

2023  
Resolutions  
of the  
Wisconsin Counties  
Association

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Presented by the  
2023 WCA Resolutions Committee

August 7, 2023

Holiday Inn Madison at The American Center  
Madison, Wisconsin

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## 2023 WCA RESOLUTIONS COMMITTEE

<b>WCA District</b>	<b>Name</b>	<b>Title</b>
<b>WCA Second Vice Chair (Committee Chair)</b>	Jonathan Delagrave	Racine County Executive
<b>North Central</b>	William Clendenning	Wood County Supervisor
	Alan Sleeter	Oconto County Board Chair
<b>Northwest</b>	Don Taylor	Burnett County Board Chair
	Joe Pinardi	Iron County Board Chair
<b>Southeast</b>	Felesia A Martin	Milwaukee County Supervisor
	Lee Schlenvogt	Ozaukee County Board Chair
<b>Southern</b>	Chris Polzer	Columbia County Board Chair
	John Meyers	Iowa County Board Chair
<b>West Central</b>	Louie Okey	Barron County Board Chair
	Kelly McCullough	Dunn County Board Chair
<b>East Central</b>	Patrick Buckley	Brown County Board Chair
	David Lienau	Door County Board Chair
<b>Western</b>	Cedric Schnitzler	Monroe County Board Chair
	John Aasen	Trempealeau County Board Chair
<b>Health and Human Services Steering Committee Chair</b>	Kari Ives	Chippewa County Supervisor
<b>Personnel, Finance, and County Organization Steering Committee Chair</b>	David Frohling	Dodge County Board 1 <sup>st</sup> Vice Chair
<b>Agriculture, Environment, and Land Use Steering Committee Chair</b>	Charles Farrey	Winnebago County Supervisor
<b>Judicial and Public Safety Steering Committee Chair</b>	Vern Koch	Sheboygan County Board Chair
<b>Transportation and Public Works Steering Committee Chair</b>	Kenneth Depperman	Fond du Lac County Supervisor
<b>UW-Madison, Division of Extension and Education Steering Committee Chair</b>	Robert Keeney	Grant County Board Chair

# Wisconsin Counties Association

## 2023 Conference Resolution 1

Offered for consideration this 17th Day of September 2023 by  
Bayfield and Douglas Counties

Relating to

### Requesting Per- and Poly-Fluoroalkyl Testing for Biosolids

WHEREAS, according to the Wisconsin Department of Natural Resources (WDNR) PFAS Action Plan 2020, per- and polyfluoroalkyl substances (PFAS) are a group of over 5,000 human made chemicals that were invented in the 1930s; and

WHEREAS, these chemicals have been used in products ranging anywhere from nonstick cookware, waterproof clothing, and stain-resistant textiles to Aqueous Film Forming Foam (AFFF) (firefighting foam) and food packaging; and

WHEREAS, these chemicals are exceptionally resistant to degradation and, when discharged into the environment, linger for prolonged periods of time and may bioaccumulate in humans, fish and wildlife; and

WHEREAS, in recent years, it has been discovered that PFAS substances bioaccumulate in the human body and studies have found that 98% of Americans have measurable levels of PFAS in their blood; and

WHEREAS, according to the Environmental Protection Agency (EPA), certain PFAS substances pose a number of risks to human health, including developmental problems in fetuses and infants, certain types of cancer, reduced antibody response, decreased immune response to vaccinations, and kidney disease; and

WHEREAS, the WDNR and Department of Health Services updated the recommended rainbow smelt consumption advisory from an unrestricted amount to one meal per month for Lake Superior due to the high levels of PFAS found in the samples; and

WHEREAS, according to the WDNR "Annual Municipal Sludge Land Applied Report" Sanitary Districts, both located in and outside of Wisconsin routinely and regularly spread biosolids on land in Wisconsin; and

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WHEREAS, the biosolids spread on land in Wisconsin is not regularly tested for PFAS.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support legislative, policy and regulatory action requiring:

## 2023 Conference Resolution 1

- That all biosolids applied to land or processed for retail sale in Wisconsin be tested prior to application and meet all standards for safe land application according to the Michigan Department of Environment, Great Lakes and Energy “Biosolids and Sludge PFAS Sampling Guidance” published April 2022.
- That test results above acceptable PFAS limits must be submitted to the county’s Land Conservation Department and the property owner where the biosolids will be applied at least ~~three~~ five days prior to the biosolids application.

### STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:

Amend the resolved clause to add “or processed for retail sale” after “applied to land” in the first bullet point and to add “above acceptable PFAS limits” after “test results” and change “three” to “five” in the second bullet point.

### RESOLUTIONS COMMITTEE ACTION: Motion by Frohling, second by Koch, to adopt.

Motion by Meyers, second by McCullough, to amend the resolved clause to add “or processed for retail sale” after “applied to land” in the first bullet point and to add “above acceptable PFAS limits” after “test results” and change “three” to “five” in the second bullet point. Motion carried. Resolution adopted as amended.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt as amended by the Resolutions Committee.

### 2023 CONFERENCE ACTION:

#### Caption:

II.G.2.q. Support legislative, policy and regulatory action requiring:

- That all biosolids applied to land or processed for retail sale in Wisconsin be tested for PFAS prior to application and meet all standards for safe land application according to the Michigan Department of Environment, Great Lakes and Energy “Biosolids and Sludge PFAS Sampling Guidance” published April 2022.
- That test results above acceptable PFAS limits must be submitted to the county’s Land Conservation Department and the property owner where the biosolids will be applied at least five days prior to the biosolids application.

# Wisconsin Counties Association

## 2023 Conference Resolution 2

Offered for consideration this 17th Day of September 2023 by

### Langlade County

Relating to

## Objecting to the State of Wisconsin Purchasing Lands or Interest in Lands (such as the Pelican River Forest Conservation Easement) Without the Approval of Affected County and Town Governments

WHEREAS, related to a proposed Conservation Easement Purchase by the Wisconsin Department of Natural Resources on Phase 2 of the Pelican River Forest, the affected towns and only two of three affected counties were given 30 days to respond with a resolution in support of or in opposition to the purchase of the easement; and

WHEREAS, related to a proposed Conservation Easement Purchase by the Wisconsin Department of Natural Resources on Phase 2 of the Pelican River Forest, two of the affected towns delivered to the DNR a resolution opposing the purchase of the easement within the 30 days requirement and to the person the DNR designated to respond to; and

WHEREAS, related to a proposed Conservation Easement Purchase by the Wisconsin Department of Natural Resources on Phase 2 of the Pelican River Forest, no affected towns and none of three affected counties sent in a resolution in support of the purchase of the easement by the date as set by the DNR in their notice to the affected towns and counties; and

WHEREAS, related to a proposed Conservation Easement Purchase by the Wisconsin Department of Natural Resources on the Phase 2 of the Pelican River Forest, the DNR never followed up to see if any of the affected towns or counties had sent in a resolution in favor of the purchase of the easement or opposing it as outlined in the notice that the DNR sent to the affected towns and two of the affected counties; and

WHEREAS, in order to make informed decisions regarding the future planning and development of the county, the Langlade County Board requires information on how each land or easement acquisition by the State of Wisconsin will affect the future tax base, future population and development potential, economic impacts based on various industries and business sectors, future land use and planning restrictions, utility installation restrictions, and trail and access limitations for motorized vehicles and motorized recreational vehicles.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby object to the proposed purchase of a conservation easement

## 2023 Conference Resolution 2

by the Wisconsin Department of Natural Resources of Phase 2 of the Pelican River Forest due to lack of communication of essential information to Langlade County by the Wisconsin Department of Natural Resources; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association would support local ATV/UTV and snowmobile clubs working within the affected counties and the current landowner of the Pelican River Forest to lay out permanent trails throughout Phase 2 of the Pelican River Forest; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association would support the State of Wisconsin utilizing Knowles-Nelson Stewardship funding to purchase 33' wide motorized trail accesses throughout Phase 2 of the Pelican River Forest as identified by the counties thereby deeding those easements to the affected counties; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association would support the State of Wisconsin utilizing Knowles-Nelson Stewardship funding to purchase a 66' wide right of way over the existing woods roads within Phase 2 of the Pelican River Forest for permanent motor vehicle accesses into the Pelican River Forest thereby deeding those easements to the affected counties; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association would support the Wisconsin DNR providing endowment funds from the Knowles-Nelson Stewardship Fund to the affected counties for maintenance and rehabilitation of roadways and trails for public accesses as granted through easements within Phase 2 of the Pelican River Forest; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association requests that no additional lands or interest in lands be acquired by the State of Wisconsin within Langlade County under any program without affirmative approval of affected county and towns through an enacted resolution supporting the land or land interest acquisition.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Clendenning, second by Schlenvogt, to adopt. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

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2023 CONFERENCE ACTION:

Captions:

## 2023 Conference Resolution 2

- II.D.K.26. Oppose state acquisition of lands under any program without affirmative approval of the affected county and municipality through an enacted resolution supporting the land or land interest acquisition.
- II.D.K.27. Support the use of stewardship funds for payments to counties for maintenance and rehabilitation of roadways and trails for public accesses granted through easements.

Agriculture, Environment, and Land Use

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# Wisconsin Counties Association

## 2023 Conference Resolution 3

Offered for consideration this 17th Day of September 2023 by

### Barron County

Relating to

## Modernizing and Improving the Wisconsin Farmland Preservation Program

WHEREAS, the Wisconsin Farmland Preservation Program (FPP) was established in 1978 to protect the state's most valuable agricultural lands from development, and two avenues were created via legislation: local land use zoning or a special agreement with the Department of Agriculture, Trade and Consumer Protection (DATCP). Landowners who participated in the program were then eligible for a Wisconsin state income tax credit, if they met the financial criteria and the state's soil conservation standards; and

WHEREAS, in 2009, Wisconsin made significant changes to the FPP administrative codes and statutes as part of the Working Lands Initiative, a suite of programs to protect farmland from development. Among the many changes to the FPP were setting new flat rates per acre for the income tax credits and adding a process for local areas to establish Agricultural Enterprise Areas (AEA); and

WHEREAS, since the FPP rules were amended in 2009, the costs of implementing the required conservation standards have increased to a point where in some cases the cost of participating in the program has exceeded the available tax credits, which in turn has impacted the statewide program participation; and

WHEREAS, the premise of the FPP tax credit was to ensure landowners were compensated for their conservation stewardship and to help offset the costs of implementing and maintaining the required conservation practices. To date this program has been the best available tool to ensure conservation best management practices are being maintained statewide; and

WHEREAS, the long-term net result of aforesaid changes was a decrease in the value of the tax credits to maintain the conservation standards which in turn has decreased the overall enrollment statewide. This decrease in enrollment is alarming and needs to be addressed as soon as possible; and

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WHEREAS, local units of government, towns and counties spend considerable staff resources supporting landowners enrolling in the program, offering guidance for improving farmland, and conducting compliance checks needed to qualify for the tax credit.



## 2023 Conference Resolution 3

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support and urge the Wisconsin Legislature to pass legislation to modernize and improve the Farmland Preservation Program to increase the allowable tax credits; amend the program eligibility to allow landowners who have Agricultural Conservation Easements the ability to participate in the FPP, if they meet the financial and conservation criteria; establish a new tax credit level for Agricultural Conservation Easements; increase the frequency of review of the Farmland Preservation Program allowable tax credits to assure they are meeting the basic costs associated with program participation; and expand eligibility of the FPP planning grant funds to support program implementation to be utilized by counties, local municipalities, planning commissions, and tribal governments for their FPP implementation efforts.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Okey, second by McCullough, to adopt.  
Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

- II.D.5.s. Support and urge the Wisconsin Legislature to pass legislation to modernize and improve the Farmland Preservation Program to increase the allowable tax credits; amend the program eligibility to allow landowners who have Agricultural Conservation Easements the ability to participate in the FPP, if they meet the financial and conservation criteria; establish a new tax credit level for Agricultural Conservation Easements; increase the frequency of review of the Farmland Preservation Program allowable tax credits to assure they are meeting the basic costs associated with program participation; and expand eligibility of the FPP planning grant funds to support program implementation to be utilized by counties, local municipalities, planning commissions, and tribal governments for their FPP implementation efforts.

