

**JEFFERSON COUNTY BOARD MINUTES
TUESDAY, SEPTEMBER 13, 2011, 7:00 P.M.**

Mr. John Molinaro presiding.

Mr. Buchanan led the Pledge of Allegiance.

A moment of silence was observed.

County Clerk Barbara A. Frank called the roll with all members being present.

District 1	Richard C. Jones	District 2	Vic Imrie, Jr.
District 3	Greg David	District 4	Augie Tietz
District 5	Jim Braughler	District 6	Ron Buchanan
District 7	Dwayne C. Morris	District 8	Rick L. Kuhlman
District 9	Amy Rinard	District 10	Lloyd Zastrow
District 11	Donald Reese	District 12	Mike Burow
District 13	Ed Morse	District 14	Pamela Rogers
District 15	Steven J. Nass	District 16	John Molinaro
District 17	Mary Delany	District 18	Jennifer Hanneman
District 19	Jim Schroeder	District 20	Jan Roo
District 21	Craig Peterson	District 22	Blane Poulson
District 23	George Jaeckel	District 24	Gregory M. Torres
District 25	Walt Christensen	District 26	Carlton Zentner
District 27	Glen D. Borland	District 28	Dick Schultz
District 29	Paul Babcock	District 30	Jim Mode

County Administrator Gary Petre informed the Chair that the meeting was in compliance with the Open Meetings Law.

The meeting followed the revised agenda dated September 9, 2011.

Mr. Mode moved that the minutes of the August 9, 2011, meeting be approved as corrected and printed. Seconded and carried.

**GENERAL FINANCIAL CONDITION
JEFFERSON COUNTY, WISCONSIN
September 1, 2011**

Available Cash on Hand		
August 1, 2011	\$ 2,572,745.95	
August Receipts	<u>36,169,783.82</u>	
Total Cash		\$38,742,529.77
Disbursements		
General - August 2011	\$37,846,517.63	
Payroll - August 2011	<u>1,210,309.55</u>	
Total Disbursements		<u>39,056,827.18</u>
Total Available Cash		\$ (314,297.41)
Cash on Hand (in banks) September 1, 2011	\$ 456,730.82	
Less Outstanding Checks	<u>771,028.23</u>	
Total Available Cash		\$ (314,297.41)
AIM Government & Agency Portfolio		\$ 3,990,963.50
Local Govt. Investment Pool - General		15,569,431.90
Institutional Capital Management		15,828,289.16
Local Government Investment Pool - Clerk of Courts		25,846.77
Local Government Investment Pool - Farmland Preservation		251,934.37
Local Government Investment Pool - Parks/Liddle		<u>112,144.40</u>
		\$35,778,610.10

2011 Interest - Super N.O.W. Acct.	\$ 2,455.76
2011 Interest - L.G.I.P. - General Funds	17,417.29
2011 Interest - ICM	158,224.76
2011 Interest - AIM	300.76
2011 Interest - L.G.I.P. - Parks/Carol Liddle Fund	131.58
2011 Interest - L.G.I.P. - Farmland Preservation	236.88
2011 Interest - L.G.I.P. - Clerk of Courts	<u>139.33</u>
Total 2011 Interest	\$ 178,906.36

JOHN E. JENSEN
JEFFERSON COUNTY TREASURER

County Board Chair Molinaro presented the following notice:

A Notice of Public Hearing from the Jefferson County Planning and Zoning Committee for a hearing to be held on September 15, 2011, at 7:00 p.m. in Room 205 of the Jefferson County Courthouse.

The notice was received and placed on file.

The floor was opened for public comment. Martine Koepfel, Chair of the Land Trust Network of Jefferson County, requested the support of the Board for Resolution No. 2011-46.

John Molinaro, Chair of the Historic Sites Preservation Commission, Land Information Director Andy Erdman, Land & Water Conservation Director Mark Watkins, and Planning & Zoning Director Rob Klotz presented their department's/commission's annual report. The annual reports were received and placed on file pursuant to Board Rule 3.03(12).

Mr. Nass read the following report:

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

The Jefferson County Planning and Zoning Committee, having considered petitions to amend the zoning ordinance of Jefferson County, filed for public hearing held on August 18, 2011, as required by law pursuant to Wisconsin Statutes, notice thereof having been given, and being duly advised of the wishes of the town boards and persons in the areas affected, hereby makes the following recommendations:

APPROVAL OF PETITIONS 3533A-11, 3534A-11, 3535A-11,
3537A-11, 3540A-11, 3538A-11 and 3539A-11

DATED THIS TWENTY-NINTH DAY OF AUGUST 2011

Donald Reese, Secretary

THE EFFECTIVE DATE OF THE PRIOR MONTH'S AMENDMENT
3532A-11 IS AUGUST 16, 2011

Mr. Nass moved that the Report of the Jefferson County Planning and Zoning Committee be adopted. Seconded and carried.

Mr. Nass presented Ordinance No. 2011-10.

