

**OFFICIAL MINUTES OF THE PROCEEDINGS OF THE
WAUSHARA COUNTY BOARD OF SUPERVISORS**

JANUARY 16, 2018

The meeting was called to order at 7:03 p.m. by Chairperson Donna R. Kalata. County Clerk Megan Kapp conducted roll call. All were present: Supvs. Eckstein, Heise, Kalata, Kapp, Kerschner, King, Krentz, Rothermel, Timm, Wedde and Wedell. Prior to the silent prayer, Chair Kalata asked everyone to remember retired Sheriff Pat Fox, who passed away on January 11, 2018. Sheriff Jeff Nett spoke on Fox's career, which included 48 years in law enforcement. A silent prayer was held, followed by the Pledge of Allegiance.

APPROVAL OF AGENDA

Chair Kalata requested to move Resolution No. 01-01-18 to be first on the agenda. Supv. Wedde made a motion to approve the agenda as amended, seconded by Supv. Kapp; motion carried.

APPROVAL OF MINUTES

Supv. Wedell moved to approve the minutes of the December 19, 2017, monthly County Board meeting; seconded by Supv. Eckstein. Motion carried.

**RESOLUTION NO. 01-01-18
RESOLUTION AWARDING THE SALE OF \$1,900,000
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2018A**

WHEREAS, on December 19, 2017, the County Board of Supervisors of Waushara County, Wisconsin (the "County"), by a vote of at least 3/4 of the members-elect, adopted an initial resolution authorizing the issuance of general obligation promissory notes in an amount not to exceed \$1,900,000 for the public purpose of financing projects included in the County's Capital Improvement Plan, including County-wide radio replacement and upgrade, jail intercom system and emergency services monitoring and other equipment (the "Project");

WHEREAS, the County Board of Supervisors hereby finds and determines that the Project is within the County's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the County is authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purpose; and

WHEREAS, it is the finding of the County Board of Supervisors that it is necessary, desirable and in the best interest of the County to sell such general obligation promissory notes (the "Notes") to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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

Section 1. Authorization and Sale of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) from the Purchaser in accordance with the terms and conditions of the Proposal. To evidence the obligation of the County, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, the Notes aggregating the principal amount of ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2018A"; shall be issued in the aggregate principal amount of \$1,900,000; shall be dated January 30, 2018; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on December 1, 2018. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on June 1, 2022 and thereafter are subject to redemption prior to maturity, at the option of the County, on December 1, 2021 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the County, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2018 through 2022 for payments due in the years 2018 through 2023 in the amounts set forth on the Schedule. The amount of tax levied in the year 2018 shall be the total amount of debt service due on the Notes in the years 2018 and 2019; provided that the amount of such tax carried onto the tax rolls shall

be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Notes in the year 2018.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the County and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The County hereby appropriates from taxes levied in anticipation of the issuance of the Notes, proceeds of the Notes or other funds of the County on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay debt service on the Notes coming due in 2018 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, Series 2018A" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the County above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the County and disbursed solely for the purpose or purposes for which borrowed or for the payment of the principal of and the interest on the Notes. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate

calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 12. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The County hereby authorizes the Chairperson and County Clerk or other appropriate officers of the County to enter a Fiscal Agency Agreement between the County and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Notes.

Section 13. Persons Treated as Owners; Transfer of Notes. The County shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 14. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the County Clerk or other authorized representative of the County is authorized and directed to execute and deliver to DTC on behalf of the County to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the County Clerk's office.

Section 16. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Chairperson and County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 18. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 19. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the

provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Submitted by Supv. Kalata, Executive Committee chair. Motion to approve by Supv. King, seconded by Supv. Eckstein. A roll call vote showed 11 ayes, 0 nays, 0 absent. Motion carried.

This resolution is the final step enabling Waushara County to borrow \$1.9 million to finance several projects, which include County-wide radio replacement and upgrade, jail intercom system and emergency services monitoring and other equipment. The County will pay off the debt from 2019-2023.

Jeff Belongia, senior vice president of Hutchinson, Shockey, Erley & Co. reported that Standard & Poor's gave the County a AA- rating. He commended the Board, Administration and past Boards for their ability in terms of management and budgeting which has enabled the County to obtain the strong credit rating. With everything taken into account, the County obtained a 2.96% true interest cost.

PUBLIC COMMENTS

Town of Leon resident Gary Lawrence asked the Board to vote no to the ATV ordinance, naming concerns which included liability, safety, noise, speed limits and curfews. He challenged board members to give appropriate measure to each of the concerns listed.

Elizabeth Page, town of Leon resident and ATV owner and operator, strongly urged the Board to vote no to Ordinance No. 621. She cited excerpts from the Waushara County Land Use Comprehensive Plan and the Comprehensive Open Space and Recreation Plan, which make no reference to utilizing the Waushara County transportation system for ATV routes.

Lisa Stone, town of Marion resident since 1989, expressed her opposition for allowing ATV's on county roads. She urged the Board to consider public safety first and foremost, and to vote against any ordinance that opens county roads to ATV's.

Robert Lee of Hancock spoke in favor of ATV's on county roads. He questioned the validity of safety concerns given that Governor Scott Walker recently signed a law allowing ATV's and UTV's on state highways.

Brandon Bonfiglio, town of Aurora resident and member of the Waushara County ATV Association, said dozens of businesses have signed affidavits in support of ATV routes. He listed ways that ATV routes would benefit the community, and he encouraged the Board to vote yes to the ATV ordinance.

UNFINISHED BUSINESS

**ORDINANCE NO. 621
AN ORDINANCE AMENDING CHAPTER 50, ARTICLE IV - ATVS
WAUSHARA COUNTY CODE**

A motion was made by Supv. King to approve the ordinance as presented, seconded by Supv. Wedell. The supervisors proceeded to discuss the proposed ordinance.

Supv. Eckstein said he thinks the routes would not bring in tourism but would instead put everyone who drives a vehicle in the County at risk. His responsibility is keeping the roads safe, and he feels ATV's/UTV's belong in the woods or elsewhere off roads.

Supv. Heise asked for corrections to errors in a couple of the routes listed in the ordinance.

Supv. Wedell, who is also the chairman for the town of Richford, said they approved the use of ATV's on town roads approximately two years ago, and there has only been one incident with someone going too fast.