# Wisconsin Counties Association

## 2023 Conference Resolution 4

Offered for consideration this 17th Day of September 2023 by

### Walworth County

Relating to

## Recommending Revisions to the Solar and Wind Energy Regulations as Established by the Wisconsin Administrative Code and the Wisconsin Statutes

WHEREAS, the Wisconsin Legislature has limited how counties can regulate solar and wind energy systems pursuant to sections 66.0401 and 196.491 of the Wisconsin Statutes; and

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

WHEREAS, the regulation of solar energy systems is generally dependent on size, with smaller solar energy systems being subject to sec. 66.0401(1m) Wis. Stat., and those above one hundred (100) megawatts being subject to the PSC; and

WHEREAS, planning and zoning are fundamental regulatory functions of Wisconsin counties; and

WHEREAS, the state has given planning and zoning authority to the county through sec. 59.69 Wis. Stat., specifically in order to “promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base” and to “preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life.” However, when it comes to utility-scale solar, the county process and authority are completely circumvented; and

WHEREAS, while sec. 66.0401(1m) Wis. Stat. provides a mechanism for counties to consider areas of local concern, it provides little ability for counties to restrict or even deny a project based on local concerns from residents, environmental impact, or economic impact; and

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WHEREAS, an untold number of acres of prime farmland, wildlife habitat, threatened and endangered species of plants and animals, scenic country views, lives, and livelihoods could be destroyed with little to no opportunity for the county to intervene.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request that the Wisconsin Legislature revise secs.

## 2023 Conference Resolution 4

66.0401(1m) and 196.491 Wis. Stats. as follows in order to grant Wisconsin counties the authority to responsibly site utility-scale solar installations in order to maintain orderly planning and comply with the statutory requirement laid out in sec. 66.1001(3) Wis. Stat. to adhere to the objectives, goals, and policies contained in the county's comprehensive plan:

~~66.0401(1m) Authority to restrict systems limited. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy system that is more restrictive than the rules promulgated by the commission under s.196.378(4g)(b). No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s.13.48(2)(h)1.g., or a wind energy system, unless the restriction satisfies one of the following conditions:~~

- ~~(a) Serves to preserve or protect the public health or safety.~~
- ~~(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.~~
- ~~(e) Allows for an alternative system of comparable cost and efficiency.~~

196.491(3)(d) Except as provided under par. (e), the commission shall approve an application filed under par. (a) 1. for a certificate of public convenience and necessity only if the commission determines all of the following:

2. The proposed facility satisfies the reasonable needs of the public for an adequate supply of electric energy. ~~This subdivision does not apply to a wholesale merchant plant.~~
3. The design and location or route is in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability and environmental factors, ~~except that the commission may not consider alternative sources of supply or engineering or economic factors if the application is for a wholesale merchant plant.~~ In its consideration of environmental factors, the commission may not determine that the design and location or route is not in the public interest because of the impact of air pollution if the proposed facility will meet the requirements of ch. 285.

### STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:

Refer to the Board of Directors.

RESOLUTIONS COMMITTEE ACTION: Motion by Meyers, second by Okey, to refer to the Board of Directors. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Refer to the Board of Directors.

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### 2023 CONFERENCE ACTION:

#### Caption:

Agriculture, Environment, and Land Use

# Wisconsin Counties Association

## 2023 Conference Resolution 5

Offered for consideration this 17th Day of September 2023 by

### Bayfield County

Relating to

## Enacting Stronger Regulations to Limit the Spread of Chronic Wasting Disease

WHEREAS, chronic wasting disease (CWD) is a fatal neurological disease of cervids which threatens to cause significant economic, cultural and ecological damage to Wisconsin's deer and elk populations; and

WHEREAS, since its discovery in Wisconsin in a deer harvested in 2001 it has now spread to wild deer in 41 counties and has been found in over 25 captive cervid farms; and

WHEREAS, there are 60 counties that are 'CWD affected', either having CWD detected in the county or are within 10 miles of CWD detection; and

WHEREAS, in the most highly infected areas of Dane and Iowa counties the prevalence rate in adult males is about 50 percent and in adult females is about 35 percent; and

WHEREAS, the Wisconsin Department of Health Services, the Centers for Disease Control, and the World Health Organization all recommend that cervid meat only be eaten after the animal harvested has tested negative for CWD; and

WHEREAS, in 2022 nearly 800,000 gun and archery deer hunting licenses were sold in Wisconsin; and

WHEREAS, according to a study, hunters in Wisconsin spent \$2.5 billion in 2011. Eighty-eight percent of the hunters in Wisconsin participated in deer hunting, making it the most popular form of hunting in the state; and

WHEREAS, with no known cure or preventative vaccine, the only option currently available to manage CWD is to aggressively limit the transmission and spread of CWD; and

WHEREAS, current regulations do not adequately limit the human-assisted transmission of CWD.

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NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the State Legislature to make the following changes to state statutes and supporting administrative rules:

## 2023 Conference Resolution 5

- Change ATPC 10.56(1) to eliminate the exceptions that allow the transport of live cervids without a Certificate of Veterinary Inspection.
- ~~Change NR 10.105(7) to prohibit the export of cervid carcasses which have any part of the spinal column or head attached from CWD-affected areas in which wild or captive cervids have tested positive for CWD within the last 10 years.~~
- Enact new rules to require the disposal of harvested cervid carcasses in landfills, rendering, or composting facilities capable of managing carcasses safely.
- Enact new rules to prohibit the export of live cervids from areas within 10 miles of a known positive CWD detection within the last 5 years.
- Enact new rules to require all captive cervid operations to install either solid perimeter or double fencing.
- Once a reliable live animal CWD test has been developed, enact rules to prohibit the transport of live cervids unless the animal tests negative for CWD.

### STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:

Amend to delete the following bullet point:

- Change NR 10.105(7) to prohibit the export of cervid carcasses which have any part of the spinal column or head attached from CWD-affected areas in which wild or captive cervids have tested positive for CWD within the last 10 years.

RESOLUTIONS COMMITTEE ACTION: Motion by Lienau, second by Schnitzler, to adopt.

Motion by McCullough, second by Meyers, to delete the following bullet point from the resolved clause:

- Change NR 10.105(7) to prohibit the export of cervid carcasses which have any part of the spinal column or head attached from CWD-affected areas in which wild or captive cervids have tested positive for CWD within the last 10 years.

Motion carried. Resolution adopted as amended.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt as amended by the Resolutions Committee.

### 2023 CONFERENCE ACTION:

#### Caption:

- II.J.2.f. Urge the State Legislature to make the following changes to state statutes and concordant administrative rules related to chronic wasting disease:
- ~~Change ATPC 10.56(1) to eliminate the exceptions that allow the transport of live cervids without a Certification of Veterinary Inspection.~~
  - Enact new rules to require the disposal of harvested cervid carcasses in landfills, rendering, or composting facilities capable of managing the carcasses safely.
  - Enact new rules to prohibit the export of live cervid animals from areas within 10 miles of a known positive CWD detection within the last five years.

## 2023 Conference Resolution 5

- Enact new rules to require all captive cervid operations to install solid perimeter or double fencing.
- Once a reliable live animal CWD test has been developed, enact rules to prohibit the transport of live cervids unless the animal tests negative for CWD.

Agriculture, Environment, and Land Use

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# Wisconsin Counties Association

## 2023 Conference Resolution 6

Offered for consideration this 17th Day of September 2023 by

### Racine County

Relating to

## Supporting Modifications to Chapter 980 to Address the Negative Impacts of 2017 Wisconsin Act 184

WHEREAS, Wisconsin's sexually violent persons (SVP) law, known as Chapter 980, underwent significant modifications through enactment of 2017 Wisconsin Act 184 that continue to reverberate within and negatively impact counties and the communities they serve; and

WHEREAS, Act 184 eliminated the ability of a court to place an SVP outside his or her home county and shifted the responsibility of locating and identifying an appropriate residence to the SVP's county of residence; and

WHEREAS, under prior law, it was the state's responsibility to find a residence and, even though a court was not limited to placing an SVP within his or her home county (*i.e.*, the entire state could be, and often was, utilized), it took the state an average of 521 days to find a residence in the year prior to Act 184's enactment; and

WHEREAS, it is axiomatic then that the challenge would become even more insurmountable for counties to locate suitable residential options within the county alone; and

WHEREAS, yet, Act 184 imposes a draconian requirement that counties identify a suitable residence under those strict parameters within only 120 days or potentially face significant financial penalties (\$500-\$1000 each day); and

WHEREAS, meanwhile, the risk of SVPs being released back to the community *without* supervision and reoffending increases if there are prolonged delays in placements and indefinite detention is deemed unconstitutional; and

WHEREAS, Racine County appreciates the Legislature's intent to provide treatment to offenders and protect the public. Act 184 resulted in placement restrictions such as prohibiting placement of an SVP less than 1,500 feet from any school premises, childcare facility, public park, place of worship, or youth center; moreover, if the person is a serious child sex offender, the placement cannot be adjacent to a property where a child's primary residence exists; and

WHEREAS, mindful of these and other restrictions and community safety concerns, county staff work tirelessly to vet potential properties for SVPs deemed to meet the criteria for release within those noted restrictions and limitations; and

## 2023 Conference Resolution 6

WHEREAS, that arduous task is further complicated by housing market conditions that reflect persistent buyer demand, low inventory, and higher prices; and

WHEREAS, Racine County respectfully requests that the State Legislature address the following shortcomings of Act 184:

*First*, the burden to locate and secure residential placement for SVPs should return to the state. Despite the best efforts of counties, they are hard-pressed to attain the levels of experience and expertise that the state amassed over decades in securing placements with its greater resources. The state remains best positioned to understand and navigate the needs, requirements, and rights afforded to SVPs and continuing to divert that responsibility to counties only further threatens community safety.

*Second*, the Legislature should explore and identify suitable alternative community placement options (*e.g.*, state-run facilities) other than residential alone. Existing facilities such as Sand Ridge Secure Treatment Center could be utilized through a pilot program and then expanded to other regional facilities throughout the state. Such a model would simultaneously mitigate the concerns of those communities regarding the irregular distribution of SVPs that precipitated Act 184, while also addressing the understandable concern and backlash from communities that counties face every time a new location is considered.

*Third*, if a regional community placement plan proves unworkable, the Legislature should also revisit the existing statutory restrictions that apply to a residential option and keep only those that are truly necessary to keep the public safe. Existing restrictions effectively preclude residential placements within more urban communities, and the Legislature should therefore explore alternatives that strike a more appropriate balance between the intent to treat offenders while also protecting the public.

*Fourth*, if the Legislature deems residential placements as necessary, then the procedural and penalty provisions should be modified to reflect the enormity of the challenge facing counties. The Legislature should eliminate or, at a minimum, significantly extend the 120-day deadline. And the Legislature should eliminate the penalty provisions or reserve it only for instances where it is demonstrated that a county has been dilatory in exercising its responsibility and acted in bad faith. Failure to do so only serves to punish counties and increases the likelihood that – in the face of a statutorily created Catch-22 – poor decisions that sacrifice community safety will be made to avoid imposition of penalties and uphold the constitutional rights of SVPs.

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NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby respectfully request that the State Legislature consider the modifications set forth herein to Chapter 980 to address the negative impacts of 2017 Wisconsin Act 184 to counties and the communities they serve.



## 2023 Conference Resolution 6

### STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:

Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Ives, second by Aasen, to adopt. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

- II.K.16. Support the following changes to Wisconsin's sexually violent persons (SVP) law:
- The burden to locate and secure residential placement for SVPs should return to the state.
  - The Legislature should explore and identify suitable alternative community placement options (*e.g.*, state-run facilities) other than residential alone.
  - If a regional community placement plan proves unworkable, the Legislature should also revisit the existing statutory restrictions that apply to a residential option and keep only those that are truly necessary to keep the public safe.
  - If the Legislature deems residential placements as necessary, then the procedural and penalty provisions should be modified to reflect the enormity of the challenge facing counties. The Legislature should eliminate or, at a minimum, significantly extend the 120-day deadline. And the Legislature should eliminate the penalty provisions or reserve it only for instances where it is demonstrated that a county has been dilatory in exercising its responsibility and acted in bad faith.