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

WHEREAS, Petitions 3533A-11, 3534A-11, 3535A-11, 3537A-11, 3540A-11, 3538A-11 and 3539A-11 were referred to the Jefferson County Planning and Zoning Committee for public hearing on August 18, 2011, and

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

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

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

Rezone to create a 5.99-acre lot with existing home at W3356 Beryl Drive and a 1.35-acre vacant lot adjacent. The site is on PINs 032-0815-1541-001 (5.94 acres) zoned R-2 and 032-0815-1541-004 (1.65 acres) zoned A-1 in the Town of Watertown. Rezoning is conditioned upon road access approval for each lot, upon receipt by Zoning of a soil test showing sites for installation of both the initial and replacement private sewage systems for the vacant lot and upon receipt and recording of a final certified survey map. The rezoning shall be null and void and of no effect one year from the date of County Board approval unless all applicable conditions have been completed by that date. (3533A-11 and 3534A-11 – Kyle & Kelly Bergdoll)

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

Rezone 2 acres of PIN 010-0614-2623-000 (34 acres) for a new residential building site on Pine Lane in the Town of Hebron. This action is conditioned upon road access approval by the Town, upon receipt by Zoning of a soil test showing sites for installation of both initial and replacement private sewage systems, upon receipt and recording of a final certified survey map for the lot. Slopes greater than 20% shall not be used for driveway or any other construction; the rezoning shall be null and void and of no effect one year from the date of County Board approval unless all applicable conditions have been completed by that date. (3535A-11 – Thomas Waldmann Trust)

Create a 4-acre lot on CTH J for a new building site in the Town of Oakland. The site is part of PIN 020-0613-2344-000 (39.142 acres). Rezoning is conditioned upon road access approval by the County Highway Department, upon receipt of a soil test showing sites for installation of both initial and replacement private sewage systems, upon receipt and recording of the final certified survey map for the lot including extraterritorial plat review if necessary. No development is allowed on slopes exceeding 20%. The rezoning shall be null and void and of no effect one year from the date of County Board approval unless all applicable conditions have been completed by that date. (3537A-11 – David & Alice Kemna)

Modify previous conditions of approval for a two-acre lot on Buckingham Road, to be created without a shared driveway as originally required by Zoning Amendment 3241-07. The site is part of PIN 016-0514-2532-001 (11.587 acres) in the Town of Koshkonong, and was previously approved with conditions on May 8, 2007. All other conditions of the original approval stand: road access approval by the Town, receipt of a soil test showing sites for installation of both initial and replacement private sewage systems and receipt and recording of a final certified survey map for the lot including extraterritorial plat review, if necessary. The rezoning shall be null and void and of no effect one year from the date of County Board approval unless all applicable conditions have been completed by that date. (3540A-11 – Richard Mortimer).

FROM AGRICULTURAL A-1 TO A-3, RURAL RESIDENTIAL
AND N, NATURAL RESOURCES

Rezone 4 acres of PIN 028-0513-0121-000 (108.17 acres) for a new building site on CTH J and rezone 7.5 acres adjacent to it for a Natural Resource zone, both in the Town of Sumner. Rezoning is conditioned upon road access approval by the County Highway Department for both lots, upon receipt of a soil test showing sites for installation of both initial and replacement private sewage systems for the building site and upon receipt and recording of the final certified survey map including driveway access points and extraterritorial plat review, if necessary. The rezoning shall be null and void and of no effect one year from the date of County Board approval unless all applicable conditions have been completed by that date. (3538A-11 and 3539A-11 – Brian Borchardt/Ethel Borchardt Trust property)

Mr. Nass moved that Ordinance No. 2011-10 be adopted. Seconded and carried.

Mr. Nass presented Resolution No. 2011-44.

WHEREAS, Thomas Burlingham and Margaret Burlingham have offered to donate an agricultural conservation easement on 60 acres consisting of 40 acres of cropland, 11.4 acres in the CREP program, together with a pond and woods on Island Road, Town of Palmyra, Jefferson County, Wisconsin, to Jefferson County as part of the County's Farmland Conservation Easement Program, and

WHEREAS, the offer has been reviewed by the Jefferson County Planning & Zoning Committee, which recommends acceptance of said offer,

NOW, THEREFORE, BE IT RESOLVED that the County Clerk is authorized to execute such documents as may be necessary to accept the grant of an agricultural conservation easement from Thomas and Margaret Burlingham for the property more particularly described as Parcel Identification Numbers 024-0516-0943-000 and 024-0516-0942-000.

BE IT FURTHER RESOLVED that Jefferson County expresses its gratitude to the Burlinghams for making this donation.

Fiscal Note: No fiscal impact. Staff will need to monitor the use of the land in the future.

Mr. Nass moved that Resolution No. 2011-44 be adopted. Seconded.

Mr. Burow moved that Resolution No. 2011-44 be referred to the Planning & Zoning Committee and/or Farmland Conservation Easement Commission. Seconded and failed: Ayes, 5, Noes 25 (Jones, David, Tietz, Braughler, Kuhlman, Rinard, Zastrow, Reese, Morse, Rogers, Nass, Molinaro, Delany, Hanneman, Schroeder, Rooou, Poulson, Jaeckel, Torres, Christensen, Zentner, Borland, Schultz, Babcock, Mode), Absent 0.

Resolution No. 2011-44 was adopted: Ayes 29, Noes 1 (Burow), Absent 0.

