082018

2 **RESOLUTION: Authorize Payment of Excess Committee Days (April 1, 2017, through**
3 **March 31, 2018)**
4

5 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

6 **WHEREAS**, § 59.13(2)(b), Wis Stats, allows that in counties with a population of 25,000 persons or more,
7 the Board of Supervisors may, by a two-thirds vote of the members present, increase the number of days for
8 compensation and mileage that may be paid in any year and fix the compensation for each additional day or portion
9 thereof; and

10 **WHEREAS**, your undersigned Committee recommends that a per diem payment be made for those
11 committee members who have committee days in excess of 30 days for the period between April 1, 2017, and
12 March 31, 2018.

13
14 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
15 approves a per diem compensation of for persons serving on committees for more than 30 days as is shown in the
16 attached report, which is hereby made a part of this Resolution, for the period of April 1, 2017, and March 31, 2018.

17
18 Respectfully submitted by:

19 **PERSONNEL AND FINANCE COMMITTEE**

20 Committee Vote: **5-0**

21 Vote Required for Passage: **Two-Thirds of Those Present**

22
23 Approved by the Winnebago County Executive this ____ day of _____, 2018.

24
25 _____
26 Mark L Harris
27 Winnebago County Executive

**YEAR END REPORT FOR ASSIGNED COMMITTEE DAYS IN EXCESS OF 30: APRIL
1, 2017 - MARCH 31, 2018**

BOARD MEMBERS	COMMITTEE MEETINGS		TOTAL ASSIGNED COMMITTEE DAYS	TOTAL EXCESS DAYS	No Per Diems Submitted
	Whole Day	Half Day			
	Assigned	Assigned	WHOLE DAYS		
ALBRECHT	3	49	27.5	0	
BINDER	3	28	17	0	
BLANK	0	0	0	0	
BROOKS	0	18	9	0	
BRUNN	0	3	1.5	0	
EGAN	1	68	35	5	
EISEN	1	39	20.5	0	
ELLIS	1	37	19.5	0	
FARREY	0	31	15.5	0	
FINCH	4	35	21.5	0	
GABERT	0	53	26.5	0	
GORDON	0	11	5.5	0	
HARPT	0	0	0	0	X
HEGG	0	20	10	0	
KELLER	1	34	18	0	
KONETZKE	2	24	14	0	
KRIESCHER	0	38	19	0	
LAUTENSCHLAGER	2	57	30.5	0.5	
LOCKE	0	60	30	0	
LONG	0	12	6	0	
NORTON	4	63	35.5	5.5	
OLSON	0	7	3.5	0	
POWELL	0	0	0	0	
POWERS	0	0	0	0	X
RAMOS	0	0	0	0	
RASMUSSEN	1	22	12	0	
ROBL	2	41	22.5	0	
ROH	0	30	15	0	
SCHERCK	0	32	16	0	
SCHORSE	0	2	1	0	
SINGSTOCK	0	64	32	2	
SMITH	0	35	17.5	0	
SNIDER	8	36	26	0	
THOMPSON	1	33	17.5	0	
WARNKE	17	41	37.5	7.5	
WINGREN	0	35	17.5	0	
WOJCIECHOWSKI	0	9	4.5	0	
YOUNGQUIST	0	18	9	0	
TOTAL	51	1085	593.5	20.5	

1 067-082018

2 **RESOLUTION: Amend Rule 7.7 of the Rules of the Winnebago County Board of**
3 **Supervisors**

4
5
6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, Rule 7.7 of the Rules of the Winnebago County Board of Supervisors states, “Any resolution
8 that is presented for the purpose of expressing support or opposition regarding any pending or proposed State or
9 Federal legislation shall require a three-quarters vote of those member present for passage”; and

10 **WHEREAS**, your undersigned Committee is of the opinion that Rule 7.7 should be amended to read as
11 follows: “Any resolution that is presented for the purpose of expressing support, ~~or opposition regarding any pending~~
12 ~~or proposed~~ **opposition, or initiation of any** State or Federal legislation shall require a three-quarters ~~fourths~~ vote
13 of those members present for passage.”