Supv. Timm expressed concern for the safety issues this could generate, stating issues such as a 12-year-old operating a motorized vehicle on a county road. Timm moved to amend the ordinance to require all ATV/UTV operators on county roads to possess a valid driver's license and to operate under the same conditions as all other motor vehicles on county roads. Supv. Heise seconded the amendment, which passed by voice vote.

Supv. Kerschner said he doesn't have an issue allowing ATV's on the little portions of county roads that are being requested. The town of Coloma designated a town road for ATV operation a few years ago, and there has never been an issue.

Supv. Krentz said she thinks 11:00 p.m. is too late for ATV's to operate. Krentz moved to amend the ordinance to have the hours of operation be 7:00 a.m. to 10:00 p.m. Supv. Eckstein seconded the amendment, which passed by voice vote.

A discussion was had about liability insurance, and whether or not it could be required of ATV/UTV operators. Corporation Counsel Ruth Zouski explained that a requirement of liability insurance in the ordinance may not be upheld in court since it is not in state statute. As an alternative, an agreement could be made with the ATV association and approved by the Board.

Following the discussion, a roll call vote on Ordinance No. 621 as amended showed 5 ayes (Supvs. Kapp, Kerschner, King, Rothermel and Wedell), 6 nays, 0 absent. Motion failed.

RECESS/RECONVENE

At 8:00 p.m., Chair Kalata called for a five minute recess. The meeting reconvened at 8:05 p.m., with all supervisors present.

NEW BUSINESS

REPORTS/PRESENTATIONS

Corporation Counsel's Office Annual Report: Corporation Counsel Ruth Zouski gave an update on the one and only open lawsuit against the County. In 2017, her office collected \$121,450.68 in unpaid bills on behalf of various departments. The County continues to work on HIPAA compliance and the civil rights compliance plan.

Surveyor's Office Annual Report: Surveyor Jerry Smart reported on 2017 projects which included surveying the south parking lot, a boundary survey on the parking lot east of the courthouse, and the completion of 110 section corners. Smart completed section corners in the town of Plainfield, and will be working on the town of Oasis next.

Administration Department Annual Report: Administrator Robert J. Sivick presented facts and figures on the structure of Waushara County Government. Sivick highlighted his office's major accomplishments from 2017 and discussed newly implemented changes as well as several upcoming changes.

DISCUSSION/POSSIBLE MOTION ACTION ITEMS

Fire Wardens List

Supv. Eckstein moved to approve the list of 2018 fire wardens as proposed by the Wisconsin Department of Natural Resources. The motion was seconded by Supv. Wedde and carried by voice vote.

System Access Policy

Moved by Eckstein, seconded by Wedell to approve the updated Waushara County System Access Policy. Motion carried by voice vote.

The update to the Waushara County System Access Policy reflects changes resulting from the recent HIPAA assessment. The update addresses how passwords are set up and requirements for changing them.

RESOLUTION NO. 02-01-18

RESOLUTION MODIFYING THE ACCOUNTS PAYABLE, FINANCE & BUDGET SUPERVISOR POSITION TO A FINANCE SUPERVISOR AS A DIVISION OF ADMINISTRATION

WHEREAS, there currently exists an Accounts Payable, Finance and Budget Supervisor position within the County Clerk's Department at pay level H; and

WHEREAS, the County Board had previously approved the creation of a Finance Department under the direction of the Executive Committee in order to centralize finance policies, procedures and responsibilities throughout the County (Resolution 28-11-16); and

WHEREAS, said Resolution further directed that such department be implemented incrementally to allow for a smooth transition and the least amount of disruption to the County and its Departments; and

WHEREAS, the Administrator in consultation with the consultant previously hired by the County Board have determined that the first step in creating a centralized Finance Department is to modify the Accounts Payable, Finance and Budget Supervisor position to a Finance Supervisor with additional duties and responsibilities beginning the task of moving to a fully centralized department; and

WHEREAS, this position will continue to be an evolution as the Finance Department takes shape and is fully defined, the Administrator and the Executive Committee have recommended that as part of the modification, the position be removed from the supervision of the County Clerk and placed as a division of Administration initially; and

WHEREAS, the Executive and Personnel Committees have approved the modified job description now entitled Finance Supervisor at pay level G.

BE IT FURTHER RESOLVED that the change in position and pay will be effective January 7, 2018.

Submitted by Supv. Kalata, Executive Committee chair. Motion to approve by Supv. Wedde, seconded by Supv. Kerschner. Supv. King moved to amend the resolution to change the effective date to January 7, 2018, in accordance with the first pay period of the new year. The amendment was seconded by Supv. Eckstein, and passed by voice vote. A roll call vote on the resolution as amended showed 11 yeas, 0 nays, 0 absent. Motion carried.

The Accounts Payable, Finance and Budget Supervisor job description has been updated to reflect a title change to Finance Supervisor, changes in duties, an upgrade to pay level G and moving the position under the Administration Department.

RESOLUTION NO. 03-01-18
ACKNOWLEDGMENT OF LIEUTENANT MARK PIECHOWSKI'S
SERVICE TO AND RETIREMENT FROM WAUSHARA COUNTY

WHEREAS, the County of Waushara wishes to take this opportunity to express its appreciation to Lieutenant Mark Piechowski for thirty-seven (37) years of service and dedication to Waushara County; and

WHEREAS, acknowledgment is given to Lieutenant Mark Piechowski for the conscientious and dedicated service he gave to the Waushara County Sheriff's Office and citizens of Waushara County.

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

1. The County Board of Supervisors does hereby commend Lieutenant Mark Piechowski for his conscientious and dedicated service.
2. That good wishes go to Lieutenant Mark Piechowski for a long and enjoyable retirement, filled with contentment and good health.

Submitted by Supv. Kalata, Public Safety Committee chair. Motion to approve by Supv. Rothermel, seconded by Supv. Krentz. Motion carried by voice vote.

After 37 years of service to the Waushara County Sheriff's Office, Lieutenant Mark Piechowski has retired. He is wished well in his retirement and thanked for his long-time service.

**RESOLUTION NO. 04-01-18
ACKNOWLEDGMENT OF SERGEANT SALLY SROKA'S
SERVICE TO AND RETIREMENT FROM WAUSHARA COUNTY**

WHEREAS, the County of Waushara wishes to take this opportunity to express its appreciation to Sergeant Sally Sroka for over thirty-one years of service and dedication to Waushara County; and

WHEREAS, acknowledgment is given to Sergeant Sally Sroka for the conscientious and dedicated service she gave to the Waushara County Sheriff's Office and citizens of Waushara County.