Mr. Mode read Ordinance No. 2011-11.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY, IN REGULAR SESSION THIS 13TH DAY OF SEPTEMBER 2011, DOES HEREBY ORDAIN AS FOLLOWS:

(1) That Jefferson County be divided into 30 supervisory districts for purposes of electing the County Board.

(a) The Land Information Office shall notify the County Clerk when an annexation or detachment is recorded.

(b) By November 15 of each odd numbered year, the County Board shall review annexations and detachments that have occurred since its last review, and

make such adjustments to district boundaries as may be appropriate for purposes of election administration.

(c) The Land Information Office shall maintain up-to-date maps of the districts as they may be amended from time to time.

(2) That one supervisor be elected from each district, commencing with the spring election in 2012.

(3) That said 30 supervisory districts be comprised as follows:

<u>District #</u>	<u>Municipality</u>	<u>Wards</u>	<u>District Population</u>
1	City of Waterloo	Ward 1 Ward 2 Ward 3 Ward 4	2,673
2	Town of Milford Town of Waterloo City of Waterloo	Ward 1 Ward 2 Ward 1 Ward 5	2,668
3	Town of Watertown City of Watertown	Ward 1 Ward 2 Ward 8	2,925
4	City of Watertown	Ward 9 Ward 10	2,919
5	City of Watertown	Ward 11 Ward 12	2,904
6	City of Watertown	Ward 15 Ward 16	2,890
7	City of Watertown	Ward 13 Ward 14	2,838
8	City of Watertown	Ward 17 Ward 18	2,901
9	Town of Ixonia Village of Lac LaBelle	Ward 1 Ward 2 Ward 5 Ward 6 Ward 2	2,842
10	Town of Concord Town of Ixonia	Ward 1 Ward 3 Ward 3 Ward 4	2,696

11	Town of Aztalan Town of Concord Town of Farmington	Ward 2 Ward 2 Ward 1 Ward 2	2,900
12	Village of Johnson Creek	Ward 1 Ward 2 Ward 3	2,738
13	City of Lake Mills	Ward 2 Ward 4 Ward 6 Ward 7	2,867
14	City of Lake Mills	Ward 1 Ward 3 Ward 5 Ward 8	2,841
15	Town of Aztalan Town of Lake Mills	Ward 1 Ward 1 Ward 2 Ward 3	2,927
16	Town of Oakland Village of Cambridge	Ward 1 Ward 2 Ward 3 Ward 1	2,654
17	City of Jefferson	Ward 6 Ward 7 Ward 8 Ward 9	2,658
18	City of Jefferson	Ward 3 Ward 4 Ward 5	2,665
19	City of Jefferson	Ward 1 Ward 2 Ward 10	2,650
20	Town of Jefferson Town of Oakland	Ward 1 Ward 2 Ward 3 Ward 4	2,733
21	Town of Sullivan	Ward 1 Ward 2	

	Village of Sullivan	Ward 3 Ward 1	2,877
22	Town of Palmyra Village of Palmyra	Ward 1 Ward 1 Ward 2	2,927
23	Town of Koshkonong City of Fort Atkinson	Ward 1 Ward 2 Ward 8	2,851
24	City of Whitewater	Ward 11 Ward 12	2,784
25	Town of Cold Spring Town of Hebron Town of Koshkonong Town of Palmyra City of Whitewater	Ward 1 Ward 1 Ward 2 Ward 3 Ward 2 Ward 10	2,802
26	City of Fort Atkinson	Ward 1 Ward 2	2,652
27	City of Fort Atkinson	Ward 3 Ward 4	2,665
28	City of Fort Atkinson	Ward 7 Ward 9	2,686
29	City of Fort Atkinson	Ward 5 Ward 6	2,710
30	Town of Koshkonong Town of Sumner	Ward 4 Ward 5 Ward 6 Ward 1	<u>2,843</u>
		County Total	<u>83,686</u>

(4) All ordinances in conflict with, or contrary to the terms of this ordinance are hereby repealed.

This ordinance shall be effective for all aspects of the 2012 supervisor election.

Mr. Mode moved that Ordinance No. 2011-11 be adopted. Seconded and carried: Ayes 27, Noes 3 (Schroeder, Torres, Schultz), Absent 0.

Mr. Mode presented Resolution No. 2011-45.

WHEREAS, Assembly Bill 107 seeks to create a property tax credit for cer-

tain businesses that either expand improvements to real estate or make new acquisitions of personal property, and

WHEREAS, the goal of Assembly Bill 107 is to promote hiring of additional employees by giving tax incentives to businesses to expand, and

WHEREAS, Assembly Bill 107, as currently drafted, would provide the business expansion tax credit through the property tax system, necessitating new programming and testing of virtually all computerized property tax systems across the State, and

WHEREAS, the state tax credit can be more easily managed through the state income tax system without requiring local municipalities to undertake new data processing and recordkeeping requirements, and

WHEREAS, the Administration & Rules Committee has reviewed proposed Assembly Bill 107 and supports efforts to increase employment, but recommends that the Board formally oppose the bill because of the burden placed on local governments.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors opposes Assembly Bill 107 solely on the basis of the proposed tax credit being processed through the property tax system.

