

AGENDA
JEFFERSON COUNTY BOARD MEETING
Tuesday, February 9, 2010 7:00 p.m.
Jefferson County Courthouse
320 South Main Street, Room 205
Jefferson, WI 53549

1. **CALL TO ORDER**
 2. **ROLL CALL**
 3. **CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW**
 4. **REVIEW OF THE AGENDA**
 5. **SPECIAL ORDER OF BUSINESS**
 - a. Commendations for Retirees
 - b. Presentation – Certification as a Level II Jefferson County Health Department – Mary Young, Director of the Department of Health Services, Division of Public Health
 - c. Presentation by National Guard to Sheriff's Department
 - d. Clean Sweep Resolutions (Page 1-2)
 - e. Resolution – Resolution congratulating the University of Wisconsin-Whitewater Warhawk football team (Page 3)
 6. **COMMUNICATIONS**
 - a. Treasurer's Monthly Report (Addendum to Agenda)
 - b. Letter from the Watertown Public Library dated January 14, 2010 regarding their appreciation for the County Board's support (Page 4)
 - c. Zoning Committee Notice of Public Hearing, February 18, 2010, 7:00 p.m. Rm 205 (Page 5)
 7. **PUBLIC COMMENT**
 8. **ANNUAL REPORTS**
 - a. Literacy Council – Jill Ottow
 - b. Community Dental Clinic – Gail Scott
 - c. Rock River Free Clinic – Gail Scott
 - d. UW Extension Education – Steve Grabow
- COMMITTEE REPORTS / RESOLUTIONS / ORDINANCES**
9. **PLANNING & ZONING COMMITTEE**
 - a. Report – Approval of Petitions (Page 6)
 - b. Ordinance - Amend Zoning Ordinance (Page 7-8)
 - c. Ordinance – Denial of petition to amend Zoning Ordinance (Page 9)
 - d. Resolution – Budget amendment and contract for plan and Zoning Ordinance Updates (Page 10-11)
 - e. Resolution – Supporting delayed implementation of Farmland Preservation rezoning conversion fee (Page 12-19)

10. ADMINISTRATION & RULES COMMITTEE
 - a. Report – County Board Chair Schmeling (Page 20-21)
 - b. Ordinance – Amend Board Rules for 2010-2012 (Page 22-35)
 - c. Resolution – Opposing constitutional amendment to change election dates for Supreme Court Justices and State Superintendent of Public Instruction to the November General Election (Page 36)
11. FINANCE COMMITTEE
 - a. Resolution – Disallowing the claim of Randy Barber (Page 37)
 - b. Resolution – Disallowing the claim of AT&T (Page 38)
 - c. Resolution – Disallowing the claim of American Family Insurance Group (afni Insurance Services)/Colin J. and Elyse Butler (Page 39)
 - d. Report or Resolution on contract for sale of Countryside Home (Addendum to Agenda)
12. HIGHWAY COMMITTEE
 - a. Resolution – Authorize engineering contract for Highway N reconstruction design (Page 40)
13. HUMAN RESOURCES COMMITTEE
 - a. Ordinance – Revise Personnel Ordinance to conform payout of sick time to eligible employees laid off to other ordinance provisions, repeal and recreate the computer, internet and telephone use policy provisions and amend language concerning HIPAA to comply with new federal regulations (Page 41-42)
14. HUMAN SERVICES BOARD
 - a. Ordinance – Amending ordinance establishing bill approval authority (Page 43)
15. INFRASTRUCTURE COMMITTEE
 - a. Resolution – Execute a new occupancy charge agreement with Opportunities, Inc. (Page 44)
16. PARKS COMMITTEE
 - a. Resolution – Authorization to execute bicycle/pedestrian path contract with the Wisconsin Department of Transportation (Page 45-49)
17. ANNOUNCEMENTS
18. ADJOURN

NEXT COUNTY BOARD MEETING, MARCH 9, 2010 7:00 P.M. ROOM 205

RESOLUTION NO. 2009-_____

Resolution accepting donation from City of Watertown

WHEREAS, the Watertown Street Department has been a collection site for Jefferson County Clean Sweeps since 2002, first at the Cady Street Recycling Center and now at First Street in the new Street Department building, and

WHEREAS, in November 2009, the City of Watertown approved a \$20,000 donation to the Jefferson County Clean Sweep Program in the city budget, and

WHEREAS, this \$20,000 donation will be used to continue Clean Sweeps in Watertown with the support the Jefferson County Clean Sweep Program, and

WHEREAS, the City of Watertown's strong commitment to keeping hazardous materials from the groundwater, wastewater treatment plants, and landfills by the collection of electronics, chemicals, and drugs should be recognized, and

WHEREAS, the Solid Waste/Air Quality Committee recommends accepting the donation and thanking the City of Watertown's Mayor, Council Members and the Superintendent of the Street Department for their magnanimous donation to this important environmental program,

NOW, THEREFORE, BE IT RESOLVED that Jefferson County accepts the donation of \$20,000 from the City of Watertown for use in the Clean Sweep Program and the Jefferson County Board of Supervisors expresses its gratitude to the City of Watertown for this donation.

Fiscal Note: Acceptance of this donation insures a continued Clean Sweep in Watertown for the fiscal year of 2010.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Solid Waste/Air Quality Committee

02-09-10

Sharon Ehrhardt, Program Assistant: 01-19-10
Phil Ristow: 02-04-10

Item 5c

RESOLUTION NO. 2009-_____

**Resolution thanking Jefferson County pharmacists for time donated to
Clean Sweeps**

WHEREAS, from 2007 through 2009 several Jefferson County pharmacists have donated their time and expertise to the Jefferson County Clean Sweep Program, and

WHEREAS, this donated time has saved the program an estimated \$900 per event for each of 11 events over the last three years, and

WHEREAS, without the pharmacists' donation of their time, the County would not be able to collect controlled and non-controlled drugs at these events, and

WHEREAS, with the help of the pharmacists, the County has kept 2,277 pounds of non-controlled drugs and 85 pounds of controlled drugs, a total of 2,362 pounds, out of the groundwater, wastewater treatment plants, and landfills,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board thanks the following pharmacists: ***Rich Courtoies, Tom Derleth, LeAnn Ozminkowski, John Schloemer - Watertown Regional Medical Center; Heather Hunt, Ed Heimstreet - Walgreens-Lake Mills; Kathee Jantzi, Jody Nordby - Shopko Pharmacy-Watertown; Nick Shannon - Zimbric Pharmacy-Waterloo; Ernie Witzke, Adam Niemeyer - Shopko Pharmacy-Fort Atkinson; Jim Brown, Chris Barron, Merlin Borchardt, Lori Breckheimer, Julie Asmus - Fort Atkinson Medical Center; John Fosdal - Independent*** for their donation of time for the last three years to the Jefferson County Clean Sweep Program.

Fiscal Note: Acceptance of this donated time has eliminated an additional cost to the Clean Sweep Program. At \$60/hour x 3 pharmacists x 5 hours = \$900 x 11 clean sweeps, a total savings of \$9,900 has been realized from the donations.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Solid Waste/Air Quality Committee

02-09-10

Sharon Ehrhardt, Program Assistant: 01-19-10
Phil Ristow: 02-04-10

RESOLUTION NO. 2009-_____

**Resolution congratulating the
University of Wisconsin-Whitewater Warhawk football team**

WHEREAS, on December 17, 2009, the University of Wisconsin-Whitewater Warhawk football team overcame the elements in the form of a record snowfall and defending champion Mount Union to win the NCAA Division III National Football Championship by a score of 38-28, and

WHEREAS, the Warhawks' victory is their second national championship in the last three years, and

WHEREAS, the Jefferson County Board supports the efforts of the University of Wisconsin-Whitewater student athletes, and celebrates their exceptional success,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors extends its hearty congratulations to the University of Wisconsin-Whitewater Warhawk players, coaches and fans for a 2nd NCAA Division III Championship in three years, and wishes them success in their future athletic and academic pursuits. Go U-DUB-DUB.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Supervisors Torres and Nass

02-09-10

Philip C. Ristow: 02-04-10

Sharon L. Schmeling
County Board Chairperson
320 S. Main Street
Jefferson, WI 53549

January 14, 2010

Dear Ms. Schmeling,

Thank you for the continued financial support the Jefferson County Board has given the Watertown Public Library.

Libraries are the only government institutions that provide services for all citizens of the community. Our library offers a story time for children as young as four months. Elementary through college students find study resources. Job seekers can find information to assist them in their search. Everyone, regardless of age, can obtain a wealth of books, periodicals, CDs and DVDs just by presenting their library card. The library card is free. What a wonderful ongoing gift to the citizens of our community.

We know there are many financial demands in your budgets. We truly appreciate the commitment you make to the Watertown Public Library.


Sincerely,

Watertown Library Board of Trustees

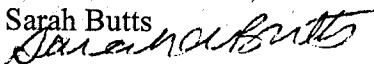
Gail Bartels



Charles Bohlman



Sarah Butts

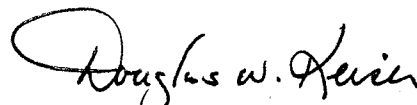


Colleen Checkai




David W. Hertel

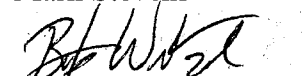
David Hertel



Dr. Douglas Keiser



Mark Stevens



Bob Wetzels, Alderman



Pat Ziwicki, President

NOTICE OF PUBLIC HEARING

JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE

Steve Nass, Chair; Greg David, Vice-Chair; Don Reese, Secretary; Richard Jones; Lloyd Zastrow

1. **Call to Order**
2. **Roll Call**
3. **Certification of Compliance With Open Meetings Law Requirements**
4. **Review of Agenda**
5. **Public Hearing**

NOTICE IS HEREBY GIVEN that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, February 18, 2010, in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. A hearing will be given to anyone interested in the proposals. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** Matters to be heard are a petition to amend the text of the Jefferson County floodplain ordinance and applications for conditional use permits. A map of the properties affected may be obtained from the Zoning Department. If you have questions regarding these matters, please contact Zoning at 920-674-7131.

3451T-10 – Jefferson County: Add in the Jefferson County Floodplain Ordinance, Section 14:1.5(2)(b) OFFICIAL MAPS: Based on other studies – Carlin Dam (Upper Spring Lake) a) Floodway map dated 11/19/09 and titled “Carlin Dam – Condition 1. Dam In-Place, Dam Failure Inundation Map”; b) Flood profile dated 09/17/09 and titled “Scuppernong Plan: 1) Condition 1. Scuppernong Carlin Dam”, and c) Floodway data table dated 11/19/09 and titled “Carlin Dam – Condition 1. Dam In-Place, Dam Failure Inundation Map. HEC-RAS Standard Output Table”

CONDITIONAL USE PERMIT APPLICATIONS

CU525M-10 – B R Amon & Sons, Inc./Eugene Radloff and Wardland Inc. Properties: Modify the approved conditional use to allow a time extension only for complete restoration of the properties. The site includes parts of PINs 014-0614-1933-000 (30.92 Acres), 014-0614-1934-000 (40 Acres), 014-0614-1943-000 (40 Acres), 014-0614-3021-000 (40 Acres) and 014-0614-3022-000 (30.083 Acres) in the Town of Jefferson, near **Radloff Lane and CTH G** in an A-1 Agricultural zone.

CU1607-10 – Terry & Mary O’Connor/Aztalan Fields LLC Property: Conditional use to allow a tourist rooming house in an A-2, Agribusiness zone at **W6076 CTH B**, Town of Aztalan, on PIN 002-0714-1523-001 (7.718 Acres.)

6. **Adjourn**

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so that appropriate arrangements can be made.

**REPORT
TO THE HONORABLE MEMBERS OF THE JEFFERSON COUNTY
BOARD OF SUPERVISORS**

The Jefferson County Planning and Zoning Committee, having considered petitions to amend the zoning ordinance of Jefferson County, filed for public hearing held on November 19 and December 17, 2009, as required by law pursuant to Wisconsin Statutes, notice thereof having been given, and being duly advised of the wishes of the town boards and persons in the areas affected, hereby makes the following recommendations:

**APPROVAL OF PETITIONS 3428A-09, 3429A-09, 3441A-09, 3442A-09,
3443A-09, 3444A-09, 3445A-09, 3446A-09, 3447A-09, 3448A-09 and 3449A-09,
and**

DENIAL OF PETITION 3433A-09

Petition 3433A-09 was filed by the Dale Weis Trust to create a 1-acre lot on the south side of USH 18, across from W3920 USH 18, in the Town of Jefferson. This was recommended for denial because the petitioner revised his initial request and relocated the proposal with a new petition.

DATED THIS 28th DAY OF DECEMBER 2009.