# Wisconsin Counties Association

## 2023 Conference Resolution 7

Offered for consideration this 17th Day of September 2023 by

### Polk County

Relating to

## Supporting Utilization of State Surplus Funding to Offset Supplemental Payment Decreases in Fiscal Year 2022/2023 and to Continue Future CPE Award Disbursements to County Owned Nursing Homes

WHEREAS, Polk County operates Golden Age Manor nursing home; and

WHEREAS, in fiscal year 2022/23, Wisconsin Department of Health Services (DHS) had approximately \$39.1 million in funding at its disposal, which funding must be allocated for disbursement to county owned nursing homes in order for the State of Wisconsin to maintain eligibility for Medicaid funding; and

WHEREAS, in addition to Supplemental Payment to county owned nursing homes as described in the aforementioned paragraph, county run nursing homes traditionally received Certified Public Expenditure (CPE) Award funds from DHS; and

WHEREAS, Golden Age Manor budgeted revenue necessary for the administration and operation based on DHS historical Supplemental Payment and Excess CPE Award disbursement amounts; and

WHEREAS, for fiscal year 2022/2023, and without advance notice, DHS significantly decreased the amount of the Supplemental Payment and Excess CPE Award funding that was traditionally available to Golden Age Manor for the administration and operation of county owned nursing homes; and

WHEREAS, the total reduction in Supplemental Payment and Excess CPE Award funding is summarized as follows:

Estimated Annual 2022/2023 Award	\$94,600
Received Annual 2021/2022 Award	\$811,725
Reduction	(\$717,125)

## 2023 Conference Resolution 7

WHEREAS, in addition to Polk County, twenty-two (22) other Wisconsin counties also experienced significant decreases in supplemental payment funding, leading to budget deficits in those counties, while Dane and Rock counties received a significant increase in supplemental payment funding resulting in budget surpluses; and

WHEREAS, although Golden Age Manor will receive a much-needed increase in Medicaid rates for standard services provided, any benefit from this Medicaid rate increase is essentially nullified as a result of DHS reduction in Supplemental Payment and CPE funding; and

WHEREAS, despite the Medicaid rate increases, the reduction in Supplemental Payment and CPE funding once more jeopardizes the financial viability and the long-term operational feasibility of county owned nursing homes.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request that in order to ensure financial viability and operational feasibility of county run nursing homes the Wisconsin State Legislature do the following:

1. Utilize State of Wisconsin surplus funding to fund additional disbursement of Supplemental Payments to county nursing homes to offset any previous supplemental payment decreases.
2. Utilize State of Wisconsin surplus funding to pay all county nursing homes CPE payments comparable to the CPE payment disbursements in fiscal year 2020/2021.
3. Review and revise the Supplement Payment formula to be more consistent in future years and to match historic disbursement amounts received by the counties in years prior.
4. Budget for the continuance of CPE funding for future years.

### STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:

Refer to the Board of Directors.

RESOLUTIONS COMMITTEE ACTION: Motion by Frohling, second by Polzer, to refer to the Board of Directors. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Refer to the Board of Directors.

### 2023 CONFERENCE ACTION:

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#### Caption:

Health and Human Services

# Wisconsin Counties Association

## 2023 Conference Resolution 8

Offered for consideration this 17th Day of September 2023 by

### Walworth County

Relating to

## Requesting the State of Wisconsin Review and Revise the Compensation Rate for State Public Defenders

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

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

WHEREAS, the Wisconsin State Public Defender (WSPD) provides legal counsel to criminal defendants, subjects in mental health proceedings, parents in child support matters, parents involved in termination of parental rights cases, and other persons meeting income eligibility guidelines for services; and

WHEREAS, WSPD do not have enough staff attorneys available or public defender assigned private attorneys willing to assist their office because of inadequate pay, 17 to 20 percent of staff attorney jobs are currently unfilled, as well as a shortage of private attorneys willing to take public defender cases; and

WHEREAS, this results in increased costs to counties by requiring counties to pay significantly higher hourly rates for private attorneys to represent criminal defendants, holding inmates in jail for longer periods of time pending court appointment of private attorneys, reducing efficiency of courts and law enforcement, and delaying justice for victims; and

WHEREAS, the WSPD rate was adjusted down in 1995 to \$40 per hour making it the lowest private attorney rate in the nation; in January 2020 that rate increased to \$70 per hour; and

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

WHEREAS, Walworth County works cooperatively with the local WSPD office to ensure proper representation at court hearings; however, all parties are concerned that this current system is unsustainable.

## 2023 Conference Resolution 8

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support providing sufficient resources to the Wisconsin State Public Defender to ensure that the criminal justice system operates effectively and efficiently; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association does support an increase in the rate of reimbursement for assigned public defender private attorneys to a market rate that will help ensure prompt legal representation for criminal defendants and allow cases to be handled in a timely and efficient manner; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association supports that if the WSPD cannot find a qualified attorney to take a case as an appointed public defender and the county is required to appoint counsel at a higher rate, that the WSPD reimburse the county the hourly rate that has been appropriated by the state to provide required counsel coverage.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Clendenning, second by Depperman, to adopt. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Caption:

IV.C.4.j. Support the following:

- State provision of sufficient resources to the Wisconsin State Public Defender to ensure that the criminal justice system operates effectively and efficiently.
- An increase in the rate of reimbursement for assigned public defender private attorneys to a market rate.
- If the SPD cannot find a qualified attorney to take a case as an appointed public defender and the county is required to appoint counsel at a higher rate, that the SPD reimburse the county the hourly rate that has been appropriated by the state to provide required counsel coverage.

# Wisconsin Counties Association

## 2023 Conference Resolution 9

Offered for consideration this 17th Day of September 2023 by

### Langlade County

Relating to

## Requesting the State of Wisconsin Review and Revise the Entry Level Compensation Rate for Assistant District Attorneys

WHEREAS, assistant district attorneys serve as the backbone of the State of Wisconsin's ability to prosecute cases in all of its seventy-two counties; and

WHEREAS, any shortage of these assistant district attorneys creates backups in the justice system, which can lengthen cases, create more pressure on existing staff and delay or deny justice to individuals party to these cases; and

WHEREAS, the entry level compensation rate for assistant district attorneys in Wisconsin in 2022 sits at \$26.70 an hour which is approximately \$54,000.00 per year; and

WHEREAS, this entry level compensation rate for assistant district attorneys has not kept up with the rate of inflation and sits well below the national average for similar positions in the district attorney offices across the country; and

WHEREAS, this entry level compensation rate for assistant district attorneys sits below other public sector attorney positions in both Langlade County and around the State of Wisconsin; and

WHEREAS, this entry level compensation rate for assistant district attorneys is not competitive in today's workforce environment, accelerates staffing turnover in district attorney offices around the State of Wisconsin and endangers public safety; and

WHEREAS, in an effort to make district attorney offices more competitive in their entry level compensation offerings for assistant district attorneys, Langlade County requests that the State of Wisconsin review and revise the entry level compensation rate for assistant district attorneys to remain competitive with similar positions in district attorney offices around the country, other public sector attorney positions and the private sector, as well as to keep up with the rate of inflation.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request the State of Wisconsin review and revise the entry level compensation rate for assistant district attorneys in order to remain competitive with similar

## 2023 Conference Resolution 9

positions in district attorney offices around the country, other public sector attorney positions and the private sector as well as to keep up with the rate of inflation.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Schlenvogt, second by Aasen, to adopt Resolutions 9 and 10. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

- IV.C.3.i.      Support revisions to entry-level compensation rates for ADAs to correct for inflation and to make their compensation more competitive with other public sector attorney positions.

# Wisconsin Counties Association

## 2023 Conference Resolution 10

Offered for consideration this 17th Day of September 2023 by

**Polk County**

Relating to

### Requesting the State of Wisconsin Revise Entry-Level Compensation for Assistant District Attorneys

WHEREAS, assistant district attorneys (ADAs) serve as the backbone of the state's ability to prosecute cases; and

WHEREAS, any shortage of these ADAs creates backups in the justice system, which can lengthen cases, create more pressure on existing staff, and delay or deny justice to victims and the accused; and

WHEREAS, the entry-level compensation rate for ADAs in Wisconsin in 2022 sits at \$26.70 per hour, which equates to approximately \$54,000 per year; and

WHEREAS, this entry-level compensation rate for ADAs has not kept up with inflation and sits well below the national average for ADAs across the country; and

WHEREAS, this compensation rate for ADAs sits below other public sector attorney positions across the state and is not competitive enough to keep quality prosecutors from seeking positions that have a higher rate of compensation; and

WHEREAS, the inability to attract and retain quality prosecutors fundamentally endangers public safety.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the Legislature and Governor Evers to review and revise entry-level compensation rates for ADAs to correct for inflation and to make their compensation more competitive with other public sector attorney positions.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

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RESOLUTIONS COMMITTEE ACTION: Motion by Schlenvogt, second by Aasen, to adopt Resolutions 9 and 10. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.



## 2023 Conference Resolution 10

### 2023 CONFERENCE ACTION:

#### Caption:

- IV.C.3.i. Support revisions to entry-level compensation rates for ADAs to correct for inflation and to make their compensation more competitive with other public sector attorney positions.

Judicial and Public Safety

# Wisconsin Counties Association

## 2023 Conference Resolution 11

Offered for consideration this 17th Day of September 2023 by

### Outagamie County

Relating to

## Supporting Pending Legislation that Broadens the Definition of “Sexual Contact” for the Purposes of Crimes Against Children and Sexual Assault

WHEREAS, current law defines “sexual contact” for the purposes of crimes against children and the crime of sexual assault. In the definitions in current law, if the perpetrator intentionally touches the victim’s intimate parts, or if the perpetrator instructs the victim to intentionally touch the intimate parts of the perpetrator or another person, for the purpose of sexually degrading or sexually humiliating the victim or sexually arousing or sexually gratifying the perpetrator, then it is “sexual contact”; and

WHEREAS, there is pending legislation that “sexual contact” also addresses any person that forces a complainant to touch bodily fluids or waste upon the intentional instruction of the perpetrator, upon the use of threat of force or violence by the perpetrator, or upon intentional act of the perpetrator. The pending legislation broadens the definition of sexual contact to better enable prosecutors to obtain justice for the victims of these crimes; and

WHEREAS, the proposed legislation creates a new crime or revises a penalty for an existing crime; therefore, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support pending legislation that broadens the definition of “sexual contact” for the purposes of crimes against children and the crime of sexual assault.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Indefinitely postpone.

RESOLUTIONS COMMITTEE ACTION: Motion by Sleeter, second by McCullough, to indefinitely postpone. Motion carried.

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RESOLUTIONS COMMITTEE RECOMMENDATION: Indefinitely postpone.

2023 CONFERENCE ACTION:

## 2023 Conference Resolution 11

### Caption:

Judicial and Public Safety

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# Wisconsin Counties Association

## 2023 Conference Resolution 12

Offered for consideration this 17th Day of September 2023 by

### Eau Claire County

Relating to

## Directing the County Clerk to Place the Referendum Question Contained in this Resolution Regarding Legalization of Cannabis on the November 8, 202~~2~~<sup>3</sup> Ballot

WHEREAS, a non-binding advisory referendum can gauge public opinion and recent polling shows Wisconsin voters overwhelmingly support cannabis legalization; and

WHEREAS, Illinois and Michigan have legalized cannabis and since the legalization, have collected approximately \$600 million and \$300 million in tax revenue respectively; and

WHEREAS, many of the states involved in legalizing cannabis have experienced economic and community benefits including, but not limited to, increased tax revenue, new business and employment opportunities, illicit market reduction, and safe, lab-tested products; and

WHEREAS, Wisconsin currently has a limited medical CBD program. Cannabis being legalized would make it possible for cannabis to be taxed and regulated in a manner similar to alcohol use, and could be regulated by the Department of Revenue and the Department of Agriculture, Trade and Consumer Protection; and

WHEREAS, in order to determine whether the people of Eau Claire County support or oppose the legalization of cannabis, the county board may conduct a countywide advisory referendum, pursuant to Wis. Stat. §59.52(25), in the Fall Election on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby authorize the following countywide advisory referendum be placed on a statewide ballot:

Should cannabis be legalized for adult use by Wisconsin residents at least 21 years of age, and in addition, be taxed and regulated in a manner similar to alcohol possession and use?

☐ Yes  
☐ No

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Indefinitely postpone.

## 2023 Conference Resolution 12

RESOLUTIONS COMMITTEE ACTION: Motion by Keeney, second by Polzer, to indefinitely postpone. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Indefinitely postpone.

### 2023 CONFERENCE ACTION:

#### Caption:

Judicial and Public Safety

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# Wisconsin Counties Association

## 2023 Conference Resolution 13

Offered for consideration this 17th Day of September 2023 by

### Sawyer County

Relating to

### Requesting the State of Wisconsin to Address Concerns of Act 216, Relating to Distributing the Proceeds from the Sale of Tax Delinquent Property to the Former Owner

WHEREAS, under the previous state law addressing sale of tax delinquent property, counties retained the net proceeds from the sale unless the property was the homestead of the former owner(s) and the former owner(s) requested such payment; and

WHEREAS, before a tax delinquent property is foreclosed upon, the property must be delinquent for a minimum of three years; and

WHEREAS, before a tax delinquent property is foreclosed upon, the owner receives notice of the pending action and is given the opportunity to pay the back taxes, including the potential for a payment plan; and

WHEREAS, if the sale of the tax delinquent property does not cover the past due taxes, other associated costs and costs of processing the foreclosure, the county taxpayers are ultimately responsible to absorb the loss; and

WHEREAS, Act 216 purportedly requires a county to pay the net proceeds of the sale of tax delinquent property to any former owner, regardless of whether the former owner requests the payment and regardless of whether the former owner used the property as his or her homestead, and hold such proceeds for five years if the former owner does not request payment; and

WHEREAS, the Act further attempts to require a county to pay off any lien placed on the property at the time of the foreclosure sale, notwithstanding the fact that all liens are discharged at the time of the foreclosure judgment, causing confusion for counties and courts; and

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WHEREAS, the Act is further imprudent for the following reasons:

1. Most often in tax foreclosure cases, property owners are not responsive.
2. It shifts the risk of loss onto the county causing the county to have an incentive to NOT exercise its authority to foreclose, leading to many blighted properties throughout the county.