BE IT FURTHER RESOLVED that the Clerk shall send a copy of this resolution to legislators representing Jefferson County and the Wisconsin Counties Association.

Fiscal Note: No fiscal impact.

Mr. Mode moved that Resolution No. 2011-45 be adopted. Seconded. A voice vote being unclear, Mr. Torres requested a roll call vote. Resolution No. 2011-45 carried: Ayes 25, Noes 5 (Kuhlman, Peterson, Poulson, Jaeckel, Torres), Absent 0.

Ms. Rinard read Resolution No. 2011-46.

WHEREAS, the Jefferson County 2020 Land Use Plan supports the creation of a privately operated voluntary purchase of development rights program through the acquisition of conservation easements to protect farmland and environmentally sensitive land by compensating landowners for limiting future development on their land, and

WHEREAS, the Jefferson County Board encourages the preservation of agriculture in Jefferson County, and

WHEREAS, because of the abundance of high-quality soils, amount of land in agricultural and forest use, and other factors including the preservation of wetlands, Edward and Caroline Soleska, along with the Land Trust Network of Jefferson County, are now seeking funding from the State of Wisconsin's Working Lands Initiative PACE (Purchase of Agricultural Conservation Easements) program and the USDA Farmland and Ranch Land Preservation program, to create an agricultural conservation easement on the Soleska family farm, and

WHEREAS, the Jefferson County Towns of Farmington and Jefferson have passed a similar resolution in favor of this project, and

WHEREAS, Jefferson County does not intend to be the cooperating entity as described in Wisconsin State Statutes sec. 93.73(3), but understands that the Land Trust Network of Jefferson County will serve as such entity; however, the Jefferson County Board wants to express its non-monetary support for this pur-

chase of an agricultural conservation easement.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board favors and encourages DATCP to approve the Edward and Caroline Soleska PACE application, with the Land Trust Network of Jefferson County as the cooperating entity to purchase an agricultural conservation easement on the Soleska family farm with the aid of Wisconsin PACE funds.

Fiscal Note: No fiscal impact.

Ms. Rinard moved that Resolution No. 2011-46 be adopted. Seconded and carried: Ayes 26, Noes 4 (Burow, Peterson, Jaeckel, Torres), Absent 0.

Ms. Rogers presented Resolution No. 2011-47.

WHEREAS, Jefferson County self insures its worker's compensation program, and

WHEREAS, the County currently contracts with CCMSI (Cannon Cochran Management Services, Inc.) for third party administration of the worker's compensation program which contract expires December 31, 2011, and

WHEREAS, CCMSI has proposed a two year extension covering 2012 and 2013 with a reduction in the minimum base fee from \$17,500 per year to \$16,000, and

WHEREAS, the Finance Committee and staff recommend the two year extension under the terms offered,

NOW, THEREFORE, BE IT RESOLVED that the County Clerk is authorized to execute a contract addendum with CCMSI for 2012 and 2013 for worker's compensation third party administration services.

Fiscal Note: The actual annual fee is a compilation of various fees for individual services provided. Those fees are increased using the CPI adjustment figure of 1.5% as of December 2010. The annual minimum fee is being reduced from \$17,500 to \$16,000.

Ms. Rogers moved that Resolution No. 2011-47 be adopted. Seconded and carried: Ayes 30, Noes 0, Absent 0.

Ms. Rogers presented Resolution No. 2011-48.

WHEREAS, Jefferson County has received a claim from Ingenix Subrogation Services on behalf of UnitedHealthcare for injuries sustained by Linda J. Nottling in an undisclosed amount for treatment of an injury resulting from a fall at the Jefferson County Fair Park on July 11, 2010, said injury allegedly the result, in part, of negligence of Jefferson County, its agents, officials, officers or employees, and

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

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

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

Ms. Rogers moved that Resolution No. 2011-48 be adopted. Seconded and carried.

Ms. Rogers presented Resolution No. 2011-49.

WHEREAS, Jefferson County received a claim from Ronald J. Bauer in the amount of \$315.11 for damage to a 2006 Subaru Forester windshield caused by debris falling off a Jefferson County Highway Department truck on July 1, 2011, said damage allegedly the result, in part, of negligence of Jefferson County, its agents, officials, officers or employees, and

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

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

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

Ms. Rogers moved that Resolution No. 2011-49 be adopted. Seconded and carried.

Mr. Braugler presented Ordinance No. 2011-12.