Donald Reese, Secretary

**THE EFFECTIVE DATE OF THE PRIOR MONTH'S AMENDMENTS, 3337A-08, 3338A-08, 3430A-09,
3431A-09, 3434A-09, 3435A-09, 3436A-09, 3437A-09, 3438A-09, 3439A-09 AND 3440A-09, IS DECEMBER
19, 2009.**

Deb Magritz: 02-01-10

02-09-10

ORDINANCE NO. 2009-_____**Amend Zoning Ordinance**

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

WHEREAS, Petitions 3428A-09 and 3429A-09 were referred to the Jefferson County Planning and Zoning Committee for public hearing on November 19, 2009, and Petitions 3441A-09, 3442A-09, 3443A-09, 3444A-09, 3445A-09, 3446A-09, 3447A-09, 3448A-09 and 3449A-09 were referred for public hearing on December 17, 2009, and

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

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does amend the zoning ordinance of Jefferson County (and official zoning maps) as follows:

FROM AGRICULTURAL A-1 TO A-2, AGRIBUSINESS AND A-3, RURAL RESIDENTIAL

Rezone approximately 3 acres of PIN 008-0715-2544-001 (28 acres) at W2585 Bakertown Road in the Town of Farmington. This is conditioned upon approval and recording of a final certified survey map for the lot. (3428A-09 and 3429A-09 – Jeremy Feutz)

FROM AGRICULTURAL A-1 TO A-3, RURAL RESIDENTIAL

Rezone to create an approximate 1-acre lot near W3442 Marshall Rd. in the Town of Cold Spring from PIN 004-0515-1543-001 (3.54 acres). This action is conditioned upon road access approval by the Town, upon receipt by Zoning of a soil test showing sites for installation of both initial and replacement private sewage systems and upon approval and recording of a final certified survey map including extraterritorial plat review by the City of Whitewater if necessary, and including a note regarding basement restrictions. (3441A-09 – Tycian Hanson)

Rezone PIN 014-0615-0222-000 (5.17 acres) owned by Bruce Wells and approximately 0.199 acre of PIN 014-0615-0221-000 (15 acres) owned by Jack Jr. & Christine Schnitger. The site is at W3222 Depot Rd. in the Town of Jefferson. Rezoning is conditioned upon approval and recording of either a final certified survey map for the newly configured lot or a deed transfer document. (3442A-09 – Jack Jr. & Christine Schnitger)

Rezone approximately 1 acre of PIN 014-0615-0421-000 (29.57 acres) to create a lot on Probst Road as a consolidation of parcels of record from the south side of USH 18 to the north side of USH 18. The site is in the Town of Jefferson. This utilizes the last available lot from the parcel of record on the south side of the highway; the rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is further conditioned upon road access approval by the

Town, upon receipt by Zoning of a soil test showing sites for installation of both initial and replacement private sewage systems, and upon approval and recording of a final certified survey map for the lot. (3443A-09 – Dale Weis Trust)

FROM AGRICULTURAL A-1 TO A-3 AND N, NATURAL RESOURCE

Create an approximate 1-acre A-3 zone and an approximate 3.4-acre Natural Resource zone on Willow Glen Road from part of PIN 006-0716-2612-001 (6 acres) in the Town of Concord. This utilizes the last available A-3 zone for the property; therefore, rezoning is conditioned upon recording of an affidavit acknowledging that fact. It is further conditioned upon road access approval, upon receipt by Zoning of a soil test showing sites for installation of both initial and replacement private sewage systems, and upon approval and recording of a final certified survey map for the lot showing the building area and a note indicating that this is the only area available for any and all buildings. (3448A-09 & 3449A-09 – Richard Reinders/Richard & Robert Reinders property)

FROM AGRICULTURAL A-1 TO A-3, RURAL RESIDENTIAL, AND FROM A-3 TO A-1

Rezone from A-1 to A-3 a part of PIN 008-0715-1214-004 (0.318 acre) in the Town of Farmington and 006-0716-0723-003 (5.383 acres) in the Town of Concord owned by Kenneth & Joyce Kowalski. Rezone from A-1 to A-3 approximately 2.2 acres of PIN 006-0716-0723-000 (11.185 acres) owned by Barry H. R. Mertz, Sr. in the Town of Concord. Rezone a part of PIN 006-0716-0723-004 (1.649 acres) in the Town of Concord and part of PIN 008-0715-1214-005 (0.298 acre) in the Town of Farmington owned by Heather Mertz from A-3 to A-1. The properties are near N6792 CTH P. Rezoning is conditioned upon recording of an affidavit acknowledging that this uses the last available A-3 zone for the property now owned by Barry H. R. Mertz. (3444A-09 & 3445A-09 – Barry Mertz)

Rezone approximately 0.85 acre of PIN 014-0614-1431-000 (51.783 acres) owned by Timothy Koehler from A-1 to A-3, and rezone approximately 0.55 acre of PIN 014-0614-1431-002 (2.612 acres) owned by William Koehler from A-3 to A-1, both for transfer to adjoining property. The sites are near N3881 CTH K in the Town of Jefferson. A condition of the rezoning calls for recording of either a final certified survey map or a deed transfer document. (3446A-09 & 3447A-09 – William Koehler)

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____
VACANT _____

Ordinance Requested by
Planning and Zoning Committee

02-09-10

Deb Magritz: 2-1-10

ORDINANCE NO. 2009-_____

Denial of petition to amend Zoning Ordinance

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

WHEREAS, Petition 3433A-09 was referred to the Jefferson County Planning and Zoning Committee for public hearing on November 19, 2009, and

WHEREAS, the proposed amendment has been given due consideration by the Board of Supervisors in open session,

NOW, THEREFORE, BE IT ORDAINED that the Jefferson County Board of Supervisors does deny Petition 3433A-09 and that no change shall be allowed:

FROM AGRICULTURAL A-1 TO A-3, RURAL RESIDENTIAL

Create a 1-acre building site across from W3920 USH 18 on PIN 014-0615-0421-000 (29.57 acres) in the Town of Jefferson. (3433A-09 – Dale Weis Trust)

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Ordinance Requested By
Planning and Zoning Committee

02-09-10

Deb Magritz: 2-1-10

RESOLUTION NO. 2009-_____

Budget amendment and contract for plan and Zoning Ordinance updates

WHEREAS, Jefferson County has participated in the Wisconsin Farmland Preservation Program since the Jefferson County Farmland Preservation Plan was adopted by the County Board in September of 1978, and

WHEREAS, Jefferson County's participation in the Wisconsin Farmland Preservation Program has resulted in the preservation of productive agricultural land and allowed farmers to collect tax credits totaling more than 26 million dollars since 1978, and

WHEREAS, the authorizing statute, Chapter 91, Wisconsin Statutes remained largely unchanged for nearly thirty years until Governor Doyle and the Department of Agriculture, Trade and Consumer Protection (DATCP) proposed revisions to Chapter 91 (in conjunction with the Working Lands Initiative) in Assembly Bill 75, the proposed 2009-2011 state budget, and

WHEREAS, on June 9, 2009, the Jefferson County Board of Supervisors passed a resolution requested by the Planning and Zoning Committee opposing proposed changes to the State Farmland Preservation Program in the budget bill, and

WHEREAS, that resolution noted a potential expense to Jefferson County of up to \$50,000 to revise, update and recertify its Agricultural Preservation and Land Use Plan and ordinance to keep county farmers eligible for Farmland Preservation tax credits, and

WHEREAS, the provisions of AB 75 affecting Chapter 91 were adopted as part of the state budget effective June 29, 2009, requiring counties to recertify their farmland preservation plans and ordinances in accordance with the new state law so county farmers can continue to collect the tax credit, and

WHEREAS, the Jefferson County Agricultural Preservation and Land Use Plan and Zoning Ordinance certification expired on December 31, 2009, and

WHEREAS, Jefferson County requested and received an extension from DATCP through December 2011 to extend the County's current Farmland Preservation Plan and ordinance certification for two years pursuant to Section 91.14(4), Wisconsin Statutes, so that the County may concurrently update its Farmland Preservation Plan, comprehensive plan and Zoning Ordinance, and

WHEREAS, the County Board acted on November 10, 2009, to approve the collection of conversion fees as required by Chapter 91 to remain in compliance with the new law, and

WHEREAS, the County Board approved applying for grant money from the State in the amount of \$30,000 to offset the costs of the plan revisions and recertification process on December 15, 2009, and

WHEREAS, the Jefferson County Finance Committee took no action on January 14, 2010, on a request to fund \$67,000 for the plan and ordinance recertification process as outlined by Vandewalle and Associates in the grant application, and forwarded the request for action by the full County Board, and

WHEREAS, expenditure of these funds does not guarantee approval of or recertification of the Jefferson County Agricultural Preservation and Land Use Plan, Zoning ordinance and comprehensive plan by DATCP, the County Board and a majority of the sixteen townships of Jefferson County, who are all currently under county zoning, and

WHEREAS, the timeline for completing the plan and ordinance recertification process starts in March of 2010, and

WHEREAS, Vandewalle and Associates is familiar with the county plan, having just completed an update of the economic development portion thereof, and many town and city plans in the County,

NOW, THEREFORE, BE IT RESOLVED that the 2010 budget be amended to transfer \$67,000 from the contingent account to the Zoning Department; that Purchasing Ordinance requirement for RFP's be waived as impractical; and, the County Administrator be authorized to contract with Vandewalle and Associates for revision and recertification of the Jefferson County Agricultural Preservation and Land Use Plan, Zoning Ordinance and the County's comprehensive plan to comply with Chapters 91 and 66.1001, Wisconsin Statutes.

Fiscal Note: If the Board approves this resolution, the Finance Committee recommended the \$67,000 transfer be from the Contingency Fund Account 9802.599990, to Other Professional Services, 7101.521219. Costs involved include \$67,000 if no grant money is received. We have applied for \$30,000 in grants. Although unpredictable, a loss in Zoning Department revenues may result due to adoption of a new plan and ordinance achieving compliance with the new law.

If Jefferson County does not update its plan, it will not be in the program and Chapter 91 will not be of concern.

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____
VACANT _____

Requested by
Planning and Zoning Committee

02-09-10

Rob Klotz: 01-28-10

Item 9e

Chapter 91, Farmland Preservation Jefferson County Zoning

The current Jefferson County Agricultural Preservation and Land Use Plan had its last major revision in 1999 after a five-year planning process, at a cost of approximately \$500,000. This plan was adopted by the County Board of Supervisors in October 1999, with subsequent revisions and adoption of the current zoning ordinance in February of 2000. The current plan meets the requirements of Chapter 66.1001, known as Smart Growth. It was envisioned as a 20-year plan with a required plan update after 10 years.

From 2008 through 2010, the Jefferson County Agricultural Preservation and Land Use Plan underwent its 10-year update as required by Chapter 66.1001. This update focused on the economic development element of the plan and also contained a review of the existing agricultural preservation and land use component of the plan. This economic development and agricultural preservation evaluation and report cost approximately \$120,000 and are ongoing. As a result of this review, it has been found that there is overall support by the towns and the public for continuing the goals and policies established by our current plan.

A projected \$50,000 cost to the County was forwarded in June to County Board as part of a resolution opposing this law in the State's budget bill.

On June 29, 2009, Assembly Bill 75 was signed into law as 2009 Wisconsin Act 28, and it revised Chapter 91 to require all counties to recertify their farmland preservation plans and ordinances so they comply with the new state law maintaining eligibility for farmers to collect the tax credit.

A projected expenditure of \$50,000 for the Zoning Department was included in the Interim Zoning Director's budget request for 2010 and subsequently taken out on July 27, 2009, at the direction of the Planning and Zoning Committee.

On November 10, 2009, the Jefferson County Board, through the budget process, approved a conversion fee (as required by Chapter 91.48 State Statutes to remain in compliance) for the rezoning of land out of the A-1 Exclusive Agricultural Zoning District.

Jefferson County's Agricultural Preservation and Land Use Plan's certification expired in December of 2009. As a result, a two-year extension was requested by the County for recertification of the plan and ordinance as allowed by the new law. On November 23, 2009, the Secretary of the Department of Agriculture, Trade and Consumer Protection (DATCP) granted the extension until December 31, 2011.

On December 15, 2009, the Jefferson County Board passed a resolution to apply for a planning grant to help offset the cost of the plan recertification. The grant application was prepared by Vandewalle and Associates and was applied for on January 8, 2010. Vandewalle and Associates was chosen to assist the County because they are the firm currently involved with the ongoing Smart Growth 10-year update with economic emphasis and farmland preservation evaluation and report.

Jefferson County has estimated the cost of plan and ordinance recertification at approximately \$67,000. The timeline furnished by Vandewalle and Associates in their estimate requires the process to start in March of 2010 in order to recertify the plan and ordinance by December 31, 2011, as required by Chapter 91 and the extension granted by DATCP.

The plan and subsequent ordinance that results from this process will require approval by DATCP, County Board and the towns. The ordinance will require the support of nine or more towns for passage. If the changes to our county plan are “comprehensive,” individual towns will have the ability to opt out of county zoning. Opening up the current plan for revision could result in town or public input that takes us in a different direction.

In summary, the \$67,000 is needed to go through the plan and ordinance recertification process. The recertification is required by Chapter 91, Wisconsin Statutes to remain compliant with the Farmland Preservation Program, and allows Jefferson County farmers to continue to receive their tax credits. It also allows the Land and Water Conservation Department (LWCD) to continue enforcement of soil and water conservation standards. (See in-depth information from LWCD regarding its involvement.) There is no guarantee, however, that at the end of the planning process, DATCP, County Board, the towns or the public will support the changes and approve the plan and ordinance updates required to achieve compliance with the new law.

If the County chooses not to spend the \$67,000 now, our certification of the existing plan and ordinance will run out in December 2011 and we will not be in compliance with Chapter 91; tax credits for participants in the Farmland Preservation Program would end. The existing plan and ordinance would remain in effect.

A future decision to get back in the program would necessitate a full plan and ordinance adoption process, which would be at a much greater cost.

Specific Issues/Changes:

The Farmland Conservation Easement Commission and its involvement in the acquisition of agricultural easements are aided by the Purchase of Agricultural Conservation Easement (PACE) Program contained in Chapter 91, State Statutes. Funding for this program will be directly affected by the County’s decision regarding Chapter 91. This does not mean, however, that the Farmland Conservation Easement Commission will not have other funding sources available to it.