## 2023 Conference Resolution 13

3. The Act purported to cause counties to act as realtors for private parties.
4. The Act requires treasurers to make complex ownership decisions between parties, tenants-in-common, LLCs, corporations and decedents' estates.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the Legislature to repeal the changes implemented by Act 216, or, in the alternative, to modify the law to take away the risk to counties and consider a provision to place any proceeds from the sale of tax delinquent properties in a segregated account established by the county to be used for clean-up of blighted properties.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Indefinitely postpone.

RESOLUTIONS COMMITTEE ACTION: Motion by Depperman, second by Schnitzler, to indefinitely postpone Resolutions 13-16. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Indefinitely postpone.

2023 CONFERENCE ACTION:

Caption:

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 14

Offered for consideration this 17th Day of September 2023 by

### Price County

Relating to

## Requesting the State of Wisconsin to Address Concerns of Act 216, Relating to Distributing the Proceeds from the Sale of Tax Delinquent Property to the Former Owner

WHEREAS, under the previous state law addressing sale of tax delinquent property, counties retained the net proceeds from the sale unless the property was the homestead of the former owner(s) and the former owner(s) requested such payment; and

WHEREAS, before a tax delinquent property is foreclosed upon, the property must be delinquent for a minimum of three years; and

WHEREAS, before a tax delinquent property is foreclosed upon, the owner receives notice of the pending action and is given the opportunity to pay the back taxes, including the potential for a payment plan; and

WHEREAS, if the sale of the tax delinquent property does not cover the past due taxes, other associated costs and costs of processing the foreclosure, the county taxpayers are ultimately responsible to absorb the loss; and

WHEREAS, Act 216 purportedly requires a county to pay the net proceeds of the sale of tax delinquent property to any former owner, regardless of whether the former owner requests the payment and regardless of whether the former owner used the property as his or her homestead, and hold such proceeds for five years if the former owner does not request payment; and

WHEREAS, the Act further attempts to require a county to pay off any lien placed on the property at the time of the foreclosure sale, notwithstanding the fact that all liens are discharged at the time of the foreclosure judgment, causing confusion for counties and courts; and

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WHEREAS, the Act is further imprudent for the following reasons:

1. Most often in tax foreclosure cases, property owners are not responsive.



## 2023 Conference Resolution 14

2. It shifts the risk of loss onto the county causing the county to have an incentive to NOT exercise its authority to foreclosure, leading to many blighted properties throughout the county.
3. The Act purported to cause counties to act as realtors for private parties.
4. The Act requires treasurers to make complex ownership decisions between parties, tenants-in-common; LLCs, corporations and decedents' estates.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the Legislature to repeal the changes implemented by Act 216, or, in the alternative, to modify the law to take away the risk to counties and consider a provision to place any proceeds from the sale of tax delinquent properties in a segregated account established by the county to be used for clean-up of blighted properties.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Indefinitely postpone.

RESOLUTIONS COMMITTEE ACTION: Motion by Depperman, second by Schnitzler, to indefinitely postpone Resolutions 13-16. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Indefinitely postpone.

2023 CONFERENCE ACTION:

Caption:

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 15

Offered for consideration this 17th Day of September 2023 by

### Polk County

Relating to

## Encouraging the Legislature to Fix The Negative Impacts of Wisconsin Act 216 Relating to the Distribution of Proceeds From the Sale of Tax Delinquent Property

WHEREAS, under the previous law, counties retained the net proceeds from the sale of delinquent property unless the property was the homestead of the former owners and the former owner requested such payment; and

WHEREAS, counties bear the sole risk of loss when foreclosing on tax delinquent properties; and

WHEREAS, before a tax delinquent property is foreclosed upon, the property must be delinquent for a minimum of three years; and

WHEREAS, before a tax delinquent property is foreclosed upon, the owner receives notice of the pending action and is given the opportunity to pay the back taxes, including the potential for a payment plan; and

WHEREAS, Act 216 purportedly requires a county to pay the net proceeds of the sale of tax delinquent property to any former owner, regardless of whether the former owner requests the payment and regardless of whether the former owner used the property as his or her homestead; and

WHEREAS, the Act further attempts to require a county to pay off any lien placed on the property at the time of the foreclosure sale, notwithstanding the fact that all liens are discharged at the time of the foreclosure judgment, causing confusion for counties and courts; and

WHEREAS, the Act is further imprudent for the following reasons: (1) most often in tax foreclosure cases, property owners are not responsive; (2) it shifts the risk of loss onto the county causing the county to have an incentive to NOT exercise its authority to foreclosure, leading to many blighted properties throughout the county; (3) the Act purported to cause counties to act as realtors for private parties; (4) the Act requires treasurers to make complex ownership decisions between parties, tenants-in-common; LLCs, corporations and decedents' estates.

## 2023 Conference Resolution 15

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the Legislature to repeal the changes implemented by Act 216, or, in the alternative, to modify the law to take away the risk to counties.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Indefinitely postpone.

RESOLUTIONS COMMITTEE ACTION: Motion by Depperman, second by Schnitzler, to indefinitely postpone Resolutions 13-16. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Indefinitely postpone.

2023 CONFERENCE ACTION:

Caption:

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 16

Offered for consideration this 17th Day of September 2023 by

### Bayfield County

Relating to

## Requesting the State of Wisconsin Address Concerns of Act 216, Relating to Distributing the Proceeds from the Sale of Tax Delinquent Property to the Former Owner

WHEREAS, under the previous state law addressing sale of tax delinquent property, counties retained the net proceeds from the sale unless the property was the homestead of the former owner(s) and the former owner(s) requested such payment; and

WHEREAS, before a tax delinquent property is foreclosed upon, the property must be delinquent for a minimum of three years; and

WHEREAS, before a tax delinquent property is foreclosed upon, the owner receives notice of the pending action and is given the opportunity to pay the back taxes, including the potential for a payment plan; and

WHEREAS, if the sale of the tax delinquent property does not cover the past due taxes, other associated costs and costs of processing the foreclosure, the county taxpayers are ultimately responsible to absorb the loss; and

WHEREAS, Act 216 purportedly requires a county to pay the net proceeds of the sale of tax delinquent property to any former owner, regardless of whether the former owner requests the payment and regardless of whether the former owner used the property as his or her homestead, and hold such proceeds for five years if the former owner does not request payment; and

WHEREAS, the Act further attempts to require a county to pay off any lien placed on the property at the time of the foreclosure sale, notwithstanding the fact that all liens are discharged at the time of the foreclosure judgment, causing confusion for counties and courts; and

WHEREAS, the Act is further imprudent for the following reasons:

1. Most often in tax foreclosure cases, property owners are not responsive.
2. Informs the county they will be forfeiting the property to the county.
3. It shifts the risk of loss onto the county causing the county to have an incentive to NOT exercise its authority to foreclosure, leading to many blighted properties throughout the county.
4. The Act purported to cause counties to act as realtors for private parties.

## 2023 Conference Resolution 16

5. The Act requires treasurers to make complex ownership decisions between parties, tenants-in-common; LLCs, corporations and decedents' estates.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the Legislature to repeal the changes implemented by Act 216, or, in the alternative, to modify the law to take away the risk to counties and consider a provision to place any proceeds from the sale of tax delinquent properties in a segregated account established by the county to be used for clean-up of blighted properties; increase the value and create affordable housing opportunities.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Indefinitely postpone.

RESOLUTIONS COMMITTEE ACTION: Motion by Depperman, second by Schnitzler, to indefinitely postpone Resolutions 13-16. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Indefinitely postpone.

2023 CONFERENCE ACTION:

Caption:

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 17

Offered for consideration this 17th Day of September 2023 by

### Bayfield County

Relating to

## Amending Wisconsin State Statute 75 to Enhance Flexibility in County Sales of Tax-Foreclosed Properties

WHEREAS, Chapter 75 of the Wisconsin State Statutes outlines the regulations governing the sale of tax-foreclosed properties by counties; and

WHEREAS, some counties may retain ownership of tax-foreclosed properties for a period of time beyond that which allows for redemption proceedings; and

WHEREAS, the current limitations imposed by Chapter 75 restrict counties in their ability to donate, transfer or sell at a discount tax-foreclosed properties, thereby limiting opportunities for incentivizing revitalization, housing development, and public-private partnerships; and

WHEREAS, these limitations persist indefinitely from the date of acquisition without any sunset provisions; and

WHEREAS, there is a recognized need to promote the efficient and strategic utilization of tax-foreclosed properties for the purposes of housing development, while ensuring the best interests of the communities and residents of Wisconsin are served; and

WHEREAS, allowing counties to donate or sell at a discount tax-foreclosed properties for the purpose of housing development after ten years from the date of acquisition would enable them to foster new public-private development partnerships, increase affordable housing options, and stimulate the local economy.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support an amendment to Chapter 75 of the Wisconsin State Statutes to modify the regulations governing the dispensation of tax-foreclosed properties by counties; and

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BE IT FURTHER RESOLVED that the proposed amendment shall allow counties to discount, donate or transfer tax-foreclosed properties without penalty to public and private entities for the purposes of housing development after a period of ten years from the date of tax deed acquisition.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:

## 2023 Conference Resolution 17

Indefinitely postpone.

RESOLUTIONS COMMITTEE ACTION: Motion by Clendenning, second by Meyers, to indefinitely postpone. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Indefinitely postpone.

2023 CONFERENCE ACTION:

Caption:

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 18

Offered for consideration this 17th Day of September 2023 by

### Bayfield County

Relating to

## Creating New State Funding for Demolition of Blighted Property for the Purpose of New Housing Construction

WHEREAS, blighted properties pose significant challenges to communities, including decreased property values, increased crime rates, and negative impacts on public health and safety; and

WHEREAS, repurposing blighted properties for housing development offers the opportunity to revitalize neighborhoods, improve living conditions, and stimulate economic growth; and

WHEREAS, repurposing blighted properties allows for the efficient utilization of existing infrastructure, including transportation networks, water and sewer systems, and public services, resulting in substantial cost savings for both the state and local communities, rural and urban; and

WHEREAS, leveraging existing infrastructure for housing development minimizes the need for costly new infrastructure construction, reducing the strain on public resources and promoting environmentally sustainable practices; and

WHEREAS, the lower densities in rural areas make infrastructure costs much greater, providing an added benefit in rural areas; and

WHEREAS, funding for blighted home demolition has long been available for contaminated properties; and

WHEREAS, the Wisconsin Department of Financial Institutions and Wisconsin Housing and Economic Development Authority previously funded blighted home demolition through the Strategic Blight Elimination Program; and

WHEREAS, the availability of adequate funding plays a crucial role in addressing the issue of blighted properties and advancing housing development initiatives; and

WHEREAS, the State of Wisconsin recognizes the importance of renewing and expanding housing stock, and supports efforts to create vibrant, sustainable communities; and



## 2023 Conference Resolution 18

WHEREAS, the demolition of blighted properties is an essential step towards repurposing the lots for housing development, allowing for the creation of new, safe, and affordable housing options; and

WHEREAS, state funding specifically designated for the demolition of blighted properties would provide a significant boost to local governments and community organizations engaged in revitalization efforts; and

WHEREAS, targeted funding can effectively address blighted properties in a timely manner, mitigating potential hazards and promoting new housing development and community cohesion.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support legislation creating new state funding to facilitate the demolition of blighted properties for the subsequent repurposing of these lots for housing development; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association urges the State Legislature to allocate a dedicated funding stream through WHEDA to support the demolition of blighted properties intended for new housing construction in both rural and urban areas.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Okey, second by Schnitzler, to adopt.  
Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Caption:

- VI.I.28. Support legislation creating new state funding to facilitate the demolition of blighted properties for the subsequent repurposing of these lots for housing development; urge the State Legislature to allocate a dedicated funding stream through WHEDA to support the demolition of blighted properties intended for new housing construction in both rural and urban areas.