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

Section 1. Section HR0493, Whistleblower Policy, of the Personnel Ordinance shall be created to read as follows:

HR0493 WHISTLEBLOWER POLICY

- A. **PURPOSE.** The purpose of this policy is to promote open, honest and transparent government in Jefferson County and encourage good faith reports of allegations of misconduct concerning compliance with county policies and procedures and state and federal laws and regulations.
- B. **POLICY.** The County provides various mechanisms to assist and encourage employees to come forward in good faith with reports or concerns about suspected compliance issues. It is the policy of Jefferson County that harassment, retaliation or any type of discrimination or adverse action against a county employee ("whistleblower") who makes a good-faith complaint about suspected violation of law or county ethics policy by an employee or county elected official; or provides information or causes information to be provided or assists in an investigation regarding violations of law; or files, testifies or participates in a proceeding related to violations of law; is prohibited.
- C. **REPORTING A SUSPECTED COMPLIANCE ISSUE.** An employee who becomes aware of a potential or actual violation of policy or law should report such conduct, regardless of whether the employee is personally involved in the matter. An employee shall make such a report to his/her immediate supervisor. If the employee feels unable to do so or if there is any reason why this may not be appropriate, the employee shall raise the issue with the department director, Human Resources Director, or County Administrator. Should the complaint involve the County Administrator, the issue may be raised with the Human Resources Committee. Any report will be handled as confidentially as possible under the circumstances, and the County will handle all

reports with discretion and with due regard for the privacy of the reporting employee. An employee may make anonymous reports, with the understanding that any investigation may be hampered due to the inability to identify the employee in order to obtain a full and complete account of relevant and necessary facts, or to ask additional questions or seek clarification as any investigation proceeds.

- D. **FILING A WHISTLEBLOWER COMPLAINT.** Jefferson County encourages employees to report suspected retaliation violations and requires supervisory employees to report suspected retaliation violations. Employees can report alleged retaliation to the supervisor, department head, the Human Resources Director, the County Administrator, or the Human Resources Committee.
- E. **DISCIPLINARY ACTION.** An investigation of all complaints will be undertaken immediately. All information disclosed in the complaint and the investigation procedure will be held in the strictest confidence and only disclosed when necessary to investigate and resolve the matter, as subject to State open records laws. Anyone who has been found by Jefferson County, after appropriate investigation, to have retaliated against an employee will be subject to appropriate disciplinary action which may include, depending on the circumstances, a written warning, suspension or discharge.

Section 2. HR0520, Grievance Resolution Process, shall be created to read as follows:

HR0520 GRIEVANCE RESOLUTION PROCESS.

- A. **POLICY.** Jefferson County will endeavor to treat all employees equitably within established County and department policies or procedures and state or federal guidelines affecting the workplace. If an employee does not feel that fair treatment within the established policies, procedures, or state or federal guidelines has been applied to a discipline, termination or workplace safety, the employee has the right to discuss the matter with representatives of Jefferson County and/or to request formal consideration of their grievance under the Grievance Resolution Process. The Grievance Process will be available to all employees except civil service law enforcement personnel.

The Grievance Resolution Process is designed to assist employees in resolving grievances within specific parameters. The Grievance Resolution Process is intended to resolve grievances about application or administration of existing Jefferson County policies in light of the existing policy or past application of the policy. The Grievance Resolution Process is not intended to consider grievances regarding Jefferson County policies or as a mechanism to change an existing policy. Grievances are restricted to discipline, termination of employment or safety. The Grievance Resolution Process is not intended to hear grievances regarding application of issues related to health, disability or other insurances. The Grievance Resolution Process does not in any way limit or modify Jefferson County's "employment-at-will" policy. No retaliatory action will be taken against any employee for proper and good faith use of the Grievance

Resolution Process or participation in processing of a grievance.

B. PROCEDURAL ISSUES.

- 1. Administration.** The Director of Human Resources will supervise and administer the grievance process and is further charged with being an advocate and counsel to assist employees in this process. Supervisors and department heads should keep the Director of Human Resources informed of all grievances in progress.
- 2. Employee Representation.** Employees may be accompanied by a representative of their choice at any level of the grievance procedure after the appeal to the department head provided the employee notifies the County at least 24 hours ahead of the meeting that the representative will attend and who the representative will be. The representative is allowed to help the employee present their grievance but no step in the procedure is intended to be a legal proceeding. Employees may contact their representative to discuss their problem only during break periods, lunch periods, before or after work, or at any time when they are not on duty.
- 3. Timelines.** Failure to process a grievance by the grievant within the time limit, or agreed upon extensions, shall constitute waiver of the grievance which will be considered resolved on the basis of the County's last answer. Failure of a management representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner the time limits set by this policy are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.
- 4. Exclusive Remedy.** This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

C. DEFINITIONS.

- 1. Days:** Regular business days, Monday through Friday, other than weekends and holidays regardless of whether the employee or his or her classification is scheduled to work. The time within which an act is to be done under this policy shall be computed by excluding the first day and including the last day.
- 2. Grievance:** Any written statement that an employee submits regarding established policies, practices or decisions about the employee's wages, hours of work, status, or other terms and conditions of employment will be considered a formal grievance. Only grievances regarding discipline, termination and workplace safety will follow this Grievance Resolution Procedure. All other grievances may be addressed under HR0560.
- 3. Discipline:** Any action that results in documentation to the

employee's record, including verbal or written warning, suspension with or without pay, involuntary demotion, or involuntary termination of employment.