Chapter 91 requires new mapping and reporting which will affect the Zoning Department, the Land Information Office and Management Information System.

Smart Growth has required all towns to adopt town land use plans. With the changes required by Chapter 91 and subsequent changes to the County’s plan and ordinances, the towns will need to review their newly adopted Smart Growth plans.

Conversion fees collected by the County go to the State per statute, with no guarantee that any money will come back to Jefferson County.

Conversion fees may negatively impact County Zoning Department revenues and result in a greater reliance by the Department on the tax levy.

Planned areas for high-density residential, business and industrial development in our current urban service areas will be impacted by the conversion fees and may result in annexations to cities and villages with a loss of tax base to the Towns.

Conversion fees will also affect the current option for a landowner to rezone non-productive ag land, such as woods, wetlands and floodplains, to the N, Natural Resource zone.

No administrative rules will be developed, per DATCP, to clear up this law. Much of Chapter 91, including its definitions, leaves counties and landowners unsure of requirements and qualifications for inclusion in the program and for tax credit benefits. It is also extremely difficult to predict the effects of the new law and Chapter 91 requirements and their impact on county department revenues and costs, and overall effects on planning and land use in this county.

The new law also:

- Eliminates the prime land rezone option
- Eliminates the 35-acre minimum zone lot size, which may lead to fractionalization of ag land
- Eliminates the “Farm Consolidation” split (pre-1975 residence and buildings with one to three acres often used as a financing option)
- Penalizes rezoning residential building lots while promoting conditional uses. Conditional uses have the same end result; only the process is different. Removes towns’ “veto authority” if the conditional use process is adopted

If you have any questions or comments, feel free to contact:

Rob Klotz, Interim Director of Planning and Zoning

A link to Chapter 91 (pdf) can be found at www.legis.state.wi.us/statutes/stat0091.pdf

**Wisconsin Department of Agriculture, Trade and Consumer Protection
Farmland Preservation Program (ch. 91, Wis. Stats.)**

State of Wisconsin Fee for Rezoning Land Out of a Farmland Preservation Zoning District

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is requiring that, under s. 91.48, Wis. Stats., beginning January 1, 2010, any person who requests that land be rezoned out of the A-1 Agricultural zoning district must pay a conversion fee for each acre of land to be rezoned or portion thereof, equal to three times the per acre value of the highest value category of tillable cropland in the town. The fee is required to maintain Jefferson County's compliance with the Farmland Preservation Program. The fee is collected by Jefferson County and submitted to DATCP by March 1st of each year. **Please note:** Payment of the fee will be required following County Board approval of the zoning amendment and prior to recording of the final certified survey map or deed transfer document as a condition of the approved amendment. The approved zoning amendment shall be effectuated within twelve months of County Board action. This fee is separate from and is charged in addition to any other fees charged by the County or Town. The per acre 2010 fee for each town in Jefferson County is shown below:

***2010 DATCP Rezoning Fee**

Town of Aztalan	\$894 per acre
Town of Cold Spring	\$909 per acre
Town of Concord	\$924 per acre
Town of Farmington	\$918 per acre
Town of Hebron	\$909 per acre
Town of Ixonia	\$900 per acre
Town of Jefferson	\$912 per acre
Town of Koshkonong	\$921 per acre
Town of Lake Mills	\$906 per acre
Town of Milford	\$906 per acre
Town of Oakland	\$882 per acre
Town of Palmyra	\$909 per acre
Town of Sullivan	\$894 per acre
Town of Sumner	\$903 per acre
Town of Waterloo	\$897 per acre
Town of Watertown	\$927 per acre

*The Department of Revenue updates assessment rates annually; this fee is valid until December 31, 2010.

If you have any questions regarding this fee, please contact any or all of the following:

DATCP	608-224-4500
Senator Neal Kedzie	608-266-2635
Senator Scott Fitzgerald	608-266-5660
Senator Judith Robson	608-266-2253
Representative Stephen Nass	608-266-5715
Representative Andy Jorgensen	608-266-3790
Representative Joel Kleefisch	608-266-8551
Representative Kim Hixson	608-266-9650
Legislative Hot Line	800-362-9472

DATCPWorkingLands@wisconsin.gov
sen.kedzie@legis.wisconsin.gov
sen.fitzgerald@legis.wisconsin.gov
sen.robson@legis.wisconsin.gov
rep.nass@legis.wisconsin.gov
rep.jorgensen@legis.wisconsin.gov
rep.kleefisch@legis.wisconsin.gov
rep.hixson@legis.wisconsin.gov
legis.wisconsin.gov

Conservation/Environmental Benefits To all people of Jefferson County

- **Wisconsin State Law requires conservation standards be met on all farms. This means cleaner, safer surface and ground water and continued agricultural sustainability of the land.**
 - ✓ Soil loss must be to tolerable levels
 - ✓ All farms must have annual nutrient management plans
 - ✓ No runoff of manure into waters of the State
 - ✓ No over flow of manure storage structures
 - ✓ Repair or upgrade failing or leaking manure storage structures
 - ✓ Close all idle manure storage structures according to accepted standards
 - ✓ Meet technical standards for new or substantially altered manure storage structures
 - ✓ No stacking of manure in Water Quality Management Areas (any area susceptible to groundwater contamination, within 300 feet of a stream or river; or 1000 feet of a lake)
 - ✓ Divert all clean water away from feedlots, manure storage areas, and barnyards within Water Quality Management Areas

- **Current Conservation Compliance in Jefferson County**
 - ✓ Conservation Plans meeting tolerable soil loss standards cover no less than 1000 farms on at least 144,000 acres
 - ✓ 2010 Survey of current FPP participants indicates 35% have Nutrient Management Plans
 - ✓ Many large farms already meet all State conservation laws under a WI DNR permit or Live Stock Siting Ordinance
- LWCD is the primary Conservation Planning source in the County, USDA staff does very little planning
- New Conversion Fee for land taken out of A1 zoning discourages development of farmland
- Conversion Fee can be avoided by using the “conditional use” process which allows residential construction that is compatible with the Farmland Preservation District.
- Conversion fee funds Purchase of Agricultural Conservation Easement (PACE) Program, further preserving farmland

Working Lands Initiative

Results of NOT Continuing in the New Working Lands Initiative Farmland Preservation Program

- Loss of up to \$2.3 million in tax credits to Jefferson County landowners, money that comes into Jefferson County and is redistributed through spending, thus increasing economic prosperity
- Loss of conservation on over 144,000 acres resulting in damage to the sustainability of our County farmland
- Reduction in water quality due to increased sedimentation, nutrient loading and lack of animal waste regulations
- Loss of preservation of farmland throughout the County
- Loss of ability to meet required State Conservation Standards in a timely manner
- Potential degradation of the environment affecting the health, well being and quality of life for residents of Jefferson County along with potential economic impacts of reduced tourism
- Jefferson County will be **unable** to qualify for Purchase of Conservation Easement (PACE) grants
- Because the new Working Lands Initiative uses the funds previously designated for the old FPP **AND** the Farmland Tax Credit Relief program, there will be no further tax relief for Jefferson County agricultural landowners
- Many elderly/fixed income landowners rely on farmland tax credits to extend their budgets

The NEW Farmland Preservation Program Benefits and Implications to Jefferson County

Overview of Agriculture in Jefferson County

(2007 Ag Census, Jefferson County GIS and UWEX Data)

- 1434 farms in Jefferson County
- Approximately 308,900 acres of the County are currently zoned A1 (Exclusive Agricultural Zoning)
- Average farm size of 170 acres
- Agricultural sales alone account for over \$209 million annually in Jefferson County. Additionally, ag producers spend hundreds of millions of dollars on wages, fertilizer, seed, machinery, taxes and interest payments

New Farmland Preservation Program (FPP) Tax Credit Benefit to Jefferson County Land Owners

- Under the current enrollment of 987 farms, the new FPP tax credit would equal \$1.08 million dollars on 144,684 acres annually as opposed to past credit collected of \$480,000
- Potential of \$2.3 million if all A1 zoned land was enrolled, based on the new credit of \$7.50 per acre
- Based on average farm size, average credit would equal \$1275
- No minimum acreage requirement, thus landowners can potentially meet income requirements for FPP on farms with as few as 15 tillable acres
- Removes previous income barrier to collecting tax credit for larger, profitable farms that were currently only receiving a 10% property tax credit up to \$600
- Opportunity for further preservation of farmland by forming Agricultural Enterprise Areas and getting increased tax credit of \$10 per acre

RESOLUTION NO. 2009-_____

**Resolution supporting delayed implementation of
Farmland Preservation rezoning conversion fee**

WHEREAS, Jefferson County has participated in the Wisconsin Farmland Preservation Program since the Jefferson County Farmland Preservation Plan was adopted by the County Board in September 1978 and exclusive agricultural zoning was adopted in January 1975, and

WHEREAS, Jefferson County's participation in the Wisconsin Farmland Preservation Program has resulted in the preservation of productive agricultural land and allowed farmers to collect tax credits totaling more than \$26 million since 1978, and

WHEREAS, the authorizing statute, Chapter 91, Wisconsin Statutes, remained largely unchanged for nearly 30 years until Governor Doyle and the Department of Agriculture, Trade, and Consumer Protection (DATCP) proposed revisions (known as the Working Lands Initiative) to Chapter 91 in Assembly Bill 75, the proposed 2009-2011 state budget, and

WHEREAS, Assembly Bill 75 was signed into law as part of 2009 Wisconsin Act 28 on June 29, 2009, revising Chapter 91 to require landowners to pay a rezoning conversion fee beginning on January 1, 2010, when they rezone their land from the A-1 Agricultural Zoning District to any other zoning district, whether or not they ever farmed the land or ever collected farmland preservation tax credits, and

WHEREAS, Chapter 91 requires all counties to update their farmland preservation plans over the next 5 years, and, within one year after plan adoption, requires counties to update their exclusive agricultural zoning ordinances to maintain state certification for the county's farmers to be eligible for Farmland Preservation tax credits, and

WHEREAS, Chapter 91 imposes the rezoning conversion fee on January 1, 2010, based on existing plans, ordinances and zoning maps, without the benefit of an updated farmland preservation plan or ordinance, and

WHEREAS, charging the rezoning conversion fee is a burden on property owners who are not farmers, whose land is not currently being farmed, and who never collected farmland preservation tax credits in the past, and

WHEREAS, the implementation of the rezoning conversion fee is an imposition on county governments and places undue pressure on counties to act immediately to revise their plans and ordinances, without the benefit of state financial assistance, and

WHEREAS, delaying implementation of the rezoning conversion fee until after revised plan and ordinance adoption and certification allows counties and landowners time to properly address all the planning and zoning requirements of the new Working Lands Program.

NOW, THEREFORE, BE IT RESOLVED the Jefferson County Board of Supervisors hereby requests that legislation be introduced and passed to delay the requirement that a county collect the farmland preservation rezoning conversion fee under §91.48(1)b Wisconsin Statutes until the county updates its farmland preservation plan and zoning ordinances and the plan and ordinances are certified by DATCP, and

BE IT FURTHER RESOLVED, that the Clerk shall send a copy of this resolution to Governor Doyle; Senators Neal Kedzie, Scott Fitzgerald and Judith Robson; Representatives Stephen Nass, Andy Jorgensen, Joel Kleefisch and Kim Hixson; the Senate Committee on Agriculture and Education; the Assembly Committee on Agriculture; DATCP Secretary Nilsestuen; all county clerks of Wisconsin counties with exclusive agricultural zoning and the Wisconsin Counties Association.

Fiscal Note: Although there are no direct fiscal impacts on seeking legislative action on this resolution, if passed by the State, the 2010 Zoning budget would see a reduction of \$5,000 in application fees, as well as negation of the estimated \$114,000 conversion fees to be collected by the County and turned over to the State.

Although exact figures won't be known until after a year of collecting these conversion fees, if the County continues to collect the fees it is anticipated that there will be a revenue reduction in the Zoning Department's budget caused by fewer zoning amendments and less permits as a result.

It should also be noted that, due to the passage of Chapter 91, State Stats. Farmland Preservation, a related expenditure request of \$67,000 will be made to County Board for costs of required recertification of Jefferson County's Agricultural Preservation and Land Use Plan and Zoning Ordinance. If Jefferson County does not update its plan, it will not be in the program and Chapter 91 will not be of concern.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Administration & Rules and Planning & Zoning Committees

02-09-10

Rob Klotz: 01-28-10

County Board Chairman's Report
Sharon L. Schmeling
February 2010

The following report provides updates on the activities of the Jefferson County Board, its chairman, its committees, and key issues confronting the county. If you have any questions about the following information, or would like an update about a project or issue not mentioned here, do not hesitate to contact me by phone (920) 674-8607 or e-mail (sharons@co.jefferson.wi.us) with your questions or suggestions.

Note: Because there was no January board meeting, the following report includes activities and issues from December 2009.

The economy's impact on county human services – During this Recession, the demands on the staff at Human Services have grown as record numbers of families are unemployed and in need of economic support and mental health counseling. State law requires counties to provide these services.

In 2009, the Human Services Department responded to 3,539 crisis calls, up from a mere 994 in 2008. Under the new leadership of Human Services Director Kathi Cauley, the Department is updating its process and procedures to handle the increase workload. In addition, they have identified federal/state program money that may help fund mental illness programs.