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

1. The County Board of Supervisors does hereby commend Sergeant Sally Sroka for her conscientious and dedicated service.
2. That good wishes go to Sergeant Sally Sroka for a long and enjoyable retirement, filled with contentment and good health.

Submitted by Supv. Kalata, Public Safety Committee chair. Motion to approve by Supv. Wedde, seconded by Supv. Wedell. Motion carried by voice vote.

After more than 31 years of service to the Waushara County Sheriff's Office, Sergeant Sally Sroka has retired. She is wished well in her retirement and thanked for her long-time service.

**RESOLUTION NO. 05-01-18
ACKNOWLEDGMENT OF CHERYL NEUMANN'S SERVICE
TO AND RETIREMENT FROM WAUSHARA COUNTY**

WHEREAS, the County of Waushara wishes to take this opportunity to express its appreciation to Cheryl Neumann for 34 years of service and dedication to Waushara County; and

WHEREAS, acknowledgment is given to Cheryl Neumann for the conscientious and dedicated service she gave the citizens of Waushara County.

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

1. The County Board, on behalf of the grateful residents of Waushara County, does hereby commend Cheryl Neumann for her long, distinguished and conscientious service.
2. Every good wish goes to Cheryl Neumann for a long and enjoyable retirement filled with contentment and good health.

Submitted by Supv. Kalata, Executive Committee chair. Motion to approve by Supv. Eckstein, seconded by Supv. Wedde. Motion carried by voice vote.

Cheryl Neumann has retired from Waushara County after 34 years of service in the Clerk of Courts Office. The resolution thanks her for her service and wishes her future happiness and health.

**RESOLUTION NO. 06-01-18
REGARDING THE DEDICATED WORK AND CONTRIBUTIONS OF
BARB BARKER TO THE RESIDENTS OF WAUSHARA COUNTY
AND THE WAUSHARA COUNTY UNIVERSITY OF WISCONSIN EXTENSION**

WHEREAS, Barb Barker served in the Waushara County University of Wisconsin Extension as the 4-H Youth Development Educator; and

WHEREAS, Barb served the department and Waushara County with dignity, respect and commitment for the work she performed for over 23 years; and

WHEREAS, Barb's dedication, compassion and support to the operations of this department helped to better serve those in our community for decades; and

WHEREAS, Barb has maintained a large and strong 4-H club program overseeing and leading club leaders, youth officers and general members with youth enrollment consistently over 300 youth annually; and

WHEREAS, Barb has encouraged and promoted 4-H members and other youth to exhibit their various projects at the Waushara County Fair, Wisconsin State Fair and other opportunities; and

WHEREAS, Barb has been a strong proponent for youth to have a voice in decision making; with adult mentors, youth are now involved in decision making or running local 4-H clubs, project associations and other local organizations; and

WHEREAS, Barb has successfully reached out to youth beyond the 4-H club program to work with natural partners such as libraries and afterschool programs to bring Science, Technology, Engineering, Art and Math (STEAM) programs to these audiences.

NOW, THEREFORE, BE IT RESOLVED that Barb Barker be recognized for her many years of service and contributions to the Waushara County University of Wisconsin Extension, the State of Wisconsin and the residents of Waushara County. We wish you good luck in your retirement, and thank you!

Submitted by Supv. Krentz, Land/Water and Education Committee chair. Motion to approve by Supv. Krentz, seconded by Supv. Eckstein. Motion carried by voice vote.

Barb Barker has served in the Waushara County University of Wisconsin Extension as the 4-H Youth Development Educator where she has worked for over 23 years. The resolution recognizes her for her long-time service and wishes her well in retirement.

**RESOLUTION NO. 07-01-18
REGARDING THE DEDICATED WORK AND CONTRIBUTIONS OF
KEN WILLIAMS TO THE RESIDENTS OF WAUSHARA COUNTY
AND THE WAUSHARA COUNTY UNIVERSITY OF WISCONSIN EXTENSION**

WHEREAS, Ken Williams served in the Waushara County University of Wisconsin Extension as the Agriculture Agent; and

WHEREAS, Ken served this department and Waushara County with integrity, scholarship and commitment for the work he performed for over 12 years; and

WHEREAS, Ken's dedication and support to the operations of this department has helped to better serve those in our community for decades; and

WHEREAS, Ken has provided horticulture training, lawn and garden education, and ongoing support to the Waushara County Master Gardeners; and

WHEREAS, Ken has been the "go to" person in Waushara County for plant problems, weed management, and bug questions; and

WHEREAS, Ken has been a strong supporter of the future of agriculture in the county assisting with 4-H and youth animal and agriculture exhibits for the Waushara County Fair; and

WHEREAS, Ken has been a strong promoter of the agriculture industry through efforts including Alice in Dairyland, the June Dairy Breakfast, working with state elected officials, local agencies and organizations, and providing evidence-based information to county residents; and

WHEREAS, Ken has made significant contributions to the agriculture industry by making farm finance content accessible to broad audiences, re-establishing the Grain Producers Breakfast Club, crop walks, and developing cost-benefit data sheets for various crops that has been used by farm cooperatives, extension professionals, bankers, and the media.

NOW, THEREFORE, BE IT RESOLVED that Ken Williams be recognized for his many years of service and contributions to the Waushara County University of Wisconsin Extension, the State of Wisconsin and the residents of Waushara County. We wish you good luck in your retirement, and thank you!

Submitted by Supv. Krentz, Land/Water and Education Committee chair. Motion to approve by Supv. Krentz, seconded by Supv. Wedell. Motion carried by voice vote.

Ken Williams has retired after over 12 years of service to the Waushara County University of Wisconsin Extension as the Agriculture Agent. He is wished well in his retirement and recognized for his long-time service.

ORDINANCE NO. 618
ORDINANCE INSTITUTING A MEDICAL EXAMINER SYSTEM AND ABOLISHING THE
ELECTIVE OFFICE OF CORONER

WHEREAS, Article VI, Section 4, Subsection 2 of the Wisconsin Constitution provides that counties which have a population of less than 500,000 have the option of retaining the elective office of coroner or instituting a medical examiner system; and

WHEREAS, §59.34(1), Wis. Stats. provides that in counties that institute a medical examiner system, the statutory powers and duties of the coroner shall be vested in and performed by a medical examiner who is appointed by the County Board; and

WHEREAS, any action to abolish the elective office of the coroner and to institute a medical examiner system must be taken prior to the time of the general election for the next succeeding term of the office of the coroner and may only become effective after the incumbent Coroner's term has expired; and

WHEREAS, it is the recommendation of the Sheriff, District Attorney, Corporation Counsel and Administrator that appointing a medical examiner will ensure the most qualified and efficient death investigation services for Waushara County.