4. **Employee:** Any full or part-time employee of Jefferson County, including temporary, seasonal and occasional employees. This does not include elected officials or independent contractors.
5. **Safety:** Those conditions related to physical health and safety of employees enforceable under federal or state law, or county rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk.
6. **Termination:** Any involuntary separation from Jefferson County employment. This would not include retirements, voluntary resignations, lay offs, separation from service due to business closures, separation by mutual agreement, or termination for similar reasons

D. STEPS TO RESOLVE THE GRIEVANCE:

STEP 1: Discussion with Supervisor: Any employee having a grievance regarding application of a department or county policy should first discuss the problem with their immediate supervisor. If the problem is not settled to the employee's satisfaction, the employee may present their grievance according to the procedures below. If any employee is uncomfortable addressing the grievance directly with the supervisor, the employee may request assistance from the Human Resources Director or County Administrator.

STEP 2: Appeal to Department Head: The employee should submit the written grievance to the department head within ten (10) days of the date of the incident or decision that caused the grievance. The department head shall give a written answer within ten (10) days of receipt of the grievance, with a copy to the Human Resources Director.

The written grievance must include: the name and position of the grievant; a clear and concise statement of the grievance; the issue involved; the relief sought; the date the incident or alleged violation took place; the specific section of the Policy Manual or workplace safety rule alleged to have been violated; and the signature of the grievant and the date. The grievance may be denied if any of this information is omitted. (See attached Grievance Procedure Form).

STEP 3: Appeal to County Administrator: If the employee is not satisfied with the department head's response, the grievance may be presented to the County Administrator. The grievance should be submitted within five (5) days from the date of delivery of the department head's answer. After receipt of the written grievance by the County Administrator, a meeting should be held to discuss the complaint at a mutually agreeable time

between the County Administrator and the employee, preferably within ten (10) days of receipt of the written grievance. Within ten (10) days after the meeting, the County Administrator shall respond to the grievance in writing, with a copy to the Human Resources Director.

The County Administrator shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy and otherwise properly processed as required by this policy. If the County Administrator is aware of other similar pending grievances, the County Administrator may consolidate those matters and process them as one grievance.

The decision at the third step may be appealed by a written statement of the grievant forwarded to the Human Resources Director describing the reason for appeal. This written statement shall be submitted within five (5) days from the date of delivery of the County Administrator's answer.

If the decision at Step 3 is based in whole or in part on the basis of timeliness, scope of the grievance process or other failure of the grievant to properly follow the process the matter shall be referred to the Human Resources Committee who shall determine whether the matter should be processed further. If the third step decision is on the merits of the grievance only, the grievance will be referred to an Impartial Hearing Officer (IHO).

STEP 4: Request for Hearing by an Impartial Hearing

Officer: The IHO will be designated by the County Administrator. Any costs incurred for or by the (IHO) will be paid by the County. The IHO will convene a hearing in the manner the IHO determines necessary. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and decide if a transcript is necessary. The IHO may require the parties to submit grievance documents and witness lists in advance of the hearing to expedite the hearing. The burden of proof shall be "a preponderance of the evidence". In termination and discipline cases, the County shall have the burden. In workplace safety cases, the employee shall have the burden. The IHO may apply relaxed standards for the admission of evidence, including allowing the admission of hearsay. The IHO may request oral or written arguments and replies. The IHO shall provide the parties a written decision.

The IHO may only consider the matter presented in the initial grievance filed by the employee. The IHO shall have no power to add to, subtract from or modify the terms of the board policy or rule that forms the basis for the grievance.

STEP 5: County Board Review: Either party may appeal an adverse determination at step four to the County Board,

by filing written notice appealing the decision of the IHO in the County Administrator's Office within ten (10) days of the decision of the IHO. The County Board shall within thirty (30) days after submission of the appeal schedule the review of the IHO's decision. The review will be conducted by the Board during a closed session meeting unless an open session is requested by the employee. The Board may make its decision based on the written decision of the IHO or the Board may examine any records, evidence and testimony produced at the hearing before the IHO. A simple majority vote of the board membership shall decide the appeal within twenty (20) days following the last session scheduled for review. The Board will issue a final written decision which shall be binding on all parties.

Jefferson County Grievance Procedure Form

This form is intended to assist employees in filing a formal grievance in accordance with the Jefferson County Grievance Resolution Process. For specific information regarding the process, how to file a grievance, grievance or appeal deadlines or other information related to the process or how to file, please consult the Grievance Resolution Process in the Personnel Ordinance or the Human Resources Department.

Instructions:

This form is beneficial in filing a grievance but not required. After step one (discussion with your supervisor) a written grievance is required. At a minimum the written grievance must include the following:

Employee (Grievant) Name: _____

Employee (Grievant Position/Job Title): _____

Date of Incident or alleged violation: _____

Please state the specific section of the Personnel Ordinance, personnel policy or workplace safety rule alleged to have been violated: _____

Please provide a clear and concise statement of the grievance, including action taken against the employee: _____

Please describe the issue involved (summary of relevant facts, witnesses, identification of supporting evidence, etc.): _____

What efforts have been made to informally resolve the grievance? _____

What relief/remedy is sought? _____

Employee Signature Date

Received by: _____ Date
Human Resources Representative

Section 3. HR0560, Rights of Employees, shall be amended to read as follows:

B. An employee may refer any grievance involving the interpretation or application of this ordinance to the County Administrator. A grievance under this section shall not include adverse benefit determinations made by a Third Party Administrator, which are subject to the appeals process set forth in HR0145(C). (Am. Ord. 2007-19, 09-11-07) Such grievance shall be referred to the County Administrator within 10 days of the date the employee had knowledge or should have had knowledge of the situation giving rise to the grievance, or shall be deemed waived. In the event the employee is not satisfied with the County Administrator's resolution of the grievance, the employee may refer the grievance to the Human Resources Committee within 10 days of the Administrator's decision, or the Administrator's decision becomes final. At the Human Resources Committee hearing, the employee may be represented, present evidence, cross-examine anyone presenting evidence, and shall be entitled to a written decision based on the evidence adduced. Any grievance involving discipline, termination or workplace safety shall follow the procedure established in HR0520, Grievance Resolution Process. (Am. Ord. 84-16, 12-11-84.)