The number of Jefferson County households using public assistance has increased by 31 percent. In January 2006, there were 3,971 families being served. That number rose to 5,225 for January 2010. Again, Cauley is working with her staff to restructure their operations to accommodate this expanded need with no additional staff.

Cauley is also working on making necessary changes within the department to improve the county's collection of guardianship fees. This long-overdue effort has required partnerships and coordination with Clerk of Courts Carla Robinson and Assistant Corporation Counsel Scott Scheibel. Please join me in thanking this great team for their work in updating our systems to collect fees ordered by the court from those using the court system. Such efforts help reduce the county's reliance on property tax dollars.

Growing the county's economy – For several years the County Board has focused on expanding the county's job base by supporting the Jefferson County Economic Development Consortium. This is a partnership with the cities that focuses on supporting local businesses, retaining existing jobs, and bringing new businesses/jobs to Jefferson County. During this current economic downturn, the consortium's Executive Director, Dennis Heling, has been busier than ever responding to employers' questions and issues about doing business in Jefferson County and employers' efforts to manage changes in their workforce, necessitated by declining budgets.

Another vital partner in this endeavor is THRIVE, which is a regional economic development consortium representing eight counties (Columbia, Dane, Dodge, Green, Iowa, Jefferson, Rock and Sauk counties).

On December 2, THRIVE sponsored a four-hour conference in Madison on the State of the Region, which Mr. Heling and I attended. As your chairman, I was invited to participate in a panel discussion with leaders from the other seven counties to discuss our local economies and what we have learned, where we are headed and what our long-term plan is for growing the economy.

The focus on my remarks were on Jefferson County's plans for tourism and business expansion through the Glacial Heritage Area, and the widespread support we have received from local businesses and governments for developing this partnership with the Department of Natural Resources.

At the conference, and at all such events, my objective is to make Jefferson County look good so that the leading employers and state officials in attendance recognize Jefferson County as a place that is eager to support business growth and development, and has the energy and leadership to make things happen.

Supporting county businesses – On behalf of the County Board, I was invited and attended a celebration at Standard Process in Palmyra January 27. This Wisconsin-based, family owned company manufactures organic whole food supplements and has been a strong participant in the Jefferson County Economic Development Consortium's long-term planning efforts for the county's economy. The company reached \$100 million in sales in 2009 and is poised for more growth. They employ 270 people at their corporate headquarters in Palmyra where they grow crops on company-owned, organically certified farmland.

To help support their workforce, Standard Process Company expanded its on-site child care center, serving nearly 60 children, to accommodate over 100. The center provides care for employees' children age 6 weeks to 12 years from 5:30 a.m. to 5 p.m. The site is managed by Bright Horizons, an international educational services firm that has been named by Fortune Magazine as one of the top 100 companies to work for in America.

Standard Process President Charles DuBois praised the JCEDC and thanked the County Board for the work of Executive Director Dennis Heling, who has helped Standard Process navigate various economic development programs sponsored by the Department of Commerce.

This is a tangible manifestation of the County Board's support for the JCEDC and the importance of county government working with the private sector to expand our economy. At the event, I pledged the county's ongoing support of any efforts needed to help Standard Process continue on its successful path.

-- END --

ORDINANCE NO. 2009-_____

Amended Board Rules for 2010-2012

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. The Board of Supervisors' Rules of Order are amended as noted by the
highlighted sections below:

**CHAPTER III
BOARD OF SUPERVISORS
RULES OF ORDER – 2010-2012**

3.01 MEETINGS, QUORUM AND ORDER OF BUSINESS. (1)(a) Regular and special meetings of the
Jefferson County Board of Supervisors shall be held and conducted in accordance with the provisions of s. 59.11,
Wis. Stats. The Board shall hold an annual meeting on the Tuesday after the second Monday of November in each
year for the purpose of transacting business unless otherwise established by rule. Regular meetings of the Board
shall be held on the following dates [Amended 08/08/06, Ord. 2006-13; am. 03/11/08, Ord. 2007-34]:

Tuesday, April 20, 2010

Tuesday, May 11, 2010

Tuesday, June 8, 2010

Tuesday, July 13, 2010

Tuesday, August 10, 2010

Monday, September 13, 2010

Tuesday, October 12, 2010

Tuesday, October 26, 2010 (Board Meeting & Budget Public Hearing)

*Tuesday, November 9, 2010

Tuesday, December 14, 2010

Tuesday, February 8, 2011

Tuesday, March 8, 2011

Tuesday, April 19, 2011

Tuesday, May 10, 2011

Tuesday, June 14, 2011

Tuesday, July 12, 2011

Tuesday, August 9, 2011

Tuesday, September 13, 2011

Tuesday, October 11, 2011

Tuesday, October 25, 2011 (Board Meeting & Budget Public Hearing)

*Tuesday, November 15, 2011

Tuesday, December 13, 2011

Tuesday, February 14, 2012

Tuesday, March 13, 2012

Tuesday, April 17, 2012

*Annual Meeting (Required by Statute)

(b) In the event of inclement weather, the Chair may cancel a meeting. Any meeting cancelled by the Chair under this section shall be held on the next succeeding Tuesday. [cr. 03/11/08, Ord. 2007-34]

(c) In addition to the methods prescribed by Wisconsin Statute Section 59.11, a Board meeting may be convened by the Board Chair in case of emergency to authorize repairs of county buildings, or take other necessary action to respond to the emergency. [Created 10/14/08, Ord. No. 2008-21]

(2) Board meetings shall commence at 7:00 p.m. unless by majority vote the Board prescribes a different time for convening. [Amended 02/10/04, Ord. 2003-34; amended 02/14/06, Ord. No. 2005-47]

(3) A majority of all members elected to the Board must be present to constitute a quorum for the transaction of business. In the absence of a quorum, those present may order a call of the house to compel the attendance of absent members, or they may take a recess or fix a time to which to adjourn and adjourn.

(4) For the April organizational meeting held in even-numbered years the order of business shall be:

- (a) Call to order and pledge of allegiance.
- (b) Administration of oath of office and roll call by County Clerk.
- (c) Certification of compliance with Open Meeting Law.
- (d) Approval of the agenda.
- (e) Election of Chairperson and Vice Chairpersons.
- (f) Adoption of rules of order.
- (g) Committee elections, if called for by the rules.
- (h) Follow order of business as established for other meetings, except that no annual reports of department heads will be presented at the organizational meeting. [Amended 3/12/02, Ord. 2001-29; amended 02/14/06, Ord. No. 2005-47]

(5) The order of business for all other board meetings shall be as follows:

- (a) Call to order and pledge of allegiance.
 - (b) Roll call by County Clerk.
 - (c) Certification of compliance with Open Meeting Law.
 - (d) Approval of the agenda.
 - (e) Approval of minutes of last meeting.
 - (f) Written Communications provided to Board.
 - (g) Public comment.
 - (h) Annual reports of department heads.
 - (i) Committee elections.
 - (j) Committee reports, resolutions and ordinances.
 - (k) Unfinished business.
 - (l) Committee and Board appointments.
 - (m) Announcements.
- [Amended 02/14/06, Ord. No. 2005-47]

(6) The Chair may limit the number of persons addressing the Board under Section 3.01(5)(e) to a number determined by the Chair to reasonably represent the views of large groups of persons wishing to address the Board, so as to prevent repetition. The length of time allocated to any person addressing the Board under Section 3.01(5)(e) shall be at the discretion of the Chair, with all public comment confined to a maximum of 15 minutes.

3.02 ORGANIZATION. (1) The Board shall, as provided by s. 59.11, Wis. Stats., organize at the April meeting in even-numbered years by electing a Chairperson, a Vice Chairperson and a Second Vice Chairperson by secret ballot. The Clerk shall preside until the Chairperson has been elected. Nominations shall be made by written ballot. In the event more than two persons are nominated for a position, a primary ballot shall be prepared. Prior to the primary election, or the final election if no primary is required, each nominee shall be provided up to three

minutes to address the Board. A person receiving a majority of votes cast on the primary ballot shall be declared elected. Otherwise, the two persons receiving the greatest number of votes for a position on the primary ballot shall be placed on the final ballot. In the event two persons receive the second greatest number of votes, those two persons shall be the subject of a vote for the second position on the final ballot. The Clerk shall prepare a final ballot for the position. The person receiving the most votes shall be elected to the position. The provisions of section 3.03(11), where applicable, shall apply to this procedure. Persons elected in accordance with this paragraph may be removed by the Board by majority vote. [Amended 03/12/02, Ord. No. 2001-29; am. 06/13/06, Ord. 2006-08; am. 03/11/08, Ord. 2007-35]

(2) The Chairperson shall perform all duties required of the Chairperson until the Board elects a successor. The Chairperson shall preside at meetings when present and shall countersign all ordinances of the Board. The Chairperson shall countersign all county orders, transact all necessary board business with local and county officers, expedite all measures resolved upon by the Board and shall take care that all federal, state and local laws, rules and regulations pertaining to county government are enforced.

(3) In case of the absence or disability of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson.

(4) In case of the absence of the Chairperson and the Vice Chairperson, the Second Vice Chairperson shall perform the duties of the Chairperson.

(5) In case of the absence of the Chairperson and both Vice Chairpersons for any meeting, the members present shall choose a temporary chairperson.

(6) The County Board Chairperson is authorized and directed to attend meetings and conferences on matters directly related to county government. The County Board Chairperson may direct the Vice Chairperson or some other member of the County Board to attend such meetings and conferences, either in place of the Chairperson or along with the Chairperson. The County Board Chairperson, the Vice Chairpersons and such other board members as may be designated by the Chairperson, shall be entitled to meeting fees or per diem and mileage for attending such meetings and conferences, all subject to the regular rules of the County Board pertaining to meeting fees, per diems, mileage and expenses as currently provided in Ordinance 2001-19, as most recently amended August 8, 2006. The County Board Chair shall be entitled to a per diem meeting fee for meeting with staff or the County Administrator. Board members authorized by the Chairperson to attend meetings and conferences shall notify the County Administrator not less than 72 hours in advance of said meeting or conference in order to permit the County Administrator to give any necessary Open Meeting notices as may be required. No per diems, meeting fees or expenses shall be paid to board members attending meetings who have not been authorized as required in this paragraph.

(7) In the event the position of Chairperson is vacant due to removal, resignation or death of the incumbent, the Board shall hold an election to fill the position of Chairperson within sixty (60) days of it becoming vacant. The First Vice Chair, or the Second Vice Chair if there is no First Vice Chair, shall assume all duties of the Chairperson when such position is vacant and shall be paid meeting fees and the monthly salary to which the Chairperson would be entitled until such time as the Board elects a successor. [cr. 03/11/08, Ord. 2007-36]

3.03 BOARD PROCEDURE. (1) Robert's Revised Rules of Order shall govern the proceedings of the County Board of Supervisors in all cases in which they are not inconsistent with these rules or the laws of the State of Wisconsin.

(2) Upon being recognized, a member shall rise in place, and using the microphone, address the Chairperson, and shall not be interrupted except by a call to order. If called to order by the Chairperson the member shall be seated and shall not proceed without permission of the Chairperson.

(3) No member shall speak more than twice on any question until all members who desire to speak have been heard and then not without first obtaining leave of the Chairperson. In speaking, a member shall confine comments to the question under consideration and shall avoid all personalities.

(4) No member present at the initial roll call shall thereafter fail to attend the balance of a board meeting without first obtaining permission of the Chairperson and notifying the Clerk. A member with a conflict of interest shall advise the Clerk and the Chair of the conflict prior to discussion of or voting on the item to which the conflict of interest pertains. Thereafter, such member shall not participate in the discussion or vote thereon. The minutes shall reflect the member's statement and the fact that the member has abstained from discussion and voting on the item in question.

(5) All questions decided by a voice vote shall be put in this form: Those who are in favor say, "Aye", and those who are opposed say, "No". In doubtful cases the Chairperson or any member may call for a roll call vote.

(6) Upon the request of any member of the County Board a roll call vote shall be ordered on any question before the Board. A roll call vote shall be required on all matters involving the expenditure of money and in accordance with s. 65.90(5), Wis. Stats., budget alterations shall require a two-thirds vote of the entire membership of the Board.

(7) On a roll call vote every member present shall vote except a member who has abstained in accordance with the procedures set forth above. Members have the right to change their votes up to the time the vote is announced by the Clerk. The Clerk shall give notice before locking in the votes on the voting machine.

(8) All resolutions, ordinances, petitions and reports presented to the Board shall be in writing, sponsored by a board member or committee and filed in the office of the County Administrator not later than noon on the Wednesday preceding a board meeting. Each resolution submitted for consideration shall have a fiscal note. Motions to reconsider may be brought at the next succeeding meeting only if notice of the motion is filed in the office of the County Administrator not later than noon on the Wednesday preceding the board meeting. Proposed ordinances shall be reviewed by the Corporation Counsel for proper form and legality before being submitted to the Board. Resolutions and ordinances not introduced by a committee shall be referred to an appropriate committee by the Chairperson. A resolution or ordinance referred to a committee pursuant to this paragraph may be placed on the County Board agenda for further action upon the written request of five (5) County Board members which shall be submitted to the Chairperson not sooner than sixty (60) days after referral of the item to the committee. Such items shall then be placed on the next regular County Board agenda subject to any statutory requirements or other limitations. [Amended 06/10/03, Ord. No. 2003-03]

The sponsor of a major new resolution or ordinance or major revision of an existing resolution or ordinance shall prepare a written report or memorandum explaining the significant features of the proposed legislation, including the contemplated changes. Such written report or memorandum shall be mailed to board members as part of the agenda, but unless specifically ordered by the Board such reports or memoranda shall not be printed in the board proceedings.