NOW, THEREFORE, the Waushara County Board of Supervisors does hereby ordain as follows:

1. The elective office of the coroner is hereby abolished and a medical examiner system is instituted effective upon the termination of the current term of the Waushara County Coroner on January 7, 2019.

2. The compensation and fees to be paid to the medical examiner shall be as set forth as provided by §§59.34 and 59.38, Wis. Stats., initially approved by the County Board and then adjusted annually by the County Administrator through the budget process.
3. The medical examiner shall report to the Public Safety Committee of Waushara County Board of Supervisors and be generally supervised by the County Administrator.
4. This ordinance shall be effective upon passage and publication as provided by law.

Submitted by Supv. Kalata, Public Safety Committee chair. Motion to approve by Supv. King, seconded by Supv. Wedde. A roll call vote showed 11 ayes, 0 nays, 0 absent. Motion carried.

This ordinance abolishes the elective office of coroner and institutes a medical examiner system effective upon the termination of the current term of coroner on January 7, 2019. Waushara County will work with other counties to have a shared medical examiner.

ORDINANCE NO. 619
AN ORDINANCE AMENDING CHAPTER 6 OF THE WAUSHARA COUNTY CODE

WHEREAS, the County Board previously adopted Ordinances 311, 325, 442, 504 and 555 which make up the substance of Chapter 6 of the Waushara County Code; and

WHEREAS, a review of the program currently in place and being conducted by the Waushara County Public Health Department and the Waushara County Sheriff's Department has changed since these ordinances were originally adopted; and

WHEREAS, the Sheriff, Public Health Officer, Environmental Health Officer and Corporation Counsel have reviewed the current program and are advising that it is working well and recommend that Chapter 6 be updated to match the current program.

NOW, THEREFORE, the Waushara County Board of Supervisors does hereby ordain as follows:

Chapter 6 - ANIMALS^[1]

Footnotes:

--- (1) ---

Cross reference— Health and sanitation, ch. 22; hunting bear or deer; penalty for violation of section, § 26-2.

ARTICLE I. - IN GENERAL

Sec. 6-1. - State laws adopted.

This chapter hereby adopts the provisions of Wis. Stats. § 95.21, Wis. Stats. chs. 174 and 951 and ~~Wis. Admin. Code ch. ATCP 13~~, exclusive of any penalties. ~~Criteria for participation in the rabies control program as approved by the state department of agriculture, trade, and consumer protection is also hereby adopted.~~

(Ord. No. 311, § 1.01, 1-9-2001)

Sec. 6-2. - Interpretation of chapter provisions.

The provisions of this chapter shall be interpreted to be the minimum requirements and shall be liberally translated in favor of the county and shall not be deemed a limitation of any power granted by statute.

(Ord. No. 311, § 1.02, 1-9-2001)

Sec. 6-3. - Applicability of chapter provisions.

The provisions of this chapter shall apply to all areas of the county, except cities, towns, or villages within the county that have local health departments.

(Ord. No. 311, § 1.03, 1-9-2001)

Sec. 6-4. - Definitions.

(a) *Generally.* Terms or phrases, unless specifically defined, shall be interpreted as having the same meaning as they have in state statutes, state administrative codes and/or judicially interpreted by state case law.

(b) *Enumeration.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal means every living warm-blooded and cold-blooded creature, except human beings.

Animal at large means any animal when off the property of the owner and not under restraint or control.

Animal control officer means any person designated by a government agency (county or township) to enforce the adopted ordinances of the county and statutes as they pertain to animal control, except authority restricted to humane officers under Wis. Stats. § 173.07.

Animal shelter means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding and caring for animals held under the authority of this chapter or law.

Confined means the restriction of an animal at all times by the owner or an agent of the owner to an escape proof building, vehicle or other enclosure.

DATCP means the state department of agriculture, trade, and consumer protection.

Domestic animal means any animal which normally can be considered tame and converted to home life or livestock.

Dwelling unit means a building, or portion thereof, designated or used exclusively for residential purposes.

Health officer means the person with authority in the county or a municipality for public health law enforcement and the implementation of public health program activities, or duly designated representative of such person.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs.

Licensing authority means the municipal treasurer or its delegated collecting agent.

Owner means any person who owns, harbors or keeps a domestic animal or owns or keeps any animal. Where an animal is kept by a family, the head of the household shall be responsible for the requirements of this chapter. Any animal shall be deemed to be harbored if it is fed and/or sheltered.

Public nuisance means any domestic animal or animals which engage in one or more of the following:

- (1) Molesting passersby or passing vehicles;
- (2) Attacking persons or animals without provocation when such persons or animals were peacefully conducting themselves, where they were lawfully entitled to be;
- (3) Trespassing on school grounds, parks, or cemeteries;
- (4) Being repeatedly at-large, where repeatedly means at least two times;
- (5) Damaging private or public property; or
- (6) Barking, whining or howling in a continuous manner for a time duration of one hour or longer.

Quarantine and isolation facility mean a humane society, shelter, veterinary hospital, municipal pound or other place ~~specified by a trained observer~~, which is equipped with a pen or a cage which isolates one animal from contact with other animals.

Restraint means any animal secured by a leash, lead, or within the fenced (underground/aboveground) property limits of the animal's owner or leashed by a chain or other significant restraining device that limits the animal to the property limits of the owner.

~~*Trained individual* means a person certified by the state DATCP, meeting the qualifications to observe quarantined animals in an isolation facility to determine if the animal exhibits signs of rabies.~~

Veterinarian means a person who is currently licensed in the state to practice veterinary medicine.

Veterinary hospital/clinic means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

Vicious animal means any animal that when, unprovoked, inflicts bites, injures, kills or attacks a human being or domestic animal on either public or private property. Two bite incidents occurring off the owner's property constitutes a vicious animal, except:

- (1) No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such was sustained, was committing a trespass of the land or a criminal trespass of the dwelling upon the premises occupied by the owner of the animal; or was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate any ordinance which protects person or property.
- (2) No animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teased, tormented, abused or assaulted.
- (3) No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity from an unjustified attack or assault.
- (4) No animal may be declared vicious for the act committed by such animal, while being utilized by a law enforcement agency for law enforcement purposes, while under the control and direction of a law enforcement officer.