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

Mr. Braugler moved that Ordinance No. 2011-12 be adopted. Seconded and carried.

Mr. Braugler read Resolution No. 2011-50.

RESOLVED, by the Board of Supervisors of Jefferson County that pursuant to the provisions of § 40.51(7) of the Wisconsin Statutes, Jefferson County hereby determines to continue to offer the Group Health Insurance Program to eligible personnel through the program of the State of Wisconsin Group Insurance Board, and agrees to abide by the terms of the program as set forth in the contract between the Group Insurance Board and the participating health insurance providers, and

WHEREAS, the Group Health Insurance Board now allows local employers the additional flexibility to offer the Deductible HMO Plan along with the Traditional HMO Plan for separate bargaining units,

We choose to participate in the Traditional HMO Option paired with the Classic Standard Plan (all eligible county employees except protective occupations) and the Deductible HMO Option paired with the Deductible Standard Plan (PO4) for county employees who are protective status pursuant to ETF rules and regulations.

This resolution shall be effective January 1, 2012 (or as soon thereafter as ETF may be able to make the Deductible HMO option paired with the Deductible Standard Plan available to Jefferson County's protective services employees).

The proper officers are herewith authorized and directed to take all actions and make salary deductions for premiums and submit payments required by the State of Wisconsin Group Insurance Board to provide such Group Health Insurance.

Fiscal Note: It is anticipated that the County will save at least \$69,000 by assigning the protective service employees to the Deductible Standard Plan.

Mr. Braugler moved that Resolution No. 2011-50 be adopted. Seconded.

Mr. Babcock moved to amend Resolution No. 2011-50 as follows:

It shall be noted that labor negotiations with the Deputy Sheriff's Union, Local 102 are on-going.

Furthermore, if negotiations produce an agreeance between Jefferson County and Local Union 102, in regards to health care premium contributions, and if said agreement meets the financial/fiscal needs of the County, this resolution, No. 2011-50, may be rescinded, and the agreed upon percentage to health care premiums will be implemented, allowing Local 102 to opt back to a non-deductible health care plan.

Amendment to Resolution No. 2011-50 seconded and failed: Ayes 6, Noes 24 (Jones, Imrie, David, Tietz, Braughler, Buchanan, Morris, Kuhlman, Zastrow, Burow, Morse, Nass, Molinaro, Delany, Hanneman, Schroeder, Peterson, Poulson, Jaeckel, Torres, Christensen, Borland, Schultz, Mode), Absent 0.

Resolution No. 2011-50 adopted: Ayes 28, Noes 2 (Rinard, Schroeder), Absent 0.

Mr. Braughler read Resolution No. 2011-51.

WHEREAS, the Clerk of Court has reallocated supervisory tasks within the Clerk's office following the vacancy of one Lead Deputy position, and

WHEREAS, further reassignment of Small Claims duties to a Court Clerk II, previously completed by the vacant Lead Deputy position, is needed and requires the creation of another Court Clerk II – General position, and

WHEREAS, the Clerk of Courts has requested the creation of one (1) full-time Court Clerk II – General position and the unfunding of one (1) full-time Lead Deputy Clerk position.

NOW, THEREFORE, BE IT RESOLVED that the 2011 County Budget setting forth position allocations in the Clerk of Courts Office be and is hereby amended to reflect the above change, to become effective upon passage of this resolution.

Fiscal Note: A savings of \$2861.74 in wages and benefits is anticipated for 2011 due to the overlapping of pay ranges; therefore, no additional funds are required in 2011. As a budget amendment, 20 affirmative votes are required for passage.

Mr. Braughler moved that Resolution No. 2011-51 be adopted. Seconded and carried: Ayes 29, Noes 1 (Rouo), Absent 0.

Mr. Mode presented Resolution No. 2011-52.