(9) Any person having a matter of business requiring the attention of the County Board may present such matter to the Board by delivering a written communication to the County Clerk, County Board Chairperson or County Administrator by noon on the Wednesday preceding the next County Board meeting. The County Board Chairperson may, at his/her discretion, allow persons to be placed on the agenda to address the Board. Communications not presented personally to the Board shall be preserved by the County Clerk and shall be presented to the County Board as a communication at the next regular board meeting. Communications may be referred to an appropriate committee for study and attention. If feasible, such committee shall arrange to meet with the author of the communication. Such committee shall thereafter report back to the County Board in the usual manner and shall recommend what action, if any, should be taken by the County Board with reference to such communication. The Clerk shall acknowledge receipt of communications by return mail.

Any person wishing to express an opinion on a matter of business coming before the Board shall be encouraged to communicate orally or in writing with a board supervisor to make the person's position known prior to the board meeting. Orderly administration of board business does not permit the appearance of non-board members at County Board meetings to debate controversial matters before the Board. On matters concerning a large number of people board committees shall conduct public hearings to give interested persons an opportunity to be heard. The

County Board may, on rare occasions, sit as a committee of the whole to enable interested persons to appear and be heard on matters of business.

(10) Any board member may ask for the privilege of the floor for a non-board member to address the Board and if no supervisor objects the Chairperson shall grant the privilege to such non-board member. If a member objects any board member may move that the privilege of the floor be granted and any member may second such motion. If the motion is adopted by a majority vote the Chairperson shall grant the privilege of the floor to the non-board member. Board members shall be discouraged from requesting the privilege of the floor for a non-board member when, as an alternative, such person could be referred to a board committee. The time allocated to non-board members shall not exceed ten minutes. This procedure shall not apply to non-board members scheduled to appear as part of the regular written agenda.

(11) Whenever it is necessary for the Board to elect members of a committee the following procedure shall be followed:

(a) Nominations shall be made and shall be prominently printed on a blackboard in plain view.

(b) The County Clerk shall immediately prepare written ballots with the names of candidates in alphabetical order.

(c) When ballots have been prepared the Clerk shall call the roll and one ballot shall be delivered to each board member present.

(d) ~~The County Board Chairperson~~ Clerk shall appoint three ~~members as~~ election tellers and the who shall assist the County Clerk shall assist in the tabulation of results.

(e) County Board members will then vote for as many candidates as there are vacancies to be filled and each County Board member's ballot shall be signed.

(f) Candidates receiving a majority vote of the number of County Board members present shall be declared elected. Should no one receive a majority vote the person receiving the lowest number of votes shall be dropped from the ballot. The Clerk shall again call the roll and one ballot shall be delivered to each board member present, repeating if necessary, until all vacancies are filled. In case of a tie vote, the successful candidate shall be determined by lot. If the number of candidates receiving a majority vote of County Board members present exceeds the number of positions to be filled, any person not receiving a majority vote shall be dropped from the ballot. The Clerk shall again call the roll with only those receiving a majority vote remaining on the ballot. The person receiving the lowest number of votes shall be dropped from the ballot each succeeding ballot until the number of candidates receiving a majority vote equals the number of positions to be filled.

(g) If a ballot has been improperly marked it shall be discarded and the remaining ballots shall be counted; provided, however, a ballot marked with less than the maximum number of votes shall be counted if the intent of the voter can be ascertained.

(12) Annual reports will be received and placed on file and not printed in the minutes unless the Board otherwise directs. [Amended 06/19/01, Ord. No. 2001-07]

3.04 DUTIES OF OFFICIALS. (1) The County Administrator shall receive proposed resolutions, ordinances, reports and petitions and shall prepare a written agenda of all matters which are to be brought before the Board. The County Administrator shall attend board meetings and shall assist the Board whenever possible. The County Administrator may present matters to the board for consideration.

(2) The County Clerk, upon request, and the County Treasurer shall prepare and present to the County Board a complete monthly financial statement and shall keep the Board informed of the County's financial condition, including the investment of surplus funds. The County Clerk shall attend board meetings and shall perform administrative duties related to the Board.

(3) The Corporation Counsel shall attend board meetings and shall serve as parliamentarian and legal advisor to the Board.

3.05 STANDING COMMITTEES. (1) Standing committees of the Board shall be appointed for two-year terms by the Chairperson of the Board after his/her election and prior to June 1 in even-numbered years, unless a different date for appointment is specifically prescribed. When necessary for the orderly transaction of business prior to the formal appointment of new committees, the Chairperson may appoint temporary committees and committee chairpersons to address pending items assigned to a standing committee. The temporary committee may act until the earlier of June 1 or the date the Chair files permanent appointments with the Clerk. The Chairperson shall file a list of the committee appointments with the County Clerk and the County Administrator. Any mid-term committee appointments by the Chairperson shall be filed with the Clerk who shall present them to the Board as a communication at the next regular County Board meeting. The Chairperson shall be an ex officio member of all standing committees, and shall be allowed to vote in order to break a tie, and shall be counted as a member if necessary to create a quorum at the committee's meeting, and shall also be allowed to vote in that case. When an issue arises at a County Board meeting or administratively that is not clearly assigned to a standing committee by the Board Rules or a prior resolution, the Board Chair shall designate the committee to which the issue shall be assigned. [Amended 03/09/04, Ord. No. 2003-35; amended 06/08/04, Ord. No. 2004-10; amended 12/13/05, Ord. No. 2005-31; amended 07/11/06, Ord. 2006-07; am. 07/10/07, Ord. No. 2007-16]

(2) Standing committees of the Board and duties shall be as follows:

(a) **ADMINISTRATION & RULES COMMITTEE** - Five members: County Board Chair, First and Second Vice Chair and two other members. This Committee shall supervise the office of the County Administrator and shall handle matters pertaining to said office. Committee proposals and recommendations shall be subject to approval of the County Board. This Committee shall also meet with circuit court judges as called, to discuss common goals and concerns within the Jefferson County Circuit Court system. The Committee shall work with the courts to implement such goals. This Committee shall also meet with the Clerk of Courts, the Register of Deeds and Corporation Counsel with regard to matters pertaining to said offices. [Amended 03/12/02, Ord. No. 2001-30; am. 07/10/07, Ord. No. 2007-11; am. 03/11/08, Ord. 2007-37]

Matters pertaining to proposed state legislation, county board rules and county board minutes shall be handled by the Committee. During the last three months of its term, the Committee shall draw specifications, solicit bids, and file a recommendation with the County Board in March of even-numbered years concerning which newspaper in the County shall be the official newspaper and printer for the two-year term of the new County Board. The Committee, on behalf of the Board, shall be authorized to approve the minutes from each March meeting and any other meeting when the County Board does not meet in sufficient time to approve the minutes for publication as required by Section 59.14(2), Stats. [cr. 07/10/07, Ord. No. 2007-11]

The Board Chair and one committee member shall serve as Jefferson County's representatives to the Inter-County Coordinating Committee. The Board Chair, a committee member and the County Administrator shall be Jefferson County's representatives on the Inter-County Data Processing Commission. [Amended 03/14/06, Ord. No. 2005-48a]

(b) **FAIR PARK COMMITTEE** - Five members. The Fair Park Committee shall recommend Fair Park policies to the County Board and provide the Fair Park Director with guidance and assistance, as requested, in the operation of Jefferson County Fair Park. The Fair Park Committee may establish policies relating to the operation of the County Fair not requiring Board action and is authorized to contract for entertainment, sponsorships valued up to \$50,000 and to lease space to exhibitors for up to 15 days without further approval from the Board. The Fair Park Director may approve the entertainment contracts when the necessity for approval arises between scheduled Committee meetings. All approvals by the Director shall be reported to the Committee. In addition, the Fair Park Director may contract for sponsorships up to \$20,000 and enter leases for property storage that exceed 15 days. Sponsorships valued between \$20,000 and \$50,000 may be approved by the Committee. Sponsorships affecting other county departments shall be approved by the Board regardless of the amount of the contract. For events which are new to the Jefferson County Fair Park, the Fair Park Director shall consult with the County Administrator before the Committee or Director

enters into a contract or lease. All contracts shall be submitted to the Corporation Counsel for approval before execution. The Director shall be responsible for the maintenance of the Fair Park buildings and grounds, and may propose plans for capital improvement and operational budgeting for review by the Committee and consideration by the Board. The Committee shall establish fees as part of the next year's budget and the Director may set unanticipated fees during the year and report such fees to the Committee. The Director may deviate from the established fee structure when it is advantageous to the operation of the Park, and shall report such arrangements to the Committee. [Amended 04/18/06, Ord. No. 2006-01; am. 05/08/07, Ord. 2007-06; am. 11/13/07, Ord. No. 2007-23; am. 01/13/09, Ord. 2008-26]

(c) FINANCE COMMITTEE - Five members. County Board Chair, a Vice Chair designated by County Board Chair, and three other members. This Committee shall receive the proposed county budget from the County Administrator and shall conduct hearings necessary in the review of the proposed budget. The County Administrator, ~~County Clerk and County Treasurer and staff~~ shall meet with the Committee and shall assist in the preparation of the budget. [Amended 05/11/04, Ord. No. 2004-04]

The Committee shall meet on matters of budget control and shall make necessary permitted transfers as authorized by the provisions of s. 65.90(5)(b), Stats. The Committee shall propose necessary budget transfers and amendments requiring County Board action. [Amended 03/14/06, Ord. No. 2005-48d]

The Committee shall recommend to the Board the departments to be audited, the auditors to be employed, and shall report to the Board the results of such audits. A subcommittee consisting of any three Finance Committee members (of which two shall constitute a quorum) shall meet each month to audit and approve for payment proper vouchers, expenditures and claims against the County, except vouchers, expenditures and claims pertaining to the Highway Department, Human Services Department, Countryside Home and Veterans Service Commission. The Committee shall supervise the collection of delinquent taxes and is authorized to sell foreclosed properties in accordance with Resolution No. 2002-16. This Committee shall be responsible for the sale of county-owned land other than that obtained through tax foreclosure, and shall present contracts for sale of such land to the Board for approval. [Amended 08/13/02, Ord. No. 2002-16; amended 03/14/06, Ord. No. 2005-48d, effective 04/18/06; am. 03/11/08, Ord. 2007-39]

The Committee shall supervise the County's contracts with the Jefferson County land preservation groups. [Amended 04/16/02, Ord. No. 2002-05; amended 03/14/06, Ord. No. 2005-48d]

The Committee shall, together with the County Administrator and Corporation Counsel if bids are taken, recommend to the County Board the types and amounts of insurance to be carried and also the insurance carrier to whom such insurance shall be awarded. The Committee shall be authorized to renew insurance contracts without bidding same, when it finds renewal is in the best interest of Jefferson County.

The Committee shall work with the County Treasurer and County Clerk in handling business matters and in solving problems related to those offices and shall present matters to the County Board on behalf of said offices whenever necessary.

The Committee shall have the authority granted to the former Audit Committee, pursuant to Resolution No. 83-98, to resolve claims against the County in amounts up to \$10,000. [Created 04/16/02, Ord. No. 2002-04]

(d) HIGHWAY COMMITTEE - The Highway Committee shall consist of five members of the County Board. Members of the Highway Committee shall be eligible for appointment to any other standing committee, board or commission. The Highway Committee shall have the powers and duties set forth in s. 83.015, Wis. Stats. [Created 04/16/02, Ordinance No. 2002-03]

A subcommittee consisting of any three Highway Committee members (of which two shall constitute a quorum) may meet each month in lieu of a full committee meeting to audit and approve for payment of proper vouchers and expenditures. [cr. 04/15/08, Ord. 2008-04]

(e) **HUMAN RESOURCES COMMITTEE** - Five members. The Human Resources Committee shall assist in the administration of the Personnel and Salary Ordinance. The Committee shall hear grievances unless other provisions are made by union contracts or the Civil Service Ordinance. The Committee may review job descriptions and evaluate the allocation of positions to the various departments. This Committee shall also review the statutory requirements and make recommendations to the Board concerning benefits, pay classifications and employment law policies, as well as make recommendations to the County Board concerning union negotiations. [Amended 03/12/02, Ord. No. 2001-34; amended 05/14/02, Ord. No. 2002-07; amended 03/14/06, Ord. No. 2005-48e; am. 03/11/08, Ord. 2007-40]

(f) **INFRASTRUCTURE COMMITTEE** - Five members. The Infrastructure Committee shall supervise and control all construction, remodeling and repair of all county buildings and shall have authority to approve the use of county buildings by organizations not connected with county government. The Committee shall review all proposed leases, except those leases which by rule are the responsibility of a different committee, and recommend same to the County Board for final approval. [am. 03/11/08, Ord. 2007-38]

Invoices covering construction and remodeling shall be approved by the department head or designee of the department involved. The Committee shall review all payments made at its next meeting and determine a proper course of action when an invoice is disputed. [am. 08-12-08, Ord. 2008-17]

When the County Board has authorized construction of, additions to or remodeling of a county building, the Committee shall solicit proposals from various architects, and recommend to the County Board which architect shall be hired for the project. The Committee may, in its discretion, recommend that the County proceed without an architect. The Committee is not required to recommend an architect based solely on monetary considerations, but shall also consider an architect's previous work for the County and others.