Wild animal means any indigenous, warm-blooded mammal which is now or historically has been found in the wild, including raccoon, skunk, fox, wolf, wolf-hybrid, coyote or any other indigenous species meeting the definition of the term "animal."

(Ord. No. 311, § 1.04, 1-9-2001; Ord. No. 325, § 1.04, 8-14-2001)

Cross reference— Definitions generally, § 1-2.

Sec. 6-5. - Penalties for violation of chapter.

Any person violating any provision of this chapter shall be subject to forfeitures as listed in this section. If any violation continues, each day of continued violation shall be deemed a separate violation.

- (1) *Vaccination violation.* Vaccination enforcement as set forth in Wis. Stats. § 95.21. Any persons having a dog with no verifiable current rabies vaccination shall pay a forfeiture of not less than \$50.00 or more than \$100.00 plus court costs.
- (2) *Quarantine violation.* Failure to comply with quarantine or to deliver an animal to an officer or isolation facility or veterinarian, shall be fined not less than \$100.00 or more than \$1,000.00 plus court costs, or imprisoned not more than 60 days, or both.
- (3) *Other violations.* Any person who violates any other provision except subsections (1) and (2) of this section may be required to forfeit the following:

First forfeiture: \$25.00—\$200.00, plus court costs

Second forfeiture: \$50.00—\$300.00, plus court costs

Third forfeiture: \$100.00—\$400.00, plus court costs

Fourth and subsequent forfeiture: \$200.00—\$500.00, plus court costs

(Ord. No. 311, § 1.20, 1-9-2001; Ord. No. 504, 10-28-2008)

Secs. 6-6—6-40. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT²¹

Footnotes:

--- (2) ---

Cross reference— Administration, ch. 2.

Sec. 6-41. - Administration.

- (a) *Authority.* This chapter was adopted by the county board pursuant to the administrative authority granted by Wis. Stats. § 95.21.
- (b) *Administrative officers and boards.* The administration of the rabies control program shall be under the county health officer in cooperation with the county sheriff's department, the county board, and the county board of health which is the committee of jurisdiction.
- (c) *Quarantine and enforcement.* Quarantine and enforcement shall be under the direction of the health officer ~~and/or a trained individual~~ and the county sheriff's department, ~~using written protocols.~~ Unusual cases will necessitate consultation with ~~the veterinary advisor~~ a veterinarian.

(Ord. No. 311, § 1.05, 1-9-2001)

Sec. 6-42. - Program expenditures supported by license fees.

- (a) *Dog license taxes.* The dog license taxes paid to the county treasurer shall be kept in a separate account and shall be known as the dog license fund, which shall be appropriated and disbursed for the proposes and in the manner following:
 - (1) On an annual basis after receipt of the same, the county treasurer shall pay to the state treasury five percent of the minimum tax provided for under Wis. Stats. § 174.05(2) of all dog license taxes;
 - (2) Expenses necessarily incurred by the county in purchasing books, forms and other supplies required in the administering of the dog license law;
 - (3) Expenses incurred by the county under Wis. Stats. § 95.21(4)(b) and (8); and

- (4) Expenses incurred by the county pound, humane society or other organization designated to provide a pound for collecting, caring for, and disposing of dogs if the owner of the animal is unknown or the owner is exempted from payment of the costs by the health officer.
- (b) *Surplus funds.* Any amount remaining in the fund after deducting the expenses in subsection (a) of this section shall be made available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals, for damages done by dogs during the license year for which taxes were paid. These claims are limited to \$1,000.00 per incident. In addition, no claim shall be paid to any person who has failed to obtain a license for a dog that is required to be licensed.
- (c) *Liability.* All claims filed under subsection (b) of this section shall be solely against the dog license fund and shall not create any other liability on the part of the county.

(Ord. No. 311, § 1.06, 1-9-2001)

Sec. 6-43. - Enforcement.

- (a) *Civil and criminal provisions.* This chapter shall be enforced by the county health officer, or any other law enforcement persons.
- (b) *Interference with officer.* Law enforcement agency personnel are authorized to catch and impound animals at large with such authorization to include the pursuit of animals upon nonanimal owner private property. It shall be a violation of this chapter to interfere with the animal control officer, law enforcement officer, ~~trained individual~~ or county health department employee in the performance of their duties.
- (c) *Tampering with signs.* Anyone tampering with signs posted pursuant to this chapter shall be subject to forfeiture.
- (d) *Release of animal.* Only authorized persons receiving proper authorization have the authority to release an animal from a pen, cage or holding facility.
- (e) *Dangerous animals.* A state-licensed veterinarian shall be consulted and/or utilized to assist in tranquilizing or otherwise handling dangerous animals.
- (f) *Referrals to authorities.* Nothing in this chapter shall prevent the health officer or designee from referring violations of this chapter, state laws, or federal laws to the appropriate authorities.

(Ord. No. 311, § 1.18, 1-9-2001)

Sec. 6-44. - Health officer's district quarantine.

Whenever the safety of the public shall require it, the county health officer, by posting notice published in the local papers, may order that for a period of 20 days, from and after the date of the notice, that no dogs shall be permitted to go abroad in any of the streets, roads, lanes, alleys,

or public places without being properly muzzled with a secure muzzle, or being led by a chain or other secure fastening.

(Ord. No. 311, § 1.19, 1-9-2001)

Sec. 6-45. - Citation.

This chapter may be enforced by issuance of citations by the county sheriff's office or the county health officer or ~~trained health department~~ designee.

(Ord. No. 311, § 1.21, 1-9-2001)

Secs. 6-46—6-60. - Reserved.

ARTICLE III. - DOGS

Sec. 6-61. - Dog license.

Except as provided in Wis. Stats. § 174.054, the owner of a dog more than five months of age on January 1 of any year or five months of age within the license year shall annually on or before the date the dog becomes five months of age pay the dog license fee provided in Wis. Stats. § 174.05 and obtain a dog license. Any license-eligible dog obtained during the license period or brought into the county must be licensed within 30 days of obtaining the animal or bringing the animal into the county. The license year commences on January 1 and ends the following December 31. Proof of rabies vaccination in the form of a signed certificate from a veterinarian as provided in section 6-64 shall be presented at the time of licensing to the city, village or town treasurer or county clerk issuing the license pursuant to Wis. Stats. §§ 174.05 and 174.07. The licensing person shall prepare the report for the county clerk as prescribed in Wis.Stats.§ 174.08.