WHEREAS, under current law, pursuant to Wis. Stat. § 49.78, the State Department of Health Services ("DHS") has delegated certain duties and responsibilities related to the administration of the Income Maintenance program to counties, and

WHEREAS, under current law, Wis. Stats. §§ 46.031 and 49.78 require Jefferson County to enter into a contract with DHS for the provision of Income Maintenance program administration services, and

WHEREAS, as part of the Governor's budget proposal for the 2011-13 biennium, 2011 Assembly Bill 40, the Governor proposed that starting in calendar year 2012, responsibility for administration of the Income Maintenance program be transferred from counties to DHS, and

WHEREAS, counties across Wisconsin registered objections to the Governor's proposal and offered an alternative whereby counties would work cooperatively in creating regional consortia, which would be responsible for

Income Maintenance program administration services, and

WHEREAS, the counties offered the Legislature an alternative to the Governor's complete DHS takeover of Income Maintenance program administration, which proposal allowed, among other things, for the creation of consortia over the course of the 2011-13 biennium and a gradual phase-in of consortia-based contracts to replace the individual county contracts for Income Maintenance program administration, and

WHEREAS, the Legislature's Joint Committee on Finance accepted the counties' alternative proposal, in part, and rejected the complete DHS takeover of Income Maintenance program administration services, and

WHEREAS, 2011 Wisconsin Act 32, the Biennial Budget Bill, modifies current law relating to the authorization for DHS to enter into contracts with individual counties in relation to Income Maintenance program administration services and instead authorizes the formation of county-based regional consortia and further authorizes the consortia to enter into a contract with DHS related to the provision of the services, and

WHEREAS, Act 32 specifically provides that ". . . each county with a population of less than 750,000 shall participate in a multicounty consortium that is approved by the department. . ." and further that ". . . [b]y October 31, 2011, the department shall approve multicounty consortia . . .," and

WHEREAS, Act 32 further provides that "[t]he department may not approve more than 10 multicounty consortia . . .," and

WHEREAS, Act 32 further provides that "[i]f a county with a population of less than 750,000 does not participate in a multicounty consortium or the department determines that a multicounty consortium does not satisfy the department's performance requirements, the department shall assume responsibility for administering income maintenance programs in that county or in the geographical area of the multicounty consortium. . .," and

WHEREAS, Act 32 further provides that, without regard to whether a county chooses to allow DHS to take over Income Maintenance program administration services or join a consortium that will provide the services, Jefferson County is required to maintain a tax levy contribution to the system at an amount not less than the amount contributed in 2009, and

WHEREAS, as a result of Act 32, Jefferson County is faced with a choice of either fully relinquishing all responsibility for Income Maintenance program administration services to DHS or joining a multi-county consortium consistent with the requirements established in Act 32, and

WHEREAS, Jefferson County believes it to be in the best interests of the citizens and employees of Jefferson County to join a multi-county consortium related to the provision of Income Maintenance program administration services consistent with the requirements established in Act 32; and

WHEREAS, joining a multi-county consortium for purposes of the provision of Income Maintenance program administration services will require that Jefferson County enter into a contract or series of contracts with the other counties that make up the consortium, and

WHEREAS, the contracts with other counties will establish, among other things, the following: (1) financial responsibility for the consortium; (2) financial accountability among consortium members; (3) individual county responsi-

bilities related to the provision of services; (4) methods for service level accountability among consortium members; and (5) overall responsibility for the contract that will be entered into by and among the multi-county consortium and DHS, and

WHEREAS, the intent of this resolution is to authorize the Jefferson County Human Services Director to enter into any and all contracts or other documents necessary to create, form, authorize and/or operate the multi-county consortium of which Jefferson County will be a member, and

WHEREAS, this resolution shall be interpreted liberally in favor of authorizing the Human Services Director to take all actions necessary to effectuate the intent of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Supervisors, that:

1. Jefferson County does declare its intent to join a multi-county consortium consistent with the requirements set forth in Act 32.
2. Jefferson County hereby authorizes its Human Services Director to enter into any and all contracts or other documents necessary to create, form, authorize and/or operate the multi-county consortium of which Jefferson County will be a member.
3. Jefferson County hereby authorizes its Human Services Director to take any and all actions necessary to effectuate the intent of this resolution.

Fiscal Note: If the County did not participate in this consortium, the estimated net loss to the County would be about \$600,000. In addition to the net loss of \$600,000 the County would also have to pay the State about \$400,000 currently levied for these services and lose the local ability to provide these services for county residents.

Mr. Mode moved that Resolution No. 2011-52 be adopted. Seconded and carried: Ayes 30, Noes 0, Absent 0.

Mr. Borland read Ordinance No. 2011-13.

WHEREAS, there have been numerous requests for use of county parks for group activities after normal park hours, and

WHEREAS, the Parks Committee has reviewed such requests and believes that changes to the ordinance in that regard are appropriate,

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

Section 1. Amend Section 8.11, Park Hours, of the Parks Ordinance as follows:

SECTION 8.11. PARK HOURS. All parks, park roads and parking areas shall be closed to the public and vehicular traffic, except police and emergency vehicles, from one-half hour after sunset to one-half hour before sunrise and no person shall remain in parks during said hours, unless authorized by the issuance of a permit therefore by the Parks Director. The Parks Director may grant permits to groups for park usage outside of normal park hours for events consistent with the mission of the Parks Department, and shall report issuance of any such permit promptly to the Parks Committee. [am. 06/13/06, Ord. 2006-09]

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

Mr. Borland moved that Ordinance No. 2011-13 be adopted. Seconded and carried: Ayes 29, Noes 1 (Zentner), Absent 0.

Supplemental information presented at the September 13, 2011, Jefferson County Board meeting will be available at the County Clerk's office upon request.

There being no further business, Mr. Buchanan moved that the Board adjourn. Seconded and carried at 8:24 p.m.