The Committee shall review issues related to Management Information Systems. [Amended 03/14/06, Ord. No. 2005-48b; am. 08-12-08, Ord. 2008-17]

(g) **LAND & WATER CONSERVATION COMMITTEE** - Five members. Not less than three members of the County Board, including at least two members of the University Extension Education Committee, appointed by the Board Chairperson and confirmed by the Board, and the Chairperson of the FSA (Farm Service Agency) (or his/her designee) shall serve as the Land & Water Conservation Committee and shall have the powers and duties as set forth in Chapter 92, Wisconsin Statutes. [Amended 03/12/02, Ord. No. 2001-33; am. 09/08/08, Ord. 2008-19]

This Committee shall also manage, supervise and be responsible for the Countryside Farm and other county farmland not held for future parks development. Leases of the farmland shall be approved by the County Board. [Amended 03/14/06, Ord. No. 2005-53; am. 03/11/08, Ord. 2007-41]

(h) **LAW ENFORCEMENT AND EMERGENCY MANAGEMENT COMMITTEE** - Five members. This Committee shall consist of five members and shall have jurisdiction over issues affecting the Jefferson County Sheriff's Department. This Committee shall handle grievances arising under the Sheriff's Department labor contract other than those involving suspension, demotion or discharge mentioned in Wisconsin Statute 59.26(8)(b). This Committee is also responsible for all matters pertaining to Emergency Management and in accordance with s. 166.03(4), Wis. Stats., the County Board Chairperson shall designate a member of the Committee to act as chairperson when this Committee is convened as an Emergency Management Committee. [Amended 02/08/05, Ord. No. 2004-31; amended 03/14/06, Ord. No. 2005-48g]

This Committee shall work with the District Attorney and Coroner in handling business matters and in solving problems related to those offices and shall present matters to the County Board on behalf of said offices whenever necessary. [am. 03/11/08, Ord. 2007-37]

(i) **PARKS COMMITTEE** - Five members. The Committee shall set park policy and help guide the department in its efforts to meet their agreed upon mission as identified in the Jefferson County Parks, Recreation and Open Space Plan. [Amended 06/08/04, Ordinance No. 2004-05; amended 03/14/06, Ord. No. 2005-48i, 04/18/06; renumbered 07/10/07, Ord. No. 2007-11]

(j) PLANNING AND ZONING COMMITTEE - Five members, at least three of whom reside in unincorporated areas of the County. This Committee shall have the powers and duties set forth in s. 59.69(2)&(3) and s. 59.70(1), s. 285.73, and such powers and duties as may be set forth in the statutes and county ordinances not specifically delegated to the Zoning Board of Adjustment. Among other things, the Committee shall handle applications for conditional use permits and all proposed amendments to the county Zoning, Shoreland, Subdivision and Private Sewage System Ordinances and shall conduct all public hearings required in connection with such amendments or conditional uses. The Committee shall also be responsible for the preparation of a county land use plan including surveys and studies of land use, population and population density, economy, soil characteristics, forest cover, wetland and floodplain conditions and other human and natural features of the County and shall conduct such hearings as may be required in connection with such county planning. The Committee may adopt such rules and regulations governing its procedure as it considers necessary and advisable all according to the provisions of s. 59.69(2), Wis. Stats. [Amended 03/14/06, Ord. No. 2005-48], effective 04/18/06; renumbered 07/10/07, Ord. No. 2007-11]

The Planning and Zoning Committee shall work with the Land Information, Planning and Zoning Department, and the County Surveyor in handling matters related to those offices and shall present matters to the County Board on behalf of said offices whenever necessary. [Amended 03/09/04, Ord. No. 2003-38; am. 03/11/08, Ord. 2007-37]

(k) SOLID WASTE & AIR QUALITY COMMITTEE - Five members. This Committee shall address the County's solid waste needs by operating hazardous waste removal programs, overseeing the County's interest in landfill siting processes, promoting recycling and related waste reduction efforts and engaging in planning and educational efforts for future solid waste needs. In addition, the Committee will maintain awareness and educate the public about air quality concerns in the County. [Amended 07/09/02, Ord. No. 2002-09; amended 11/09/04, Ord. No. 2004-20; amended 03/14/06, Ord. No. 2005-48], effective 04/18/06; renumbered 07/10/07, Ord. No. 2007-11]

(l) UNIVERSITY EXTENSION EDUCATION COMMITTEE - Five members. This Committee shall have the powers and duties as set forth in Section 59.56(3), Wisconsin Statutes. [Created 03/12/02, Ordinance No. 2001-36; renumbered 07/10/07, Ord. No. 2007-11]

3.06 BOARDS, COMMISSIONS, COMMITTEES AND OTHER BODIES (1) The following boards, commissions, committees and other bodies created by the County or to which the County has a right to appoint representatives, shall be elected or appointed in the manner provided by law, ordinance or rule: [Amended 03/14/06, Ord. No. 2005-49a]

(a) BLUE SPRING LAKE MANAGEMENT DISTRICT – One member. [Created 03/14/06, Ord. No. 2005-49b, effective 04/18/06]

(b) COUNTRYSIDE HOME BOARD OF TRUSTEES – In accordance with s. 46.18, Wis. Stats., the Board of Trustees shall consist of five members, appointed by the County Administrator, who shall serve staggered three-year terms beginning on the first Monday in January. A minimum of three shall be members of the County Board at the time of appointment, and their appointment shall cease if not re-elected to the County Board. The Trustees shall elect a chairperson, and the Administrator of the Home shall be ex officio secretary. The Trustees shall audit all claims incurred on behalf of said Home and shall perform all the duties set forth in s. 46.18, Wis. Stats. (Amended 11/08/01, Ord. 2001-18)

(c) COUNTY BOARD OF HEALTH - The County Board of Health shall consist of five members, appointed by the County Administrator, who shall serve three-year staggered terms. Initial terms shall be one, two and three years. Appointments shall be made on the second Tuesday in May. Two members shall be members of the County Board when appointed and their appointment shall cease if not re-elected to the County Board. Non-Board members shall be persons who have a demonstrated interest or competence in public health and a good faith effort shall be made to appoint a physician and a nurse. Such appointments shall be subject to confirmation by the County Board of Supervisors. The County Board of Health shall meet quarterly as required by Wisconsin Statute 251.04(5) and

additionally on the call of the Board of Health Chairperson. The County Board of Health shall have the powers and duties established in Wis. Stat. 251.04. [Amended 03/14/06, Ord. No. 2005-49c]

~~Note: After April 18, 2006, the reduction in county supervisor positions on this Board shall take place as current terms expire or vacancies occur. The first two vacancies will not be filled.~~

(d) ECONOMIC DEVELOPMENT CONSORTIUM – In lieu of having an Economic Development Committee, any of the three County Board members appointed to the Jefferson County Economic Development Consortium board in accordance with Resolution No. 2003-28 may present items recommended by the Consortium to the Jefferson County Board for its consideration. [Created 03/14/06, Ord. No. 2005-49d]

(e) FARMLAND CONSERVATION EASEMENT COMMISSION - Five members serving staggered three-year terms, three supervisors and two members of the public, appointed by the Board Chair. The Commission will recommend policies for acquiring conservation easements; review applications to grant such easements and recommend action thereon to the County Board when appropriate. [cr. 04/14/08, Ord. 2008-01]

(f) HISTORIC SITES PRESERVATION COMMISSION – Seven members, serving staggered three-year terms, appointed by the County Administrator. The Commission shall have the power, subject to the provisions and criteria of Ordinance No. 2007-48, to recommend designation of historic structures, historic sites and historic districts within the unincorporated areas of the County. [cr. 04/15/08, Ord. 2008-02]

(g) HOME CONSORTIUM BOARD – Three county representatives pursuant to intergovernmental agreement (Resolution No. 2000-21). [Created 03/14/06, Ord. No. 2005-54; renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02]

(h) HUMAN SERVICES BOARD - Seven members. This is the governing and policymaking board of directors of the Human Services Department. Four members shall be members of the Board of Supervisors at the time of appointment and throughout their respective terms. Three members shall be consumers of service or citizens at large. No public or private provider of services may be appointed to the Board. Appointees shall serve staggered three-year terms. The Human Services Board shall elect a chairperson and vice chairperson who must be selected from the four members who are supervisors. Elections shall be held after the County Board organizational meeting in April of even-numbered years. The Human Services Board shall possess all the powers and duties prescribed by s. 46.23(5m), Wis. Stats. Pursuant to s. 46.23(5m)(a), the Human Services Board shall appoint an Aging and Disability Resource Center Advisory Committee which shall also be assigned the duties established by Resolution No. 42 adopted June 12, 1979, for the Advisory Committee on Aging. Pursuant to s. 46.23(5m)(a), the Human Services Board shall appoint the Nutrition Project Council, number and terms of appointees to be determined by the Human Services Board. Such appointments shall be subject to confirmation by the County Board. The Human Services Board may create a subcommittee known as the Human Services Personnel & Finance Committee, members of which shall be eligible for meeting fees and mileage. [Amended 03/09/04, Ord. No. 2003-39; am. 03/11/08, Ord. 2007-49; renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02]

(i) JEFFERSON COUNTY LIBRARY BOARD - Seven members, appointed by the County Administrator, serving staggered three-year terms, including at least one school administrator of a school district located in whole or in part in the County, or that school district administrator's designee, and one or two county board supervisors, representatives of existing library boards and persons residing in municipalities not served by libraries. A county board member's appointment shall cease if the county board member's term on the County Board ends. [Amended 05/11/04, Ordinance No. 2004-06; renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02]

(j) LAKE RIPLEY MANAGEMENT DISTRICT – One member. [Created 03/14/06, Ord. No. 2005-49g, effective 04/18/06; renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02]

(k) LOCAL EMERGENCY PLANNING COMMITTEE – Thirteen members appointed in accordance with s. 59.54(8), Stats., and applicable federal law.

(l) MID WISCONSIN FEDERATED LIBRARY SYSTEM BOARD – Seven members. Pursuant to s. 43.19, Wis. Stats., the County Administrator shall appoint one county board member and six representatives of the library boards governing public libraries of participating municipalities, who shall serve staggered three-year terms. The county board member's appointment shall cease if the county board member's term on the County Board ends. The Board shall have the powers granted to a library board under s. 43.58 to 43.62, Wis. Stats. [Amended 05/11/04, Ordinance No. 2004-07; renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02]

~~**(m) ROCK RIVER KOSHKONONG ASSOCIATION** – One member. County board member to serve two-year term coinciding with county board term. To study and coordinate solutions to Lake Koshkonong problems. [renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02]~~

(m) SHERIFF'S CIVIL SERVICE COMMISSION - In accordance with s. 59.26(8), Stats., the Sheriff's Civil Service Commission shall consist of five members serving staggered terms of five years. Members of the County Board shall not be eligible to serve on the Civil Service Commission. The Civil Service Commission shall have the powers and duties set forth in s. 59.26, Stats. [renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02]

(n) TRAFFIC SAFETY COMMISSION – ~~Appointed i~~In accordance with s. 83.013, Stats., the Traffic Safety Commission shall consist of twelve members appointed by the County Administrator. [Created 03/14/06, Ordinance No. 2005-54; renumbered 0/15/08, Ord. 2008-01 and Ord. 2008-02]

(o) VETERANS SERVICE COMMISSION - In accordance with s. 45.12, the Veterans Service Commission shall consist of five members appointed by the County Administrator for staggered three-year terms. Each member shall be a veteran and the commission shall perform the duties set forth in Chapter 45, Wis. Stats. [renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02; am. 08-12-08, Ord. 2008-16]

(p) ZONING BOARD OF ADJUSTMENT - In accordance with s. 59.694, the Zoning Board of Adjustment shall consist of three members serving staggered terms of three years. ~~County board members and non-county board members shall be eligible for appointment. After expiration of the current incumbents' terms on the Board of Adjustment, t~~ The Zoning Board of Adjustment shall be comprised of non-county board members residing in the unincorporated areas of the County. The Board of Adjustment shall have the powers and duties set forth in s. 59.694, Wis. Stats. The Board of Adjustment shall also hear appeals from determinations of noncompliance with Farmland Preservation Plans which have been made by the Land Conservation Committee. Two alternate members of the Board of Adjustment shall be appointed. Annually by July 1, one of the alternate members shall be designated by the County Administrator as the first alternate and the other as the second alternate. [Amended 03/14/06, Ord. No. 2005-49h; renumbered 04/15/08, Ord. 2008-01 and Ord. 2008-02]

3.07 RULES OF COMMITTEES, BOARDS AND COMMISSIONS. (1) The committee, board or commission shall select its chair, except where committee organization is otherwise governed by law. A Chair may be removed by majority vote of the committee, board or commission. [am. 03/11/08, Ord. 2007-43]

(2) A majority of the members of any committee shall constitute a quorum for the transaction of business. The County Board Chairperson may appoint an additional member to a committee on a temporary basis upon notice from a committee member that he/she will be unable to attend committee meetings for an extended period due to illness. Such temporary appointment shall terminate when the original committee member is once again available for meetings.

(3) Each committee, board and commission shall select a secretary to keep and preserve the minutes of committee meetings and attendance in a minute book to be furnished by the County Administrator's office. The secretary may request the assistance of the County Administrator, County Clerk, or county employees in keeping minutes or other clerical functions. The secretary shall sign minutes and, whenever feasible, shall keep the original minute book in the County Administrator's office.