Sec. 6-62. - Kennel license.

A single owner having possession of more than five adult dogs shall be required to obtain a kennel license. Such owner shall pay the license fee as prescribed by the county pursuant to Wis. Stats. § 174.053. ~~Issuance of a county kennel license shall include the requirement for an annual inspection of the premises and animals to ensure that the conditions outlined in Wis. Stats. ch. 951 and Wis. Admin. Code ATCP ch. 16 are met. The holder of the kennel license shall be responsible for ensuring that said inspection is conducted either by the state department of agriculture, trade and consumer protection ("DATCP") or by the local health department pursuant to the provisions of section 6-65, prior to the issuance of the license each year. The applicant must present current certificates of rabies vaccinations for all dogs and a certificate of completed annual inspection prior to license issuance.~~ Tags shall be issued for all dogs pursuant to Wis. Stats. § 174.07. Entities not receiving a kennel license by April 1st shall be reported to the land conservation and zoning department by the local health department.

(Ord. No. 378, 7-8-2003; Ord. No. 555, 3-19-2013)

Sec. 6-63. - Rabies vaccination.

- (a) *Initial vaccination.* The owner of a dog shall have the animal vaccinated by a veterinarian by five months of age. An owner who imports a dog into the county that has reached five months of age must have the dog vaccinated as evidenced by a current certificate of rabies vaccination from the state or another state. All veterinarians practicing in the county shall adopt the standard legal description for a rabies tag as defined by the National Association of State Public Health Veterinarians.
- (b) *Revaccination.* The owner of a dog shall have the animal revaccinated:
- (1) Within one year after the initial vaccination;
 - (2) Before the date the immunization expires, as stated on the certificate; or
 - (3) If no expiration date is specified on the certificate, within three years of the previous vaccination.

(Ord. No. 442, 3-14-2006)

Sec. 6-64. - Rabies vaccination certificate.

This section adopts the provisions of Wis. Stats. § 95.21(2)(b).

Sec. 6-65. - Kennel inspections.

- (a) Entities licensed by the state must have an ~~annual~~ inspection, ~~either performed by DATCP or by the local health department~~ **based on DATCP's requirements.**
- (1) If receive a passing inspection from DATCP no other inspection is required;
 - (2) If do not receive an inspection from DATCP, the entities must ~~contact the local health department for an inspection~~ **work with DATCP to become compliant.**
 - a. ~~No fee for first inspection;~~
 - b. ~~Must pay re-inspection fee as posted at the health department for any required re-inspection if inspector has to return after a routine inspection to verify that violations have been corrected. Licenses will not be renewed without payment of re-inspection fees.~~
 - c. ~~Violations not corrected will be reported to the state department of agriculture, trade and consumer protection and/or law enforcement.~~
- (b) Entities not licensed by the state.
- (1) Must have an **initial inspection prior to first kennel license** ~~annual inspection~~ by the local health department meeting the requirements of ATCP ch. 16.
 - a. ~~No fee for the first inspection~~ **Inspection fees will be posted at the health department, if applicable;**

- b. Must pay re-inspection fee as posted at the health department for any required re-inspection if inspector has to return after a routine inspection to verify that violations have been corrected. Licenses will not be renewed without payment of re-inspection fees, **if required.**
- c. Violations not corrected will be reported to the land conservation and zoning department and/or law enforcement.

(2) The health department will conduct additional inspections in response to complaints and/or violations.

a. Inspection fees will be posted at the health department.

b. Must pay re-inspection fee as posted at the health department for any required re-inspection if inspector has to return after a routine inspection to verify that violations have been corrected. Licenses will not be renewed without payment of re-inspection fees, if required.

c. Violations not corrected will be reported to the land conservation and zoning department and/or law enforcement.

5, 3-19-2013)

Secs. 6-66—6-80. - Reserved.

ARTICLE IV. - ~~RABIES CONTROL; BITING INCIDENTS~~

~~Sec. 6-81. - Public health advisor for rabies control program.~~

- ~~(a) In this section, the term "animal" shall mean every warm-blooded creature, except for human beings.~~
- ~~(b) A local veterinarian shall be designated the public health advisor for the county rabies control program. The veterinarian shall be responsible for the following:
 - ~~(1) Conducting an annual review of the county rabies control program;~~
 - ~~(2) Making the final determination in all cases as to whether or not an animal exhibits signs of rabies during quarantine;~~
 - ~~(3) Overseeing the trained individuals and determining if such individuals are accurately noting the signs of rabies;~~
 - ~~(4) Notifying the health officer of suspected rabies cases;~~
 - ~~(5) Consulting with the health officer's and trained individuals' requests;~~
 - ~~(6) Reviewing the annual rabies control program report prior to the report being filed with state DATCP; and~~~~

~~(7) Meeting quarterly with trained individuals to refresh observation skills and evaluate performance of trained individuals.~~

~~(c) Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the department, the laboratory of hygiene, the local health department, as defined by Wis. Stats. § 250.01(4), the officer involved, and, if the animal is suspected to have bitten a person, the person's physician.~~

~~(d) Any changes made to the designated veterinarian must be made with the state department of agriculture, trade and consumer protection.~~

(Ord. No. 311, § 1.07, 1-9-2001; Ord. No. 325, § 1.07, 8-14-2001)

Cross reference— Officers and employees, § 2-221 et seq.

~~Sec. 6-82. State law provisions adopted.~~

~~This section adopts the provisions of Wis. Admin. Code § ATCP 13.03.~~

(Ord. No. 311, § 1.08, 1-9-2001)

~~**Editor's note**— A list of current county trained individuals shall be on file with the county health department.~~

Sec. 6-83. - Animal bite and quarantine protocol.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal means every warm-blooded creature, except for human beings.

(b) *Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.*

(1) An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If the quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(2) An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

(3) An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates subsection (c)(1), (c)(2) or (c)(3) of this section.

- (4) An officer who kills an animal shall deliver the carcass to a veterinarian or local health department, as defined in Wis. Stats. § 250.01(4). The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk of exposure to any rabies virus.