# Wisconsin Counties Association

## 2023 Conference Resolution 19

Offered for consideration this 17th Day of September 2023 by

### Sawyer County

Relating to

## Supporting the LCO vs Evers Decision

WHEREAS, in August 2022 the Federal Court of Appeals in LCO v, Evers ruled that lands owned by Tribal members on reservation are not taxable, regardless of the chain of custody. This decision settled a decades long claim that Tribal members were not subject to property tax on reservation lands; and

WHEREAS, this decision overturned a long-standing practice of Tribal Land taxation as established by the Wisconsin Department of Revenue. This has had significant tax implications for the counties with these Tribal lands for the five years before the 2022 decision. Going forward it will create structural taxation challenges for local governments; and

WHEREAS, the LCO v. Evers Tribal Taxation decision is not a town, school district or county issue. Rather it is an issue created by state and federal governments; and

WHEREAS, the Court of Appeals held the 1854 treaty between the Chippewa Indians of Lake Superior and the federal government guaranteed reservation lands to Tribal members in exchange for millions of acres of land in Northern Wisconsin. The court held that taxes conflicted with the treaty as originally agreed; and

WHEREAS, as a result of the decision by the Court of Appeals, both the federal and state governments wholly reversed their position on the taxability of Tribal lands. The state and federal governments should now take ownership of the difficult position they have placed the counties, towns, schools, and technical colleges in; and

WHEREAS, by state law, counties guarantee annual taxes to taxing entities (towns, cities, schools, counties, and technical colleges) regardless of payment by property owners. This is known as the settlement process. When taxes are not paid, counties make taxing entities whole. This ensures sufficient operational funds for the coming year for these entities. These out-of-pocket county payments are recouped after the tax delinquent property is sold by the county. The LCO v. Evers decision prohibits the county from taking ownership, meaning no tax sale, leaving counties unreimbursed for settlements. Of the five Wisconsin counties impacted by the decision, \$3.6 million was paid to taxing entities by counties between 2015 and 2022. The counties of Ashland, Bayfield, Iron, Sawyer, and Vilas will not be reimbursed for these payments as a result of the decision. Counties are bearing the financial consequences of enforcing a tax

## 2023 Conference Resolution 19

policy created by the state that was found to be illegal. The state should be responsible for the policy created and enforced on municipalities and counties to follow; and

WHEREAS, Tribal properties removed from the tax roll because of this decision substantially impacts the local tax base. In Bayfield County this represents approximately 25% reduction in total valuation in the Town of Russell, and in Ashland County the Town of Sanborn, an approximate 80% reduction. This means local government operational costs will be spread over a smaller tax base and a reduced number of property owners. The impact will be increases in local mill rates; and

WHEREAS, across the five counties the reduction in tax collections due to the court decision is anticipated to be over \$900,000 annually or approximately \$1.8 million over the next two years. This amount is expected to increase as additional parcels are removed from the tax roll; and

WHEREAS, communities, schools, roads, and other infrastructure were planned and built based on the financial viability and stability of the established tax structure. The recent court decision has changed the situation dramatically for communities with Indian reservations. The federal government currently pays local governments payments in lieu of taxes for federal forest lands/parks. We request the federal government do the same for properties no longer subject to tax but still in need of tax-funded assistance; and

WHEREAS, the Sawyer County Board of Supervisors, assembled this 15<sup>th</sup> day of June 2023 respects the decision of the Federal Court on this long-standing Tribal taxation argument. In accordance with the court decision and direction from the Wisconsin Department of Revenue, Sawyer County promptly acted implementing the court's action in 2022; and

WHEREAS, Sawyer County understands that this is a major change impacting the lives of those living on the Lac Courte Oreilles reservation in many ways. Sawyer County is committed to understanding and listening to the interests of all parties on this matter. The county also understands this is a complex issue impacting Tribal members, the LCO Tribe, non-tribal members on the reservation, the Towns of Hayward and Bass Lake, and taxing entities; and

WHEREAS, the county urges patience and respect and commits to hearing out all those impacted.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request assistance with legislation providing:

1. That the State of Wisconsin reimburse counties for un-recoupable settlement payments (\$3.6 million) made in accordance with state law, between 2015 and November 2022.

## 2023 Conference Resolution 19

2. That the State of Wisconsin makes aid payments over the next two years equal to the tax on the valuation lost as a result of the decision in the amount of \$1.8 million, until a permanent solution can be developed.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Clendenning, second by McCullough, to adopt Resolutions 19-21. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

VI.K.5. Support legislation providing the following payments to the five counties affected by the *LCO v Evers* decision (taxation of Tribal land):

1. That the State of Wisconsin reimburse counties for un-recoupable settlement payments (\$3.6 million) made in accordance with state law between 2015 and November 2022.
2. That the State of Wisconsin make aid payments over the next two years equal to the tax on the valuation lost as a result of the decision in the amount of \$1.8 million, until a permanent solution can be developed.

# Wisconsin Counties Association

## 2023 Conference Resolution 20

Offered for consideration this 17th Day of September 2023 by

### Ashland County

Relating to

### The LCO v Evers Decision

WHEREAS, in August of 2022 the Federal Court of Appeals in LCO v. Evers ruled that lands owned by Tribal members on reservation are not taxable, regardless of the chain of custody. This decision settled a decades-long claim that tribal members were not subject to property tax on reservation lands; and

WHEREAS, this decision overturned a long-standing practice of Tribal Land taxation as established by the Wisconsin Department of Revenue. This has had significant tax implications for Ashland County for the five years before the 2022 decision. Going forward it will create structural taxation challenges for local governments; and

WHEREAS, the LCO v. Evers Tribal Taxation decision is not a town, school district or county issue. Rather it is an issue created by state and federal governments; and

WHEREAS, the Court of Appeals held the 1854 treaty between the Chippewa Indians of Lake Superior and the federal government guaranteed reservation lands to tribal members in exchange for millions of acres of land in Northern Wisconsin. The court held that taxes conflicted with the treaty as originally agreed; and

WHEREAS, as a result of the decision by the Court of Appeals, both the federal and state governments wholly reversed their position on the taxability of Tribal Lands. The state and federal government should now take ownership of the difficult position in which they have placed the counties, towns, schools, and technical colleges; and

WHEREAS, by state law, counties guarantee annual taxes to taxing entities (towns, cities, schools, counties, and technical colleges) regardless of payment by property owners. This is known as the settlement process. When taxes are not paid, counties make taxing entities whole. This ensures sufficient operational funds for the coming year for these entities. These out-of-pocket county payments are recouped after the tax delinquent property is sold by the county. The LCO v. Evers decision prohibits the county from taking ownership, meaning no tax sale, leaving counties unreimbursed for settlements. Of the five Wisconsin counties impacted by the decision, \$3.6 million was paid to taxing entities by counties between 2015 and 2022. The counties of Ashland, Bayfield, Iron, Sawyer and Vilas will not be reimbursed for these payments as a result of the decision. Counties are bearing the financial consequences of enforcing a tax

## 2023 Conference Resolution 20

policy created by the state that was found to be illegal. The state should be responsible for the policy created and enforced on municipalities and counties to follow; and

WHEREAS, Tribal properties removed from the tax roll because of this decision substantially impacts the local tax base. In Ashland County this represents an approximately 80% reduction in total valuation in the Town of Sanborn, and in Bayfield County, the Town of Russell, an approximate 25% reduction. This means local government operational costs will be spread over a smaller tax base and a reduced number of property owners. The impact will be increases in local mill rates; and

WHEREAS, across the five counties the reduction in tax collections due to the court decision is anticipated to be over \$900,000 annually or approximately \$1.8 million over the next two years. This amount is expected to increase as additional parcels are removed from the tax roll; and

WHEREAS, communities, schools, roads, and other infrastructure were planned and built based on the financial viability and stability of the established tax structure. The recent court decision has changed the situation dramatically for communities with Indian reservations. The federal government currently pays local governments payments in lieu of taxes for federal forest lands/parks. We request the federal government do the same for properties no longer subject to tax but still in need of tax-funded assistance; and

WHEREAS, the Ashland County Board of Supervisors, assembled this 6<sup>th</sup> day of June 2023, respects the decision of the federal court on this long-standing Tribal taxation argument. In accordance with the court decision and direction from the Wisconsin Department of Revenue, Ashland County promptly acted implementing the court's action in 2022; and

WHEREAS, Ashland County understands that this is a major change impacting the lives of those living on the Bad River reservation in many ways. Ashland County is committed to understanding and listening to the interests of all parties on this matter. The County also understands this is a complex issue impacting Tribal members, the Bad River Tribe of Lake Superior Chippewa Indians, non-tribal members on the reservation, the Town of Sanborn, and taxing entities; and

WHEREAS, that the county urges patience and respect and commits to hearing out all those impacted.

NOW, THEREFORE, BE IT RESOLVED, that the Wisconsin Counties Association, in conference assembled, does hereby request assistance with legislation providing:

1. That the State of Wisconsin reimburse counties for un-recoupable settlement payments (\$3.6 million) made in accordance with state law, between 2015 and November 2022.

## 2023 Conference Resolution 20

2. That the State of Wisconsin makes aid payments over the next two years equal to the tax on the valuation lost as a result of the decision in the amount of \$1.8 million, until a permanent solution can be developed.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Clendenning, second by McCullough, to adopt Resolutions 19-21. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

VI.K.5. Support legislation providing the following payments to the five counties affected by the *LCO v Evers* decision (taxation of Tribal land):

1. That the State of Wisconsin reimburse counties for un-recoupable settlement payments (\$3.6 million) made in accordance with state law between 2015 and November 2022.
2. That the State of Wisconsin make aid payments over the next two years equal to the tax on the valuation lost as a result of the decision in the amount of \$1.8 million, until a permanent solution can be developed.

# Wisconsin Counties Association

## 2023 Conference Resolution 21

Offered for consideration this 17th Day of September 2023 by

### Bayfield County

Relating to

## Supporting Five Wisconsin Counties Restructure in Light of the LCO v Evers Tribal Taxation Decision

WHEREAS, in August of 2022 the Federal Court of Appeals in LCO v. Evers ruled that lands owned by Tribal members on reservation are not taxable, regardless of the chain of custody. This decision settled a decades-long claim that tribal members were not subject to property tax on reservation lands; and

WHEREAS, this decision overturned a long-standing practice of Tribal Land taxation as established by the Wisconsin Department of Revenue. This has had significant tax implications for Bayfield County for the five years before the 2022 decision. Going forward it will create structural taxation challenges for local governments; and

WHEREAS, the LCO v. Evers Tribal taxation decision is not a town, school district or county issue. Rather, it is an issue created by state and federal governments; and

WHEREAS, the Court of Appeals held the 1854 treaty between the Chippewa Indians of Lake Superior and the federal government guaranteed reservation lands to tribal members in exchange for millions of acres of land in Northern Wisconsin. The court held that taxes conflicted with the treaty as originally agreed; and

WHEREAS, as a result of the decision by the Court of Appeals, both the federal and state governments wholly reversed their position on the taxability of Tribal Lands. The state and federal government should now take ownership of the difficult position in which they have placed the counties, towns, schools, and technical colleges; and

WHEREAS, by state law, counties guarantee annual taxes to taxing entities (towns, cities, schools, counties, and technical colleges) regardless of payment by property owners. This is known as the settlement process. When taxes are not paid, counties make taxing entities whole. This ensures sufficient operational funds for the coming year for these entities. These out-of-pocket county payments are recouped after the tax delinquent property is sold by the county. The LCO v. Evers decision prohibits the county from taking ownership, meaning no tax sale, leaving counties unreimbursed for settlements. Of the five Wisconsin counties impacted by the decision, \$3.6 million was paid to taxing entities **by counties** between 2015 and 2022. The counties of Ashland, Bayfield, Iron, Sawyer and Vilas will not be reimbursed for these payments as a result of the decision. Counties are bearing the financial consequences of enforcing a tax policy created



## 2023 Conference Resolution 21

by the state that was found to be illegal. The state should be responsible for the policy created and enforced on municipalities and counties to follow; and

WHEREAS, Tribal properties removed from the tax roll because of this decision substantially impacts the local tax base. In Bayfield County this represents an approximately 25% reduction in total valuation in the Town of Russell, and in Ashland County, the Town of Sanborn, an approximate 80% reduction. This means local government operational costs will be spread over a smaller tax base and a reduced number of property owners. The impact will be increases in local mill rates; and

WHEREAS, across the five counties the reduction in tax collections due to the court decision is anticipated to be over \$900,000 annually or approximately \$1.8 million over the next two years. This amount is expected to increase as additional parcels are removed from the tax roll; and

WHEREAS, communities, schools, roads, and other infrastructure were planned and built based on the financial viability and stability of the established tax structure. The recent court decision has changed the situation dramatically for communities with Indian reservations. The federal government currently pays local governments payments in lieu of taxes for federal forest lands/parks. We request the federal government do the same for properties no longer subject to tax but still in need of tax-funded assistance; and

WHEREAS, the Bayfield County Board of Supervisors, assembled this 30<sup>th</sup> day of May 2023, respects the decision of the Federal Court on this long-standing tribal taxation argument. In accordance with the court decision and direction from the Wisconsin Department of Revenue, Bayfield County promptly acted implementing the court's action in 2022; and

WHEREAS, Bayfield County understands that this is a major change impacting the lives of those living on the Red Cliff reservation in many ways. Bayfield County is committed to understanding and listening to the interests of all parties on this matter. The county also understands this is a complex issue impacting Tribal members, the Red Cliff Tribe, non-tribal members on the reservation, the Town of Russell, and taxing entities; and

WHEREAS, the county urges patience and respect and commits to hearing out all those impacted.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support legislation providing:

1. That the State of Wisconsin reimburse counties for un-recoupable settlement payments (\$3.6 million) made in accordance with state law between 2015 and November 2022.
2. That the State of Wisconsin make aid payments over the next two years equal to the tax on the valuation lost as a result of the decision in the amount of \$1.8 million, until a permanent solution can be developed.