(4) The County Administrator shall prepare a schedule of regular committee meeting dates and shall be responsible for the assignment of an appropriate room for committee meetings and for the posting of proper notices. Each committee chairperson shall give proper notice to the County Administrator of all meetings of his committee a

minimum of 72 hours prior to the meeting unless it is an emergency. The County Administrator shall give public notice of all committee and board meetings at least 24 hours prior to the commencement of such meeting, unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may notice be provided less than two hours in advance of the meeting.

(5) Members of committees, boards and commissions shall be authorized to receive compensation for attending meetings up to 120 days in any year. There shall be no limit on the number of meetings attended by the County Board Chairperson.

(6) No committee, commission or board may meet more than 30 times in any calendar year, except the Finance Committee which may not meet more than 40 times per year, exclusive of public hearings and attending conventions. Committees, commissions or boards may hold additional emergency meetings on call of their chairpersons and with prior approval of the County Board Chairperson. [Amended 02/12/02, Ord. No. 2001-27; amended 12/13/05, Ord. No. 2005-32]

(7) Except as provided herein, the members of all boards, commissions and committees shall receive the same per diem, meeting fees, mileage and reimbursed expenses as standing committees of the Board as currently provided in Ordinance 2001-19, as most recently amended on August 8, 2006. This shall include county representatives on lake district boards, consortiums or other bodies where appointments are made by the County Administrator, Board Chair or Board pursuant to law or intergovernmental agreements. With the exception of members of the Human Services Board, members of groups created under Chapter 46 of the Wisconsin Statutes shall be entitled to mileage as paid to standing committees of the County Board. Members of the Historic Sites Preservation Commission shall not be eligible for meeting fees, mileage or other expense reimbursement. Members of the Traffic Safety Commission who are receiving pay from a governmental entity during such meeting shall not be entitled to a meeting fee or mileage for such Traffic Safety Commission meeting. [Amended 03/09/04, Ord. No. 2003-40; amended 06/08/04, Ord. No. 2004-08; am. 04/15/08, Ord. 2008-03]

(8) Committees meeting with another committee on a particular subject of mutual interest shall retain their independent identity. Each committee shall vote separately, and maintain its own minutes. The Board Chair shall chair the meeting or designate a temporary chair for such purpose, who shall preside over both committees when meeting on the subject of mutual interest. For voting purposes, the Board Chair or temporary chair shall vote as a member of either or both committees of which the Board Chair or temporary chair is a regular member. The Board Chair also may vote in accordance with Section 3.05. [Created 12/13/05, Ord. No. 2005-33]

3.08 OPEN MEETINGS. (1) The Board of Supervisors, committees, boards and commissions shall comply with the Open Meeting Law as specified in s. 19.81 of the Wisconsin Statutes.

(2) It is declared to be the policy of the County of Jefferson that the public is entitled to the fullest and most complete information regarding the affairs of county government as is compatible with the conduct of county affairs and the transaction of county business. All meetings of the Board of Supervisors, committees, boards and commissions shall be held in public buildings or any place reasonably accessible to members of the public and shall be "open sessions" as provided by s. 19.83, Wis. Stats., except as hereinafter provided.

(3) The Board of Supervisors, or any committee, board or commission, upon motion duly made and carried, may convene in closed session for the reasons provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific statutory exemption under s. 19.85(1) by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

(a) Deliberating after any judicial or quasi-judicial trial or hearing;

(b) Considering dismissal, demotion, licensing or discipline of any county employee, unless an open session is requested by the person charged or otherwise under discussion;

(c) Considering employment, promotion, compensation or performance valuation data of any county employee;

(d) Considering strategy for crime detection or prevention;

(e) Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specific public business, whenever competitive or bargaining reasons require a closed session;

(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to;

(g) Conferring with county legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation;

(h) Consideration of requests for confidential written advice from the Ethics Code Administrator.

(4) Neither the County Board or any committee, board or commission may convene in closed session and, thereafter, reconvene in open session within 12 hours after completion of the closed session unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. Notices of meetings shall be given as provided by law and, whenever feasible, the County Administrator shall post notices of meetings in the lobby of the Courthouse.

(5) The election of County Board Chairperson and County Board Vice Chairpersons shall be by secret ballot. No other secret ballot may be utilized to determine any election or other decision of county government.

(6) No member of the County Board shall be excluded from any closed session of the County Board or any standing committee of the Board; however, no person attending a closed session shall divulge any information pertaining to such closed session without specific authorization to do so.

(7) The minutes, records, proceedings and papers of a closed session shall be privileged and shall not be made available to the public unless authorized by the County Board, committee, board or commission involved until such time as the purpose necessitating such closed session no longer exists.

3.09 AMENDMENTS TO RULES. Amendments to these rules of order may be made by a two-thirds vote of the members attending the board meeting. Proposed amendments shall be introduced at a session of the Board and laid over until the next regular session before action is taken. The rule pertaining to amendments may be suspended only upon unanimous consent of the board members attending such meeting. Notwithstanding the foregoing, s. 3.01(1) & (2) may be amended upon majority vote at any regular meeting without necessity of laying such amendment over until the next regular session or suspension of the rules. Notwithstanding the foregoing, any section hereof may be amended at the County Board's organizational meeting upon majority vote without necessity of laying such amendment over until the next regular session or suspension of the rules. For purposes of the organizational meeting, prior rules of the Board shall be considered to be in effect, insofar as applicable, for the purposes of conducting the organizational meeting.

Section 2. This ordinance shall be effective after passage and publication as provided by law.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

NOTE: Section 3.09 of the County Board Rules provides that amendments to the rules shall be made by 2/3 vote. Proposed amendments shall be introduced at one session of the Board and laid over until the next session before action is taken.

Requested by
Administration & Rules Committee

02-09-10

Philip C. Ristow: 02-04-10

RESOLUTION NO. 2009-_____

**Resolution opposing constitutional amendment to change
election dates for Supreme Court Justices and State Superintendent of Public
Instruction to the November General Election**

WHEREAS, a proposed constitutional amendment is before the State Legislature for its first adoption, there being two adoptions required before a constitutional amendment can be placed upon the ballot for ratification by the electors so that it becomes effective, and

WHEREAS, the proposed constitutional amendment would change the election for Supreme Court Justices and the State Superintendent of Public Instruction from the April election to the November election, and

WHEREAS, the Administration & Rules Committee has reviewed said proposed legislation and believes it would confuse voters by mixing partisan and non-partisan offices on the same ballot, increase county costs for ballot programming and probably decrease voter turnout at April elections, and therefore, the Committee recommends not supporting the constitutional amendment,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board supports maintaining current law regarding the spring election of the Supreme Court Justices and the State Superintendent of Public Instruction and opposes the constitutional amendment to change said elections to November.

BE IT FURTHER RESOLVED that the County Clerk shall forward a copy of this resolution to legislators representing Jefferson County.

Fiscal Note: No fiscal impact.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Administration & Rules Committee

02-09-10

RESOLUTION NO. 2009-_____

Resolution disallowing the claim of Randy Barber

WHEREAS, on October 26, 2009, Jefferson County received a claim from Randy Barber for damage done to his motor vehicle hitting a pothole on County Highway F, said damages allegedly the result, in part, of negligence of Jefferson County, its agents, officials, officers or employees, and

WHEREAS, the County's insurer recommends disallowance of the claim, on the basis that the County has no liability for this claim,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby disallows said claim and directs the Corporation Counsel to give the claimants notice of said disallowance.

Fiscal Note: This matter has been referred to Wisconsin Municipal Mutual Insurance Company (WMMIC) and will be resolved in accordance with the terms of the County's policy.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Finance Committee

02-09-10

Philip C. Ristow: 02-02-10

Item 11b

RESOLUTION NO. 2009-_____

Resolution disallowing the claim of AT&T

WHEREAS, on October 26, 2009, Jefferson County received a claim from AT&T in the amount of \$1,961.34 for damage to AT&T equipment pedestals located at or near W6897 US Highway 18, Jefferson, said damages allegedly the result, in part, of negligence of Jefferson County, its agents, officials, officers or employees, and

WHEREAS, the County's insurer recommends disallowance of the claim, on the basis that the County has no liability for this claim,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby disallows said claim and directs the Corporation Counsel to give the claimants notice of said disallowance.

Fiscal Note: This matter has been referred to Wisconsin Municipal Mutual Insurance Company (WMMIC) and will be resolved in accordance with the terms of the County's policy.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Finance Committee

02-09-10

Philip C. Ristow: 02-02-10

RESOLUTION NO. 2009-_____

Resolution disallowing the claim of American Family Insurance Group (afni Insurance Services)/Colin J. and Elyse Butler

WHEREAS, on October 30, 2009, Jefferson County received a claim from American Family Insurance Group (afni Insurance Services) based on paying damages to their insured Colin J. and Elyse Butler in the amount of \$712.08 for damage done to their motor vehicle hitting a pothole on County Highway F, Sullivan, said damages allegedly the result, in part, of negligence of Jefferson County, its agents, officials, officers or employees, and

WHEREAS, the County's insurer recommends disallowance of the claim, on the basis that the County has no liability for this claim,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors hereby disallows said claim and directs the Corporation Counsel to give the claimants notice of said disallowance.

Fiscal Note: This matter has been referred to Wisconsin Municipal Mutual Insurance Company (WMMIC) and will be resolved in accordance with the terms of the County's policy.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Finance Committee

02-09-10

Philip C. Ristow: 02-02-10

Authorize engineering contract for Highway N reconstruction design

WHEREAS, road conditions on County Trunk Highway N are in poor condition and need significant construction improvements, and

WHEREAS, right-of-way limits are narrow and it is anticipated that additional property and easements may be needed to complete the construction work, and

WHEREAS, bids were solicited for engineering design work on January 15, 2010, with the following results,

Ruekert/Mielke, Waukesha, Wisconsin:	\$ 90,685	
Ayres Associates, Waukesha, Wisconsin:	\$ 86,237*	
OMNNI Associates, Appleton, Wisconsin:	\$ 107,760	
SEH, Madison, Wisconsin:	\$ 82,359	(Incomplete)
AECOM USA, Milwaukee, Wisconsin:	\$ 119,935	
MSA Engineering, Madison, Wisconsin:	\$ 135,378*	
R.A. Smith National, Brookfield, Wisconsin:	\$ 158,032	
Strand Associates, Inc.:	\$ 245,000*	
K Singh & Associates, Inc.:	\$ 128,198	
Mead & Hunt, Madison, Wisconsin:	\$ 106,759	

** Highest ranked proposals*

NOW, THEREFORE, BE IT RESOLVED that the Highway Department is authorized to enter into a contract with Ayres Associates for \$86,237 for the design of County Trunk Highway N.

Fiscal Note: Funds for the design work will come from the Highway Department accounts #53312 and #53315.

AYES _____
 NOES _____
 ABSTAIN _____
 ABSENT _____
 VACANT _____

ORDINANCE NO. 2009-_____

Revise Personnel Ordinance to conform payout of sick time to eligible employees laid off to other ordinance provisions, repeal and recreate the computer, internet and telephone use policy provisions and amend language concerning HIPAA to comply with new federal regulations

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section HR0390, Terminal Pay, of the Personnel Ordinance is amended to conform the correct language to other ordinance provisions for sick payout to employees laid off, if eligible.

- E. Employees on extended layoff shall receive all accrued vacation, holidays and longevity pay, payable on the next succeeding payday following the layoff. If the employee is eligible for WRS, the employee will also receive ~~60~~ 65% of accrued sick time.

Section 2. Section HR0410, Computer, Internet and Telephone Use, of the Personnel Ordinance is repealed and recreated as follows:

HR4010 COMPUTER, INTERNET AND TELEPHONE USE

Jefferson County provides employees, board members and other authorized Users access to, and the use of, a variety of information technology resources. These resources are provided to employees in an effort to allow employees to be more efficient, productive, and to have access to information that is necessary to carry out their responsibilities on behalf of the County. Users are expected and required to use information technology resources in a manner consistent with the user's position and work responsibilities with the County, in a professional, lawful and ethical manner. Employees not assigned direct use of information technology resources are expected to review and acknowledge with signature the same policies as those who have been assigned direct use.

MIS shall establish and maintain the documentation required to satisfy industry and professional standards for electronic data security, including HIPAA requirements in covered entity departments as determined by the HIPAA Officer. This documentation shall include the: Personnel Ordinance; Computer, Internet and Telephone Use Policy; Departmental Summaries for employee and other users; Policies and Procedures outlining detailed instructions on security for specific technology; and acknowledgment forms to be signed by employees and other authorized Users.

A copy of the entire Computer, Internet and Telephone Use Policy can be accessed on the Employee website. In addition, a copy will be provided to each department head and made available to staff upon request. Employees are responsible for maintaining compliance with the most current policy.

Section 3. Section HR0440, HIPAA/Notice of Privacy Practices, of the Personnel Ordinance is amended to comply with changes to federal regulations.