(c) *Quarantine of a dog or cat.*

- (1) *Delivery to isolation facility or quarantine on premises of owner.* An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- (2) *Health risk to humans.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. The term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation, and on one intervening day. If the observation period is not extended and the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, then the animal may be released from quarantine at the end of the observation period.
- (3) *Risk to animal health.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal, and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after the exposure to a rabid animal.
- (4) *Sacrifice of a dog or cat exhibiting symptoms or rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined, and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

Editor's note— All suspected animals are assumed to be rabid unless proven negative for rabies by the state lab of hygiene.

- (d) *Responsibility for expenses.* The owner of any animal involved in a bite/scratch incident is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination, and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.
- (e) *Order authorizing seizure.* Failure of the owner to deliver an animal to a veterinarian or place quarantine as directed within 24 hours shall be grounds for a judge to issue an order authorizing the animal control officer or responsible agency to seize such animal and make such delivery as intended at the owner's expense.
- (f) *Quarantine.* Any police, ~~trained individual~~, or animal control officer with reasonable cause to believe an animal has bitten/scratched a person or has bitten/scratched or been bitten/scratched by another animal shall issue a quarantine. A quarantine may be delivered by personal service, registered mail (with a minimum verbal notice prior, to ensure notification of the animal owner to have the animal examined or quarantined within 24 hours of the incident) or by posting a quarantine sign in a minimum of two conspicuous places on the property.

(Ord. No. 311, § 1.10, 1-9-2001; Ord. No. 325, § 1.10, 8-14-2001)

~~Sec. 6-84. Local alternative rabies control program (pursuant to Wis. Admin. Code ch. ATCP 13).~~

~~(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~*Animal* means every warm-blooded creature, except for human beings.~~

~~(b) *Utilized under extreme circumstances.* The local alternative rabies control program option shall be utilized only under circumstances approved by the local health officer. Circumstances of extreme financial disparity, inability to transport an animal to a veterinarian for observation or other as approved by the local health officer. This option is to ensure all animals which have bitten, or are suspected of biting, a human, receive at least a minimum of two observations by a certified trained individual. The first observation shall be made within 24 hours of the incident and the second on the tenth day after the exposure. The quarantine can only be released by the health officer. This program's options shall be used only in quarantines of currently vaccinated animals involved in or suspected of being involved in a bite incident.~~

~~(c) *Protocol pursuant to Wis. Admin. Code ch. ATCP 13 guidelines.*~~

~~(1) *Investigation of exposures.* There shall be an investigation of all reported human or animal exposures to a known or suspected rabid animal.~~

- ~~(2) *Recordkeeping.* There shall be a recordkeeping system maintained which enables tracking and followup on all reported human or animal exposure incidents by the administrator or assigned staff.~~
- ~~(3) *Quarantine requirement.* There shall be quarantine requirements having conditions equal to the conditions set forth in section 6-83, except that this local rabies alternative rabies control program requires two examinations of the quarantined animal during a ten-day period and the observations are made by a trained individual.~~
- ~~(4) *Vaccination enforcement.* There shall be enforcement of the rabies vaccination requirement for dogs set forth in Wis. Stats. § 95.21(2).~~
- ~~(5) *Annual report.* An annual report shall be prepared and filed with the state DATCP no later than February 28 which covers the preceding calendar year. The report shall include:
 - ~~a. Number of investigations.~~
 - ~~b. Number of reported animal bites.~~
 - ~~c. Number of quarantines issued.~~
 - ~~d. Number of quarantine violations and enforcement actions taken.~~
 - ~~e. Number of animals exhibiting negative signs of rabies during quarantine.~~
 - ~~f. Number of animals exhibiting positive signs of rabies during quarantine.~~
 - ~~g. Number of enforcement actions for violations of vaccination requirements.~~
 - ~~h. Number of animals sacrificed for exhibiting signs of rabies or being suspected of having rabies.~~~~
- ~~(6) *Veterinarian involvement.* Veterinarian involvement in the overall administration of the local alternative rabies control program option requires designation of a state licensed veterinarian to have direct control over professional decisions involving the practice of veterinary medicine as it relates to the program including, but not limited to:
 - ~~a. Making final determination in questionable cases whether an animal is exhibiting positive signs of rabies during the quarantine.~~
 - ~~b. Ascertaining whether prospective trained individuals are capable of carefully observing quarantined animals and accurately noting any exhibited signs.~~
 - ~~c. Immediately notifying the administrator of suspected rabies cases.~~
 - ~~d. Consulting with administrator and trained individuals on request.~~
 - ~~e. Meeting quarterly with trained individuals to refresh observation skills and evaluate performance of trained individuals.~~
 - ~~f. Reviewing the annual rabies control program report requirement prior to filing the report with the state department of agriculture, trade, and consumer protection.~~~~

~~The current designated veterinarian for the county shall be on file with the county department of health and the state DATCP. The state DATCP will be notified of any changes in the designated veterinarian for the county.~~

(Ord. No. 311, § 1.11, 1-9-2001; Ord. No. 325, § 1.11, 8-14-2001)

Sec. 6-85. - Restraint.

- (a) *Generally.* All owned animals shall be kept under restraint and shall not be permitted to run at large.
- (b) *Animal nuisance.* All owners shall exercise care and control of their animals to prevent them from becoming a public nuisance.
- (c) *Declaration of a vicious animal.* The animal control officer of the county or township or any law enforcement officer, after conducting an investigation into the circumstances surrounding an unprovoked attack, is hereby empowered to declare an owned animal in question vicious. The owner of the animal shall be served personally or by certified mail, with return receipt requested, with an order declaring the animal vicious. Any owner aggrieved by such order may petition to the county board of health for review of the order. Upon receipt of the petition, the board shall schedule and conduct a hearing in conformance with Wis. Stats. ch. 227. After the hearing, the owner shall be notified in writing of the determination. If the owner or caretaker of the animal contests the determination, he may, within 30 days, seek review of the decision by the circuit court.
- (d) *Vicious animals.* When an animal has been declared vicious, the owner shall comply with the following:
 - (1) While on the owner's or caretaker's property, the animal must be either:
 - a. Securely confined indoors; or
 - b. In a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or structure must be constructed with chainlink fencing on all four sides and the top.
 - (2) If the pen or structure has no bottom secured to all four sides:
 - a. The sides of the pen must be imbedded in the ground no less than two feet or have a concrete pad for the bottom; or
 - b. Securely confine using a material of sufficient tensile strength to adequately confine the animal without risk of breaking if the animal is large and aggressive.
 - (3) While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a suitable chain or leash not exceeding four feet in length and under the control of the owner or one of the owner's immediate family of at least 16 years of age. The muzzle must be made in a manner that will not cause injury to the animal or

interfere with its vision or respiration but must prevent it from biting any person or animal.