## 2023 Conference Resolution 21

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Clendenning, second by McCullough, to adopt Resolutions 19-21. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

VI.K.5. Support legislation providing the following payments to the five counties affected by the *LCO v Evers* decision (taxation of Tribal land):

1. That the State of Wisconsin reimburse counties for un-recoupable settlement payments (\$3.6 million) made in accordance with state law between 2015 and November 2022.
2. That the State of Wisconsin make aid payments over the next two years equal to the tax on the valuation lost as a result of the decision in the amount of \$1.8 million, until a permanent solution can be developed.

# Wisconsin Counties Association

## 2023 Conference Resolution 22

Offered for consideration this 17th Day of September 2023 by

### Price County

Relating to

## Requesting the Wisconsin Legislature to Amend Wisconsin Statute §59.52(29)(a) Public Work Publication Requirements

WHEREAS, under the current state law, if the estimated cost of any public work is between \$5,000 and \$25,000, a Class 1 notice is required before the project is contracted; and

WHEREAS, with the incredible increase in costs of construction, repair, remodeling or improvement of any public work, building, supplies or materials the project costs can easily fall in the threshold of \$5,000 to \$25,000; and

WHEREAS, in small rural counties, the publication options are generally on a weekly basis; and

WHEREAS, to meet the publisher's deadlines, the notice information needs to be submitted at least a week before publication; and

WHEREAS, this publication requirement can significantly delay a project and make it extremely difficult to move forward with contractors committing project costs and availability in their schedules.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the Legislature to amend Wis. Stats. §59.52(29)(a) to eliminate the requirement for a Class 1 notice for estimated cost of any public work being between \$5,000 and \$25,000.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by Schnitzler, second by Sleeter, to adopt.  
Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

## 2023 Conference Resolution 22

### Caption:

- I.D.57. Urge the Legislature to amend Wis. Stats. §59.52(29)(a) to eliminate the requirement for a Class 1 notice for any public work with an estimated cost between \$5,000 and \$25,000.

Personnel, Finance, and County Organization

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# Wisconsin Counties Association

## 2023 Conference Resolution 23

Offered for consideration this 17th Day of September 2023 by  
**Dunn County**

Relating to

### Revising the 2023 Dunn County Legislative Agenda

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request that the 2023 Dunn County Legislative Agenda which was adopted by the Dunn County Board of Supervisors on November 15, 2022, be revised to include the following additional item under "6. Financial (Gary Stene):"

D. Support legislative reform of the funding structure of the Wisconsin Technical College System, including increased state funding, ~~reduction~~ increase of the threshold for issuance of debt without approval by referendum, and review of duplication of educational services between the UW System and the Wisconsin Technical College System.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
n/a

RESOLUTIONS COMMITTEE ACTION: By unanimous consent, the word "reduction" was changed to "increase" in the resolved clause. Motion by Depperman, second by Okey, to adopt as amended. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt as amended by the Resolutions Committee.

2023 CONFERENCE ACTION:

Caption:

- X.C.1. Support legislative reform of the funding structure of the Wisconsin Technical College System, including increased state funding, increase of the threshold for issuance of debt without approval by referendum, and review of duplication of educational services between the UW System and the Wisconsin Technical College System.



**2023 WCA  
CONFERENCE  
RESOLUTIONS 24~40:**

**REAFFIRM CURRENT  
POSITIONS OF THE  
WISCONSIN  
COUNTIES  
ASSOCIATION**

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# Wisconsin Counties Association

## 2023 Conference Resolution 24

Offered for consideration this 17th Day of September 2023 by

### Barron County

Relating to

## Requesting \$18.7 Million in Stable, Core State Funding Support for County Conservation Department Staffing Statewide

WHEREAS, Wis. Stats. 92.06 and 92.07 create and define the powers of Land Conservation Committees (LCCs) and Wis. Stat. 92.09 empowers Soil and Water Conservation Departments (SWCDs) to administer county soil and water conservation programs and may exercise the powers granted to the land conservation committee; and

WHEREAS, county SWCDs are the local delivery mechanism for a wide range of Wisconsin's natural soil and water and other resource management programs including non-point pollution control, farmland preservation, reclamation of non-metallic mines, invasive species control, woodland management, lakes protection, and more; and

WHEREAS, SWCD professionals work as trusted, technical advisors to support producer-led watershed groups, assist waterfront property owners, help farmers develop and implement nutrient management plans, respond to natural disasters like floods, and spend years building the trust to be able to successfully do so; and

WHEREAS, the conservation practices that SWCD professionals help landowners apply to farm fields, forests, and shorelines have numerous water quality benefits, including: preventing soil erosion and promoting soil health, increasing infiltration into groundwater aquifers, protecting drinking water supply, reducing surface runoff and flood severity, and more; and

WHEREAS, the State of Wisconsin 2023 Joint Allocation Plan establishes the current need for county SWCD staffing at \$18.7 million statewide, per the core funding goal established in Wis. Stat. 92.14(6)(b); and

WHEREAS, the return on investment in county SWCDs is high, leveraging federal and private grant dollars into more conservation on the land and more dollars into local economies, and multiplying several times over the state's existing investment; and

WHEREAS, support of county SWCD funding is a bipartisan issue, supported by farm, conservation, environmental and local government groups alike, and was a top priority voiced by Wisconsinites at statewide Water Quality Task Force hearings in 2019; and

## 2023 Conference Resolution 24

WHEREAS, providing state funding for core county SWCD staffing needs will result in more conservation on the landscape and better protection of water quality.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support and urge the Wisconsin Legislature and the Joint Committee on Finance to provide \$18.7 million in stable, base funding for county conservation staffing, in fulfillment of the state's core funding goal and in recognition that county LWCD professionals are the among the best and most cost-effective solutions we have to improving water quality, achieving clean and safe drinking water, and supporting a viable agricultural industry at the same time.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

- II.G 1.bb. Maintain the funding for county land conservation staffing and cost-sharing grants established in the 2021-23 biennial budget and further increase funds to reflect DATCP's statutorily recommended funding level.

# Wisconsin Counties Association

## 2023 Conference Resolution 25

Offered for consideration this 17th Day of September 2023 by

### Bayfield County

Relating to

## Conducting Additional Research on Chronic Wasting Disease to Improve Testing, Treatment, and Management Options

WHEREAS, chronic wasting disease (CWD) is a fatal neurological disease of cervids which threatens to cause significant economic, cultural and ecological damage to Wisconsin's deer and elk populations; and

WHEREAS, a better understanding of CWD is needed to develop better management tools; and

WHEREAS, current funding and research levels are not commensurate to the threat posed by CWD; and

WHEREAS, since the discovery of CWD in Wisconsin in 2001 it is now found in wild deer in 41 counties and has been found in over 25 captive cervid farms; and

WHEREAS, in the most highly infected areas of Dane and Iowa counties the prevalence rate in adult males is about 50% and in adult females is about 35%; and

WHEREAS, the Wisconsin Department of Health Services, the Centers for Disease Control, and the World Health Organization all recommend that cervid meat only be eaten after the animal harvested has tested negative for CWD; and

WHEREAS, in 2022 nearly 800,000 gun and archery deer hunting licenses were sold in Wisconsin; and

WHEREAS, according to a study, hunters in Wisconsin spent \$2.5 billion in 2011. Eighty-eight percent of the hunters in Wisconsin participated in deer hunting, making it the most popular form of hunting in the state.

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NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the State Legislature to fund and direct state agencies to conduct the following research in order to better manage CWD:

- Develop a reliable, rapid, and easy to administer CWD test that can be conducted on live cervids.

## 2023 Conference Resolution 25

- Develop a reliable, rapid, and easy to administer CWD test that can be implemented in the field on harvested cervids that will provide immediate test results.
- Develop a cervid vaccine for CWD.
- Develop a cure for CWD-infected cervids.
- Breed inheritable resistance to CWD in captive cervids such that the cervids do not carry or shed CWD prions.
- Determine CWD prion longevity and virulence in contaminated soil, feed, and crops under a wide range of environmental conditions.
- Develop a better understanding of CWD prion movement in the environment once outside of cervids.
- Expand monitoring of wild cervids in CWD endemic zones to better understand the effect of CWD on cervid populations.
- Conduct epidemiological assessment of CWD prions on human health including whether humans are already carriers of CWD prions, the likelihood of CWD prions infecting humans and causing disease, and the impact of eating CWD positive cervids.
- Conduct additional research to determine the viability and methodology for composting CWD infected cervids.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

- II.J.2.e. Urge the State Legislature to direct state agencies, and provide funding, to conduct the following research and development in order to better manage chronic wasting disease (CWD):
- Develop a reliable, rapid, and easy to administer CWD test that can be conducted on live cervids.
  - Develop a reliable, rapid, and easy to administer CWD test that can be implemented in the field on harvested cervids that will provide immediate test results.
  - Develop a vaccine for CWD.
  - Develop a cure for CWD in infected cervids.
  - Breed inheritable resistance to CWD in captive cervids such that the cervids do not carry or shed CWD prions.

## 2023 Conference Resolution 25

- Determine CWD prion longevity and virulence in contaminated soil, feed, and crops under a wide range of environmental conditions and soil types.
- Develop a better understanding of CWD prion movement in the environment once outside of a cervid.
- Expand monitoring of individual animal and herd health in CWD endemic zones to better understand the effect of CWD on population dynamics.
- Conduct epidemiological assessment of CWD prions on human health including whether humans are already carriers of CWD prions, the likelihood of CWD prions infecting humans and causing disease, and the impact of eating CWD positive deer, if any.
- Conduct additional research to determine the viability and methodology for composting CWD-infected cervids.

Agriculture, Environment, and Land Use

# Wisconsin Counties Association

## 2023 Conference Resolution 26

Offered for consideration this 17th Day of September 2023 by

### Bayfield County

Relating to

## Requesting Fair Access to Meat Processing and Inspection for Wisconsin Small to Medium Meat Producers

WHEREAS, local agriculture is a primary economic activity in Wisconsin; and

WHEREAS, the lack of meat processors and inspectors is stifling agriculture economic activity in the region and state; and

WHEREAS, there is a severe shortage of meat processors for small producers reducing marketing options for Wisconsin meat products; and

WHEREAS, long delays and distances significantly adds to the cost of production and reduces already slim margins; and

WHEREAS, many processors are retiring without younger skilled processors to replace them, creating additional shortages; and

WHEREAS, Wisconsin counties are committed to creating sustainable and resilient communities including local food supplies.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby support efforts that strengthen local meat processing for counties, including but not limited to, more inspectors.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Caption:

## 2023 Conference Resolution 26

- IX.C.5. Encourage the state legislature to make necessary legislative changes that would increase the number of state inspectors that will be available to assist smaller, rural meat processors.

Agriculture, Environment, and Land Use

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# Wisconsin Counties Association

## 2023 Conference Resolution 27

Offered for consideration this 17th Day of September 2023 by

### Eau Claire County

Relating to

## Support for Increased County Child Support Funding

WHEREAS, Eau Claire County administers the Child Support Enforcement Program on behalf of the state, providing a holistic set of services to Eau Claire County children and their parents, including paternity establishment, assistance with finding employment, obtaining child support and establishing health insurance orders for children, and enforcing and modifying those orders; and

WHEREAS, child support is one of the most effective anti-poverty programs in the state, with county child support agencies serving approximately 347,000 children and collecting roughly \$906 million in financial support for Wisconsin families in 2021; and

WHEREAS, child support is proven to reduce childhood poverty rates, lead to better educational and behavioral outcomes for children, and have a positive effect on food security, health and housing stability; and

WHEREAS, county child support agencies work closely with both parents to ensure that they have the help they need to be successful, including assistance with finding employment, referrals to other social service programs and right-sizing orders for individuals impacted by substance use disorders or other challenges; and

WHEREAS, state funding for county child support services has failed to keep up with county agency costs, which have steadily increased due to a high number of caseloads per worker, increased complexity of cases, inflation and new regulations; and

WHEREAS, an abrupt federal interpretation change in June 2019 eliminated \$4.2 million in federal birth cost recovery matching funds for Wisconsin; and

WHEREAS, Wisconsin's strong performance in child support is at risk without additional funding. The state has already dropped from 2<sup>nd</sup> in the nation for the collection of current support in 2016 to 6<sup>th</sup> in the nation in 2021; and

WHEREAS, without additional state funds, county child support agencies may need to eliminate positions, further increase caseloads, or reduce services, further impacting federal performance measures, which would result in the loss of additional federal funds; and



## 2023 Conference Resolution 27

WHEREAS, the individuals most impacted by insufficient funding for child support are the children and families served by county child support agencies, who will need to seek out public assistance programming absent the financial security provided by the child support program; and

WHEREAS, state investments in child support are amplified by a generous federal match. Every \$1 of state GPR invested in the Child Support Program generates roughly \$2 in federal matching funds; and

WHEREAS, Wisconsin's Child Support Enforcement Program is incredibly cost effective, collecting an average of \$6.43 in support for every dollar invested in the program.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request that state funding for county child support agencies be increased by \$5 million GPR in each fiscal year of the 2023-25 Wisconsin state budget, which will generate approximately \$9.7 million in additional federal funding each year. This investment will ensure that Wisconsin counties can continue to effectively provide economic support to our children.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Caption:

III.F.1. Support full state and federal funding of county child support administration.