HR0440 **HIPAA/NOTICE OF PRIVACY PRACTICES.** Under the Health Insurance Portability and Accountability Act (HIPAA), and as further enhanced under the American Recovery and Reinvestment Act of 2009 (ARRA), Jefferson County will maintain the privacy of employee's protected health information. This applies to the health, dental

and long term care policies, and the Employee Assistance Program (EAP), offered by Jefferson County. The County only uses and discloses health information about employees for purposes of payment functions and health care operations. If an employee wants more information about County privacy practice, contact the Human Resources Department. Or, if the employee believes Jefferson County may have violated any privacy rights, or if the employee disagrees with a decision made about any of the rights, the employee may file a complaint with Jefferson County's HIPAA (Privacy) Officer. The employee may also file a complaint with the Secretary of U.S. Department of Health and Human Services. Jefferson County supports the employees' right to have health information treated in a private fashion, and will not retaliate in any way if an employee chooses to file a complaint. (Am. Ord. 2005-30, 11/8/05)

Section 4. This ordinance shall be effective after passage and publication as provided by law.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Human Resources Committee

02-09-10

Terri M. Palm-Kostroski: 01-27-10

ORDINANCE NO. 2009-_____

Amending ordinance establishing bill approval authority

WHEREAS, the Human Services Board has determined that it can reduce its operational costs by eliminating the Human Services Personnel & Finance Committee, and

WHEREAS, the Human Services Personnel & Finance Committee is authorized by Ordinance No. 2008-12 to approve vouchers for the Human Services Department which duty would need to be reassigned in the event the committee was eliminated, and

WHEREAS, the Human Services Board has determined that it can assume the duties of the Personnel & Finance Committee and approve the vouchers,

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

Section 1. Ordinance No. 2008-12, Section 1, is amended as follows:

Section 1. The Finance Committee, the Human Services Board ~~Personnel & Finance Committee~~, the Highway Committee and the Countryside Board of Trustees shall be authorized to approve vouchers in the amounts budgeted for the affected departments. The County Clerk shall make payment upon approval by said committees or boards. Each of the named committees or boards may delegate authority to staff to approve particular types of payments by filing a list thereof with the Clerk who is authorized to make payments of such items without further approval. Staff shall report all such authorized payments to the respective committee or board at its next meeting.

Section 2. This ordinance shall be effective after passage and publication as provided by law.

Fiscal Note: In 2009, meeting fees and mileage for the Personnel & Finance Committee totaled \$1,952.50. By eliminating the Committee, those expenses can be saved.

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____
VACANT _____

Requested by
Human Services Board

02-09-10

Philip C. Ristow: 02-02-10

RESOLUTION NO. 2009-_____

Execute a new occupancy charge agreement with Opportunities, Inc.

WHEREAS, the Infrastructure Committee is delegated responsibility to review leases for county buildings, and

WHEREAS, Opportunities, Inc., an original tenant at the Workforce Development Center, continues to occupy the same space as it did for 2009, and

WHEREAS, review of current charges based on allocated costs indicate that Opportunities, Inc.'s rent should be \$1,852 per month for the 1362 square feet currently occupied, and

WHEREAS, the Infrastructure Committee recommends this rent effective January 1, 2010, through December 31, 2010, at which time a new agreement will be negotiated,

NOW, THEREFORE, BE IT RESOLVED that the Human Services Director or her designee is authorized to execute a new Workforce Development Center occupancy charge agreement for Opportunities, Inc. at the rate of \$1,852 per month effective January 1, 2010, through December 31, 2010.

Fiscal Note: Rent per square foot for 2010 is the same as it was for July 2009 through December 2009. Rent was raised about \$400 per month effective in July 2009. For 2010, Opportunities, Inc. uses about 90 square feet less than it did in 2009.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Infrastructure Committee

02-09-10

Philip C. Ristow: 12-15-09; 02-02-10

RESOLUTION NO. 2009-_____

**Authorization to execute bicycle/pedestrian path contract
with the Wisconsin Department of Transportation**

WHEREAS, the current Jefferson County Bicycle and Pedestrian Plan was produced through a partnership between Jefferson County, numerous local government units, the Wisconsin Department of Transportation, local bicycle groups and many private businesses, and

WHEREAS, the Jefferson Bicycle and Pedestrian Plan is currently in the process of being updated, and

WHEREAS, the original plan and the update draft both seek to expand the opportunity for bicycle and pedestrian traffic within Jefferson County, and

WHEREAS, reconstruction of State Highway 26 in Jefferson County has offered the opportunity for development of bicycle and pedestrian paths along and within the rights-of-way of the new highway as anticipated by the County's plan, and

WHEREAS, the Wisconsin Department of Transportation has agreed to construct the new bicycle/pedestrian path along Highway 26, and

WHEREAS, the Parks Committee recommends entering into a contract with the Wisconsin Department of Transportation which will provide for county maintenance of the new bicycle/pedestrian path,

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Administrator is authorized to execute an agreement (in the form provided) between the Wisconsin Department of Transportation and Jefferson County for maintenance of the bicycle/pedestrian path located within the rights-of-way of State Highway 26.

Fiscal Note: City of Madison and Minnesota DOT estimates are \$600-\$900 per year per mile for maintenance. This contract covers 5.5 miles. Estimated total cost is \$3,300-\$4,950 per year. An Adopt-A-Trail Program may reduce this amount through the use of volunteer labor.

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____
VACANT _____

Requested by
Parks Committee

02-09-10

Philip C. Ristow: 02-09-10

AGREEMENT BY AND BETWEEN THE WISCONSIN DEPARTMENT OF
TRANSPORTATION AND JEFFERSON COUNTY FOR THE MAINTENANCE OF THE
BICYCLE /PEDESTRIAN PATH
WITHIN THE RIGHTS-OF-WAY OF STATE HIGHWAY 26

This AGREEMENT is made and entered into this _____ day of _____, 2010, by and between Jefferson County Wisconsin, hereinafter called the "County", and the STATE OF WISCONSIN, Department of Transportation, hereinafter called the "State".

WITNESSETH:

WHEREAS, the State and County have agreed to the development of bicycle/pedestrian paths, hereinafter called the "Path". There are three path locations that are shown on the attached drawing and described as follows:

The first location starts at the south Jefferson County Line and extends northerly 0.3 mile along the west side of State Highway 26 until it connects to the existing Glacial River Trail. This section of path replaces an existing section of the trail and a trailhead parking area that conflicts with the highway improvements.

The second location starts at the intersection of Rita Lane and Business 26 to the north side of the city of Fort Atkinson and runs northerly along the east side of new Highway 26 for 2.7 miles to County Highway W on the southwest side of the city of Jefferson. The north 0.6 mile of the path runs on property that is owned by Jefferson County.

The third location starts at the intersection of Baneck Lane and Highway 26 and runs northerly along the west side of the said highway 2.5 miles where it connects to the south end of High Road.

Said paths includes an area approximately 4 feet on each side of the Path plus any drainage pipes and structures constructed for the Path. (See attached location maps.)

WHEREAS, within said limits the initial construction of the path and appurtenances will be financed and completed by the State in cooperation with the County.

WHEREAS, Wis. Stat. Sec. 66.0301 authorizes municipalities, including the County and the State, to contract with one another for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law.

AGREEMENT:

NOW, THEREFORE, the County and the State, in consideration of the mutual covenants herein set forth, and other good and valuable considerations, the receipt of which is hereby acknowledged, agree to make this Intergovernmental Agreement under Wis. Stat. sec. 66.0301 for the purposes stated herein, as follows:

1. **Path Location.** The paved Path general limits are as described above in the first "Whereas" paragraph and shown on the attached exhibits.

2. **Path Construction.** The Path shall consist of a ten-foot asphaltic paved surface (2" thick) on 6" of crushed gravel with two-foot turf shoulders generally within the STH 26 Right-of-Way. The initial construction of the path will be financed and completed by the State.
3. **Path Lighting.** None. The County shall be responsible for the financing, maintenance, rehabilitation and replacement of any Path Lighting.
4. **Path Signing.** Within the said limits any required signage will be financed and installed by the State. Any additional desired signing, as approved by the state, shall be provided and financed by the County and installed during initial construction by the State.
5. **Path Maintenance.** The County shall maintain the Path, at its own expense. For purposes of this agreement, maintenance shall mean keeping all existing surfaces, signing and marking in good repair; repair of damage due to unauthorized use, vandalism, graffiti or theft; removing dirt and debris from the path surface; removing litter from the paved surface and nearby adjacent grassed areas; mowing grass areas; keeping any other landscaping in healthy and neat condition; keeping all drainage ditches in good working condition; and keeping drainage structures free of debris and in good repair. The County shall be responsible for any other maintenance needs that are not listed above and within the Path corridor. Winter maintenance shall be at the discretion of the County.
6. **Use of Path.** The use of the Path by the County shall be for bicycle and pedestrian transportation and may also include public access for recreational activities, including bicycling, pedestrian use and skating, as defined in Wis. Stat. sec. 895.52.
7. **Prohibition of Motorized Vehicles.** Use of this Path by motorized vehicles of any type, except as needed for maintenance, rehabilitation or emergency rescue purposes, or under Paragraphs 10 and 14 herein, is prohibited, except for motorized wheelchairs. The Town/Village/City at its discretion may prohibit electric personal assistive mobility devices, as defined in state statute 340.01 (15mph).
8. **Path Corridor Encroachments.** The County shall be responsible for keeping the Path corridor right-of-way free of encroachments.
9. **Path Fees.** The County shall not charge fees for the use of the Path.
10. **Removal of Equipment.** All Path signs, lighting and appurtenances, which remain the property of the County, shall be removed by the County, at its own expense, upon termination of the Maintenance Agreement.
11. **Enforcement.** Promulgation and enforcement of noise, littering and loitering restrictions and the prohibition of motorized vehicles on and along the Path and shall be the sole responsibility of the County. The County may pass such ordinances and resolutions as it deems appropriate to govern these restrictions on the Path, and may use such methods as it deems appropriate to assure compliance with said restrictions. Any other restrictions proposed by the County shall require written concurrence from the State.
12. **Liability.** The County commits itself to assuming full responsibility for the management of the Path and all transportation and recreation operations thereon, and for any legal liability arising out of any of its own acts or omissions relating to its occupation, management, maintenance or transportation and recreational use of the Path, to the extent provided by law.
13. The County and State agree to conduct their activities along and on the Path so as not to endanger any person or property thereon. The parties agree that each party shall be responsible for its own acts or omissions and those of its officers, employees and agents, and those of its boards, commissions, agencies and officials, if any; and shall be responsible for

any loss or expense (including costs, damages and attorney fees) by reason of liability imposed by law, attributable to such acts or omissions to the extent provided by law.

14. **Wisconsin Department of Transportation (WisDOT) Property Rights.** This Agreement is not a lease and does not convey or transfer any ownership or rights of ownership in WisDOT right-of-way to the County. This instrument is a permit and the extent of the permit is to allow the use of the Path temporarily for certain activities as set forth herein. The State retains all rights of property ownership, and only the State can grant an invasion of said ownership rights.
15. The State retains the authority for the issuance of permits to allow a public or privately owned utility the right to construct, operate, and maintain a utility facility over, across, upon, and within WisDOT right-of-way. If a permit is issued under this paragraph, it shall be a condition of the permit that use of the right-of-way needed for the Path shall not be impaired, the utility permittee shall repair said right-of-way and return it to its pre-existing condition, normal wear and tear considered, as soon as possible.
16. The State shall provide the County with written notice prior to the issuance of any permit under this paragraph, and shall coordinate with the County on matters pertaining to utility permit applications.
17. The State retains full and final authority regarding the sale or disposal of the right-of-way or any portions thereof. Furthermore, this Agreement is subject to existing permits.
18. The State retains the right to close all or any portion of the Path at any time if it needs the right-of-way for future highway improvements or other operational needs, without compensating the County to relocate the Path should the County decide to do so.
19. **Term.** The term of this Maintenance Agreement shall be twenty (20) years from the effective date written above. This Agreement shall automatically be renewed under the same terms and conditions for additional one (1) year terms, unless either party shall give written notice to the contrary to the other party at least ninety (90) days before the renewal date.
20. **Applicability.** If any term, covenant, condition, or provision (or part thereof) of this Agreement, or the application thereof to any part or circumstance, shall at any time or to any extent, be held invalid or unenforceable, the remainder of the Agreement, or the application of such term or provision (or remainder thereof), to parties and circumstances other than those as to which it is held to be invalid or unenforceable, shall not be affected thereby, and each term, covenant, condition and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
21. **Changes.** No term or provision of this Agreement, or any of its attachments, may be changed, waived, discharged, or terminated orally, but only by an instrument in writing signed by all parties to this Agreement. Consents and approvals required under this instrument may be made or granted by exchange of letters between the parties.
22. **Non-Discrimination.** The parties agree to abide by their own respective non-discrimination policies and procedures during the term of this agreement. Further, the parties agree that this agreement does not subject either party to the other's jurisdiction for the administration of such matters.
23. **Entirety.** The Agreement together with any documents referred to herein contain the entire Agreement of the parties and supersedes any and all prior Agreements and draft Agreements, or oral understandings between the parties regarding the Path.

24. **Notices.** Any notice required to be made in writing or any filing required to be made with any party to this Agreement shall be sent to the following addresses:

For the State:

Planning Chief
WisDOT Southwest Region
2101 Wright Street
Madison, WI 53704

For the County:

*Joe Nehmer, Jefferson County Parks Director
Jefferson County Courthouse
320 South Main Street
Jefferson, WI 53549*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the day and year first above written.

WISCONSIN DEPARTMENT OF TRANSPORTATION, STATE OF WISCONSIN:

WisDOT Southwest Region Director
Joseph Olson, P.E.

Date:

JEFFERSON COUNTY, WISCONSIN:

Approval By: _____
Jefferson County Title Date

Approval By: _____
Jefferson County Title Date

Approval By: _____
Jefferson County Title _____
Date