14
15 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
16 amends Rule 7.7 of the Rules of the Winnebago County Board of Supervisors to read as outlined above.

17
18 **BE IT FURTHER RESOLVED** that this amendment to Rule 7.7 of the Rules of the Winnebago County Board
19 of Supervisors shall become effective immediately.

20
21 Respectfully submitted by:

22 **JUDICIARY AND PUBLIC SAFETY COMMITTEE**

23 Committee Vote: **4-0**

24 Vote Required for Passage: **Two-Thirds of Members Present**

25
26 Approved by the Winnebago County Executive this ____ day of _____, 2018.

27
28 _____
29 Mark L Harris
30 Winnebago County Executive

MARY ANNE MUELLER
Corporation Counsel
LINDA L STAFFARONI
Paralegal

OSHKOSH (920) 236-4752
FOX CITIES (920) 727-2880
FAX (920) 424-7798



JEFFREY A MANN
Assistant Corporation Counsel
TRACY A ROSENTHAL
Paralegal

OSHKOSH (920) 236-4753
FOX CITIES (920) 727-2880
FAX (920) 424-7798

The Wave of the Future

Winnebago County

Office of Corporation Counsel

448 ALGOMA BOULEVARD * PO BOX 2808 * OSHKOSH WI 54903-2808

mmueller@co.winnebago.wi.us * lstaffaroni@co.winnebago.wi.us
jmann@co.winnebago.wi.us * trosenthal@co.winnebago.wi.us

MEMORANDUM

TO: Shiloh Ramos, Chairman
Winnebago County Board of Supervisors

FROM: Mary Anne Mueller, Corporation Counsel

DATE: August 15, 2018

SUBJECT: Interpretation of Rule 7.7 of the Rules of the Winnebago County
Board of Supervisors

Pursuant to your request at the July 17, 2018, County Board Meeting, I have reviewed the question regarding the interpretation of Rule 7.7 of the Rules of the Winnebago County Board of Supervisors. My review has included legal research as well as conversations with colleagues (attorneys, other corporation counsels, and members of the judiciary).

Rule 7.7 states, "Any resolution that is presented for the purpose of expressing support or opposition regarding any pending or proposed State or Federal legislation shall require a three-quarters vote of those member present for passage." It is well-settled in Wisconsin that statutory language is construed based on its common and ordinary meaning. *Ervin v City of Kenosha*, 159 Wis 2d 464, 484 (1991). If the language is plain and unambiguous, the analysis stops there. *Kangas v Perry*, 2000 WI App 234, 239 Wis 2d 392. The language in Rule 7.7 is clear—it contemplates pending or proposed legislation. To ignore those words would render them superfluous.

In Wisconsin, bills that do not reach the Governor's desk are dead. By reviewing a bill's history, you can determine its status. If you see language that says "failed to pass/adopt pursuant to Senate Joint Resolution 1," this means the bill died. To be resurrected, the bill would have to be reintroduced in the new session and would have a new bill number assigned. During the 2017-2018 session, there were nine (9) bills introduced dealing with marijuana and 1 bill introduced dealing with conversion therapy. All ten (10) bills died on March 28, 2018. Accordingly, in terms of marijuana or conversion therapy, there is no pending or proposed legislation—all the bills are dead. The only bills that can be considered between now and the end of the year are special session bills. None of the bills involving marijuana or conversion therapy were special session bills.

If the Board is not happy with the words used in Rule 7.7, Rule 3.8 allows the Board to amend their Rules. Rule 3.8 states, "The Rules of the Board shall be amended during the two-year period only by a two-thirds vote of those present at a meeting, except at the Annual Organizational Meeting, at which time a majority of those present shall rule."

The opinion I rendered during the July Board Meeting stands. If you have any further questions, please contact me.

cc: Mark Harris, Winnebago County Executive