Health and Human Services

# Wisconsin Counties Association

## 2023 Conference Resolution 28

Offered for consideration this 17th Day of September 2023 by

### Bayfield County

Relating to

## Support for Emergency Medical Services in Rural Areas

WHEREAS, many areas, especially rural areas, rely on volunteer EMS service providers;  
and

WHEREAS, declining workforce and an aging population is creating crisis emergency  
response situations across Wisconsin; and

WHEREAS, only counties are allowed to exceed the levy for countywide EMS.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in  
conference assembled, does hereby support legislative, policy and regulatory action that creates  
stronger county emergency medical services even though many of these services are traditionally  
municipal in nature.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt  
Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Caption:

IV.J.4. Support legislative, policy and regulatory action that creates stronger emergency  
medical services even though many of these services are traditionally municipal in  
nature.

# Wisconsin Counties Association

## 2023 Conference Resolution 29

Offered for consideration this 17th Day of September 2023 by

### Langlade County

Relating to

## Urging State Elected Officials to Use Expected 2021-2023 Budget Surplus to Fund Rural Fire and Ambulance Emergency Services

WHEREAS, the State of Wisconsin is expected to have a budget surplus of \$3.8 billion in fiscal period 21-23 according to the nonpartisan Legislative Fiscal Bureau estimates; and

WHEREAS, as a result, Governor Evers has proposed a \$150 refund to every Wisconsin resident; and

WHEREAS, the committee recognizes that emergency services in rural areas around our state are struggling to keep up with the costs of rising inputs not just recently but over the last many years; and

WHEREAS, everyone expects that emergency services, such as ambulance and fire response, to show up when needed, but few understand the fiscal struggles many emergency service providers have faced the last number of years in rural areas; and

WHEREAS, the current financing structure for public fire service comes from property taxes that includes both residents and out-of-state property owners, while ambulance services are paid for by only residents; and

WHEREAS, the state has no greater responsibility than the safety of its people, and by using a small portion of the surplus funds to supplement these important rural service providers, the state could go a long way in securing the safety of all who live, work, and vacation in our great state.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby encourage the Governor, in conjunction with the State Legislature, to use a portion of the \$3.8 billion surplus to fund Wisconsin's rural emergency services.

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**STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:**  
Adopt.

## 2023 Conference Resolution 29

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

- IV.J.4. Support legislative, policy and regulatory action that creates stronger emergency medical services even though many of these services are traditionally municipal in nature.

Judicial and Public Safety

# Wisconsin Counties Association

## 2023 Conference Resolution 30

Offered for consideration this 17th Day of September 2023 by

### Langlade County

Relating to

## Requesting Additional State Funding to Cover the Expenses Associated with Providing Victim/Witness Services

WHEREAS, victim/witness programs are partially reimbursed by the state, funded primarily from a surcharge assessed to offenders and collected by the courts; when the program started in the 1990s the cost associated with victim/witness services were reimbursed at 90%, whereas this reimbursement rate has steadily declined to 40% in 2021-2022; and

WHEREAS, the Legislature has expanded the services required to be provided by the victim/witness program but the reimbursement for these services has failed to keep pace with the costs associated with these services; an \$8 million increase was requested for victim/witness services in the state budget last year and the Legislature only approved a \$1.5 million increase; and

WHEREAS, the committee urges the State Legislature to provide additional funding of \$12 million in the next state biennial budget to support victim/witness services that results in a substantial increase in the net percentage reimbursement to counties for providing these important services.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the Governor and the State Legislature to allocate more funding to reimburse the costs associated with victim/witness services.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Caption:

## 2023 Conference Resolution 30

IV.C.5.b. Support an increased state financial commitment for victim/witness services costs.

Judicial and Public Safety

# Wisconsin Counties Association

## 2023 Conference Resolution 31

Offered for consideration this 17th Day of September 2023 by

### Racine County

Relating to

## Requesting the State of Wisconsin Revise the Current Real Estate Transfer Fee Revenue Sharing Formula

WHEREAS, the collection by counties of a real estate transfer fee was mandated by the State of Wisconsin in 1969, and included a requirement that counties remit 50% of all transfer fees collected to the State; and

WHEREAS, in 1981, the state arbitrarily changed the transfer fee formula to require counties to remit to the state 80% of all transfer fees collected; and

WHEREAS, Racine County, through the Register of Deeds office, assumes the annual operating costs of recording all real estate transfers occurring in Racine County, including the collection of real estate transfer fees; and

WHEREAS, in 2021, Racine County collected \$4,231,438.20 in real estate transfer fees with the county's 20% retained share totaling \$846,287.64, and was required to remit 80% or \$3,385,150.56 to the state; and

WHEREAS, Racine County real estate transfer fee collections over the past five years totaled \$16,511,868.00, of which the county retained \$3,302,373.60; and over that same period \$13,209,494.40 was remitted to the state; and

WHEREAS, in 2021, the State of Wisconsin has reportedly built up a budget surplus of approximately \$2.5 billion, while many Wisconsin counties continue to struggle financially due to the ever-increasing costs of providing county government services in an inflationary economy, coupled with the financial restrictions imposed by state-mandated levy limits; and

WHEREAS, in an effort to financially assist all Wisconsin counties, Racine County requests that the State of Wisconsin modify and return the real estate transfer fee share formula to again allow Wisconsin counties to retain 50% of all total real estate fees collected, with 50% to be remitted to the state.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request that the State of Wisconsin revise the real estate transfer fee share formula to again allow Wisconsin counties to retain 50% of all real estate transfer fees collected, with 50% to be remitted to the state.

## 2023 Conference Resolution 31

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

- VI.A.1. Support legislation allowing counties to retain a greater percentage of the real estate transfer fee.

Personnel, Finance, and County Organization



# Wisconsin Counties Association

## 2023 Conference Resolution 32

Offered for consideration this 17th Day of September 2023 by

### Polk County

Relating to

## Requesting the State of Wisconsin Revise the Current Real Estate Transfer Fee Revenue Sharing Formula

WHEREAS, the collection of a real estate transfer fee by counties was mandated by the State of Wisconsin in 1969, and included a requirement that counties remit 50% of all transfer fees collected to the state; and

WHEREAS, in 1981 the state changed the transfer fee formula to require counties to remit 80% of all transfer fees collected to the state; and

WHEREAS, the county, through the Register of Deeds Office, assumes the annual operating costs of recording all real estate transfers occurring in each county, including the collection of real estate transfer fees; and

WHEREAS, Polk County real estate transfer fee collections over the past four years totaled \$4,938,601.20 of which the county retained \$987,720.24 and \$3,950,880.96 was remitted to the state; and

WHEREAS, using a 50/50 split, the county's share of fees collected from local real estate transfers during the same four-year period would have provided an additional \$1,481,580.36 in support of local government operations; and

WHEREAS, in 2021 the State of Wisconsin had built up a budget surplus of approximately 2.5 billion dollars, while many Wisconsin counties continue to struggle financially due to the ever-increasing costs of providing county government services in an inflationary economy and providing services for increasing unfunded state-mandated programs along with the financial restrictions imposed by state-imposed levy limits.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby urge the Legislature and Governor Evers to review and revise the real estate transfer fee sharing formula and return it to the original formula allowing Wisconsin counties to retain 50% of the real estate transfer fees collected.

**STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:**  
Adopt.

## 2023 Conference Resolution 32

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

VI.A.1. Support legislation allowing counties to retain a greater percentage of the real estate transfer fee.

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 33

Offered for consideration this 17th Day of September 2023 by

### Langlade County

Relating to

## Requesting the State Revise the Current Real Estate Transfer Fees Revenue Sharing Formula

WHEREAS, the collection by counties of a real estate transfer fee was mandated by the State of Wisconsin in 1969, and included a requirement that counties remit 50% of all transfer fees collected to the state; and

WHEREAS, in 1981 the state arbitrarily changed the transfer fee formula to now require counties to remit to the state 80% of all transfer fees collected; and

WHEREAS, the county, through the Register of Deeds office, assumes the annual operating costs of recording all real estate transfers occurring in Langlade County, including the collection of real estate transfer fees; and

WHEREAS, in 2021 Langlade County collected \$418,476.00 in real estate transfer fees with the county's 20% retained share totaling \$83,695.20, and was required to remit 80% or \$334,780.80 to the state; and

WHEREAS, Langlade County real estate transfer fee collections as averaged over the past five years totaled \$1,402,899.20 of which the county retained \$280,579.84; and over that same period \$1,122,319.36 was remitted to the state; and

WHEREAS, in 2021 the State of Wisconsin has built up a budget surplus of approximately \$2.5 billion with a projected 2023 budget surplus of \$6.6 billion, while many Wisconsin counties continue to struggle financially due to the ever-increasing costs of providing county government services in an inflationary economy, coupled with the financial restrictions imposed by state-mandated levy limits; and

WHEREAS, in an effort to financially assist all Wisconsin counties, Langlade County requests that the State of Wisconsin return the real estate transfer fee share formula to again allow Wisconsin counties to retain 50% of all total real estate transfer fees collected, with 50% to be remitted to the state.

## 2023 Conference Resolution 33

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request that the State of Wisconsin revise the real estate transfer fee share formula to again allow Wisconsin counties to retain 50% of all total real estate transfer fees collected, with 50% to be remitted to the state.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Caption:

VI.A.1. Support legislation allowing counties to retain a greater percentage of the real estate transfer fee.

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 34

Offered for consideration this 17th Day of September 2023 by

### Barron County

Relating to

## Requesting the State to Revise the Current Real Estate Transfer Fee Revenue Sharing Formula

WHEREAS, the collection by counties of a real estate transfer fee was mandated by the State of Wisconsin in 1969 and included a requirement that counties remit 50% of all transfer fees collected to the state; and

WHEREAS, in 1981, the state changed the transfer fee formula to now require counties to remit to the State 80% of all transfer fees collected; and

WHEREAS, the county, through the Register of Deeds office, assumes the annual operating costs of recording all real estate transfers occurring in Barron County, including the collection of real estate transfer fees; and

WHEREAS, in 2022, Barron County collected \$947,303.70 in real estate transfer fees with the county's 20% share retained totaling \$189,460.74 and was required to remit 80% or \$757,842.96 to the state; and

WHEREAS, Barron County real estate transfer fee collections over the past five years totaled \$4,207,336.80 of which the county retained \$841,467.36 and over that same period of time \$3,365,869.44 was remitted to the state; and

WHEREAS, in 2021, the State of Wisconsin has built up a budget surplus of approximately \$2.5 billion, while many Wisconsin counties continue to struggle financially due to the ever-increasing costs of providing county government services in an inflationary economy, coupled with the financial restrictions imposed by the state-mandated levy limits; and

WHEREAS, in an effort to financially assist all Wisconsin counties, Barron County requests that the State of Wisconsin return the real estate transfer fee share formula to again allow Wisconsin counties to retain 50% of all total real estate transfer fees collected, with 50% to be remitted to the state.

## 2023 Conference Resolution 34

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request that the State of Wisconsin revise the real estate transfer fee share formula to again allow Wisconsin counties to retain 50% of all real estate transfer fees collected, with 50% to be remitted to the state.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Caption:

- VI.A.1. Support legislation allowing counties to retain a greater percentage of the real estate transfer fee.

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 35

Offered for consideration this 17th Day of September 2023 by

### Walworth County

Relating to

## Urging the State Legislature to Increase the Public Work Limit above \$25,000

WHEREAS, under Wisconsin Statutes § 59.52(29), counties are required to engage in a competitive bidding process on public work construction projects greater than \$25,000 and provide a Class 1 notice on any public work with a cost between \$5,000-\$25,000; and

WHEREAS, these statutory limits of \$5,000 and \$25,000 have been in place for many decades notwithstanding the impact of inflation; and

WHEREAS, complying with the statutory bidding requirements adds significant time and costs to public construction projects; and

WHEREAS, as counties engage in competitive bidding processes at low dollar thresholds results in unnecessary delays and incur costs from architectural and engineering firms to develop bidding documents, even for the smallest of projects; and

WHEREAS, many delays are the result of the continuous debate over what constitutes maintenance versus repairs because maintenance costs often exceed present thresholds; and

WHEREAS, the Wisconsin Counties Association's legislative agendas have included recommendations to quadruple existing public works thresholds.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request that our State Legislature take action to update the antiquated project and notification thresholds in Sec. 59.52(29), Wis. Stats., by a factor of four (4) to ten (10).

**STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:**  
Adopt.

**RESOLUTIONS COMMITTEE ACTION:** Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

**RESOLUTIONS COMMITTEE RECOMMENDATION:** Adopt.

## 2023 Conference Resolution 35

### 2023 CONFERENCE ACTION:

#### Caption:

- I.D.53. Support an increase in the competitive bidding threshold from current levels to \$100,000 with the exception of certain highway projects for local units of government, as well as changes in publication requirements which will allow more bids; and ensure all local governments comply with similar bidding thresholds.

Personnel, Finance, and County Organization



# Wisconsin Counties Association

## 2023 Conference Resolution 36

Offered for consideration this 17th Day of September 2023 by

### Price County

Relating to

## Requesting Elimination of the 0% Levy Cap Imposed on Wisconsin Counties

WHEREAS, in 2012, the State of Wisconsin imposed limits on town, village, city and county property tax levies under Wis. Stat. §66.0602; and

WHEREAS, Wis. Stat. §66.0602 limits that increase to the local property tax levy to no more than the greater of: (a) 0% of last year's actual levy, or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed; and

WHEREAS, the percentage of net new construction in Price County used to calculate the increase in the operating levy allowance has significantly lagged the CPI-U over this period; and

WHEREAS, as a result, Price County has been forced to absorb inflationary increases in normal operating expenditures with no offsetting increase in revenues; and

WHEREAS, the ever-increasing costs of operations including effective employee recruitment and retention, maintenance materials, operating supplies and unfunded mandates such as Child Protective Services, the issue continues to escalate out of control; and

WHEREAS, Price County has taken measures to curb spending by cutting costs, eliminating positions, reducing program offerings and postponing necessary work on building and highway infrastructure; and

WHEREAS, to continue to provide essential services to county citizens, Price County has resorted to using debt to fund qualified expenditures previously funded in its operating levy resulting in a higher cost to Price County taxpayers; and

WHEREAS, Price County will soon be unable to continue to fund operating levy by using debt; and

WHEREAS, the use of the referendum process to exceed the levy limit for normal operating and mandated costs presents an unacceptable risk for counties to be able to fund operations should such a referendum fail.

## 2023 Conference Resolution 36

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request complete elimination of the current 0% tax levy cap or replacing it with a levy allowance that adequately reflects annual inflationary increases and the continual escalating cost of state mandated services.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Captions:

- VI.G.1. Oppose the imposition of levy limits.
- VI.G.13. Support levy limit adjustments on an annual basis that adequately reflect the increases in everyday costs incurred by Wisconsin counties.

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 37

Offered for consideration this 17th Day of September 2023 by

### Langlade County

Relating to

## Requesting that the State Legislature Modify Levy Limits

WHEREAS, in an effort to control and reduce the annual increase in property tax rates, the State of Wisconsin in 2006 imposed property tax levy limits on municipal and county governments; and

WHEREAS, in 2011 the state modified the levy limit requirement by allowing local governments an annual increase in the property tax levy based upon a percentage of the value of net new construction; and

WHEREAS, in Langlade County, the allowable increase to the tax levy attributable to the annual percentage increase in the value of net new construction averages out to \$70,426 per year over the last five years, and that amount falls to sufficiently fund annual increases in Langlade County's operational costs; and

WHEREAS, the 2016-2020 increase in Wisconsin's consumer price index (CPI) averages out to a 1.57% annual increase, according to data compiled by the Wisconsin Employment Relations Commission; and

WHEREAS, along with all other Wisconsin counties, Langlade County continues to experience annual operational cost increases, led primarily by higher fuel, material, insurance and labor costs as indicated by the annual rate of increase in the CPI; and

WHEREAS, all other sources of Langlade County revenues, including the annual allowable increase in the property tax levy, have now proven to be insufficient to fund annual operational cost increases; and

WHEREAS, there is no reliable means other than the annual tax levy to fund for the demand for services and to fund for the annual increases in the CPI as experienced by Langlade County.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request the Wisconsin State Legislature consider the following modifications to the levy limits imposed upon Wisconsin municipal and county governments:

## 2023 Conference Resolution 37

1. In 2022 for 2023, permit all units of county and municipal government who have experienced an increase in population since the 2010 census, a onetime allowable increase to the county's base levy amount of no more than 10% above their adopted 2022 property tax levy.
2. Also in 2022 for 2023, permit an annual allowable increase in the property tax levy based upon the existing formula of a percentage of the annual increase in the value of net new construction plus the annual overall percentage increase in the Wisconsin consumer price index as compiled annually by the Wisconsin Employment Relations Commission.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

### 2023 CONFERENCE ACTION:

#### Captions:

- VI.G.13. Support levy limit adjustments on an annual basis that adequately reflect the increases in everyday costs incurred by Wisconsin counties.
- VI.G.16. Support a permanent one-time levy increase of no more than 10 percent for all local units of government.

# Wisconsin Counties Association

## 2023 Conference Resolution 38

Offered for consideration this 17th Day of September 2023 by

### Eau Claire County

Relating to

## Requesting the State Legislature to Modify Levy Limits

WHEREAS, in an effort to control and reduce the annual increase in property tax rates, the State of Wisconsin in 2006 imposed property tax levy limits on municipal and county governments; and

WHEREAS, in 2011, the state modified the levy limit requirement by allowing local governments an annual increase in the property tax levy based upon a percentage of the value offset new construction; and

WHEREAS, in Eau Claire County, the allowable increase to the tax levy attributable to the annual percentage increase in the value of net new construction averages out to ~\$495,000 per year over the last five years and that amount fails to sufficiently fund annual increases in Eau Claire County operational costs; and

WHEREAS, 2020 census data indicates that the population of Eau Claire County increased by 7.1% or 6,974 individuals compared to the 2010 census data; and

WHEREAS, the 2016 - 2020 increase in Wisconsin's consumer price index (CPI) averages out to a 1.57% annual increase according to data compiled by the Wisconsin Employment Relations Commission; and

WHEREAS, the upswing in population is causing an increase in demand for additional county services affecting all county departments, most notably the Sheriff's Office and the Highway Department; and

WHEREAS, along with all other Wisconsin counties, Eau Claire County continues to experience annual operational cost increases led primarily by higher fuel, material, insurance and labor costs as indicated by the annual rate of increase in the CPI; and

WHEREAS, all other sources of Eau Claire County revenues, including the annual allowable increase in the property tax levy, have now proven to be insufficient to fund annual operational cost increases; and

## 2023 Conference Resolution 38

WHEREAS, there is no reliable means other than the annual tax levy to fund for the demand for services caused by the population increase and to fund for the annual increases in the CPI as experienced by Eau Claire County; and

WHEREAS, the eighteen (18) municipalities located within Eau Claire County are also experiencing similar operational cost funding shortfalls.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby request the Wisconsin State Legislature consider the following modifications to the levy limits imposed upon Wisconsin municipal and county governments:

1. In 2022 for 2023, permit all units of county and municipal government who have experienced an increase in population since the 2010 census, a one-time allowable increase to the county's base levy amount of no more than 10% above their adopted 2022 property tax levy.
2. In 2022 for 2023, permit an annual allowable increase in the property tax levy based upon the existing formula of a percentage of the annual increase in the value of net new construction plus the annual overall percentage increase in the Wisconsin consumer price index as compiled annually by the Wisconsin Employment Relations Commission.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Captions:

- VI.G.13. Support levy limit adjustments on an annual basis that adequately reflect the increases in everyday costs incurred by Wisconsin counties.
- VI.G.16. Support a permanent one-time levy increase of no more than 10 percent for all local units of government.

# Wisconsin Counties Association

## 2023 Conference Resolution 39

Offered for consideration this 17th Day of September 2023 by

### Outagamie County

Relating to

## Requesting that the State of Wisconsin Provide Regular Revenue Increases for Mandated County Programs at the Rate of Inflation and Request that the Shared Revenue Program be Increased

WHEREAS, Outagamie County works in partnership with the State of Wisconsin to provide important services to our constituents such as roads, public safety, conservation, and human services; and

WHEREAS, the county has implemented many efforts to improve efficiency, effectiveness, and fees for services; however, the lack of increase in state funding is seriously impacting the level of service provided to our constituents and is putting more and more financial burden on the property tax levy; and

WHEREAS, many programs have not realized increases despite the effects of inflation. According to the United States inflation rate, \$100,000 in year 2003 will need to be increased to \$164,041.30 in year 2023 to maintain purchasing power; and

WHEREAS, this resolution respectfully requests that the State of Wisconsin provide regular revenue increases for mandated county programs at the rate of inflation; and

WHEREAS, state levy limits will keep funding gaps from being shifted onto property taxpayers; and

WHEREAS, however, a lack of inflationary increases in mandated programs will result in programs being cut back, poorly administered, and longer wait lists; and

WHEREAS, this will continue to increase public cynicism in government efficiency; and

WHEREAS, the shared revenue program operated by the state is one program that is neglected from year to year; and

WHEREAS, in 1993, the state program shared \$900 million with local governments; and

## 2023 Conference Resolution 39

WHEREAS, thirty years later, inflation would bring that amount to \$1.879 billion. Instead, the program has been cut to \$830 million; and

WHEREAS, according to the Legislative Fiscal Bureau, in January 2023, Outagamie County only received \$1,517,985 in County and Municipal Aid or shared revenue; and

WHEREAS, with the county having a population of 192,938, this results in a per capita amount of \$7.87; and

WHEREAS, the citizens of Outagamie County are not being treated fairly; and

WHEREAS, other counties received higher per capita amounts of up to \$101.93; and

WHEREAS, in 1993, when the state shared \$900 million with local governments, the state income tax revenue was \$3.45 billion. In 2021, when the state shared \$830 million, the state income tax revenue was \$9.28 billion; and

WHEREAS, due to state-imposed levy limits, the quality of programs operated by the county is now in the sole control of the state government; and

WHEREAS, the county board urges the state to provide improved funding in order to maintain programs operated by the county for the benefit of Wisconsin residents.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby respectfully request that the State of Wisconsin provide regular revenue increases for mandated county programs at the rate of inflation in order to maintain programs operated by the county for the benefit of Wisconsin residents; and

BE IT FURTHER RESOLVED that the Wisconsin Counties Association does respectfully request that the shared revenue program be increased in order to provide additional state aid to local governments.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Captions:



## 2023 Conference Resolution 39

- VI.B.7. Support appropriate annual increases to the shared revenue program.
- VI.L.3. Support the State of Wisconsin indexing shared revenue, general transportation and transit, children and family aids, youth aids, and other direct aid payments to Wisconsin counties to the rate of inflation at a minimum in each state biennial budget.

Personnel, Finance, and County Organization

# Wisconsin Counties Association

## 2023 Conference Resolution 40

Offered for consideration this 17th Day of September 2023 by  
**Polk County**

Relating to

### Requesting the State of Wisconsin to Use a Portion of the 2023 Budgetary Surplus for the Maintenance, Repair and Replacement of County Trunk Highway System

WHEREAS, on January 25, 2023, the nonpartisan Legislative Fiscal Bureau reports the State of Wisconsin has a budget surplus estimated at \$7.1 billion, which is the largest budget surplus in Wisconsin's history; and

WHEREAS, the Joint Commission established the Local Supplemental Transportation Program as a one-time use of state revenue surplus to support local projects, which evolved into the popular and successful Local Road Improvement Program (LRIP) and Local Road Improvement Program - Supplemental (LRIP-S); and

WHEREAS, Governor Evers and the Legislature have recently devoted additional funding to counties through the General Transportation Aids (GTA) program and LRIP-S, yet counties throughout Wisconsin are still not receiving appropriate financial support to make roads and bridges safe for the speeds and weight of travel experienced throughout the state.

NOW, THEREFORE, BE IT RESOLVED that the Wisconsin Counties Association, in conference assembled, does hereby, in an effort to assist the Wisconsin County Highway Association, urge that the state approve the request for additional funding through budgetary surplus with said funding allocated to the county GTA appropriation for the backlog of maintenance on the county trunk highway system, as well as for LRIP-S.

STEERING COMMITTEE RECOMMENDATION TO THE RESOLUTIONS COMMITTEE:  
Adopt.

RESOLUTIONS COMMITTEE ACTION: Motion by McCullough, second by Meyers, to adopt Resolutions 24-40. Motion carried.

RESOLUTIONS COMMITTEE RECOMMENDATION: Adopt.

2023 CONFERENCE ACTION:

Captions:

## 2023 Conference Resolution 40

- VII.B.25. Increase General Transportation Aid payments to counties in an amount equal to 30% share of costs to maintain the county trunk highway system.
- VII.D.36. Extend the supplemental appropriation to local governments for local road repairs and reclamation of the county trunk highway system that was approved in the 2021-23 state budget.

Transportation and Public Works