- (4) All owners or caretakers of vicious animals shall display, in prominent places on their premises, near all entrances to the premises, signs in letters of not less than two inches high using the words "Warning—Vicious Animal." A similar sign is required to be posted on the kennel or pen of the animal.
- (5) No person shall sell or transfer possession of a vicious animal to another person without first notifying the person to whom the vicious animal is being sold or transferred of the fact that the animal has been deemed a vicious animal.
- (6) The owner of a vicious animal shall be required to show the administrator proof of excess liability insurance coverage or proof that their homeowner's policy will cover future injuries.

(Ord. No. 311, § 1.12, 1-9-2001)Sec. 6-86. - Reporting of animal bite incidents.

Health care providers, attending physicians, and attending veterinarians are required to report all incidents of suspected and/or confirmed animal bites on persons in the county within 24 hours to the county health department or the county sheriff's department so that the case can be appropriately investigated. This includes bites occurring to the owner or the owner's immediate family. In the case that no health care providers, physicians, or veterinarians are contacted, the owner is responsible for reporting the incident within 24 hours.

(Ord. No. 311, § 1.13, 1-9-2001)

Sec. 6-87. - Impoundment, quarantine and violation notices.

- (a) *Unrestrained animals.* Unrestrained animals shall be taken by a law enforcement or animal control officer and impounded in a temporary or permanent animal shelter and confined in a humane manner. Where needed, the officer should seek appropriate court approval.
- (b) *Public nuisance.* When an animal is causing a public nuisance and its owner cannot be contacted at the time of complaint, it may be impounded by a law enforcement officer or a designated animal control officer after an attempt has been made to contact the owner or if the owner is unknown. After impoundment, reasonable attempts shall be made to contact the owner. Animals kept within a premises can only be removed with appropriate court approval.
- (c) *Lawful killing of an animal.* A person may kill a dog or domestic animal if that person, or domestic animal owned by that person while on that person's property, is threatened with serious bodily harm. The animal may be destroyed, provided that other restraining actions have failed and/or immediate action is necessary.

- (d) *Reclaiming an impounded animal.* An owner reclaiming an impounded animal shall pay the accrued impoundment and boarding fees and comply with the license and vaccination requirements of this chapter.
- (e) *Animals not reclaimed.* Any animal not reclaimed by its owner within seven days becomes the property of the local governmental authority and shall be placed for adoption in a suitable home or humanely euthanized, preferably by lethal injection. Cost for impounding and euthanization shall be at the owner's expense.

(Ord. No. 311, § 1.14, 1-9-2001)

Sec. 6-88. - Appeals to quarantine; hearings.

An animal owner aggravated by such quarantine may, within 30 days, petition the county board of health for a hearing. The board shall conduct a hearing within ten days after receiving the petition to determine if the quarantine shall remain in effect or be withdrawn. The state DATCP, division of animal health, the state humane officer and/or the state-department of health and family services, the division of **public** health office in charge of the state rabies program, or a state-licensed veterinarian shall be consulted for a determination based on the circumstances of the incident and the animal species involved. The quarantine remains in effect until after the hearing unless properly released pursuant to this chapter.

(Ord. No. 311, § 1.14, 1-9-2001)

Secs. 6-89—6-120. - Reserved.

ARTICLE V. - ANIMAL CARE AND NEGLECT; ANIMAL WASTE; DEAD ANIMAL DISPOSAL

Sec. 6-121. - Animal care and neglect.

This section adopts the provisions of Wis. Stats. ch. 951 to address crimes against animals, using clarifications and references provided by the state humane officer as a guideline in making such determinations. The county-appointed humane officer shall attend, when possible, training as offered by the DATCP, the National Animal Control Association and the American Humane Association directed at individuals investigating complaints. When possible, a state-licensed veterinarian shall accompany complaint investigations of animal abuse, neglect and mistreatment.

Sec. 6-122. - Animal waste.

- (a) The owner or person having immediate control of an animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon public or private property. This shall be inapplicable in cases in which a person is being assisted by assistance dogs, a Seeing Eye dog or in the case of transportation animals or the transport of animals.

- (b) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance-free manner as defined by Wis. Stats. § 951.14(4). Droppings and manure shall be removed regularly and disposed properly so as not to significantly attract insects or rodents.

Sec. 6-123. - Dead animal disposal.

All dead animals shall be disposed of in a manner pursuant to Wis. Stats. § 95.50. Animals killed by motor vehicles shall not be included in this section. Animals killed by motor vehicles will be disposed of in a manner outlined by any present contracts for removal in place with the state department of transportation and the county or other arrangements.

IT IS FURTHER ORDAINED that this ordinance shall take effect upon passage and publication.

Submitted by Supv. Kalata, Public Safety Committee chair. Motion to approve by Supv. Wedde, seconded by Supv. Kapp. Motion carried by voice vote.

The ordinance cleans up language in the Waushara County Code to match current practices.

ORDINANCE NO. 620
AN ORDINANCE AMENDING CHAPTER 26, ARTICLE IX- SOCIAL HOST

WHEREAS, the County Board of Supervisors previously adopted a social host ordinance; and

WHEREAS, the State of Wisconsin Legislature has amended the statutory language authorizing such ordinances to further clarify when a person may be held responsible; and

WHEREAS, the current ordinance needs to be amended to match the statute.

NOW, THEREFORE, the County Board of Supervisors does hereby ordain as follows:

Sec. 26-312. Definitions

(8) ~~*Residence, premises or public or private property.* "Residence," "premises" or "public or private property" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.~~

Property means property including any premises, owned and occupied by the adult or occupied by the adult and under the adult's control. Lodging establishments are considered property only if the adult has furnished payment or security for lodging.

Sec. 26-314. Prohibited acts

(a) It is unlawful for any person(s) to host or allow an event or gathering at any ~~residence, premises or on any other private or public~~ property that the person owns, **or occupies**, or had control over:

(1) Where alcohol or alcoholic beverages are present when the person knows that an underage person will or does consume any alcohol or alcoholic beverage or will or does possess any alcohol or alcoholic beverage with the intent to consume it; and

(2) The person knowingly permits or fails to take reasonable steps to prevent possession or consumption by the underage person.

IT IS FURTHER ORDAINED that this amendment shall be effective upon passage and publication.

Submitted by Supv. Kalata, Public Safety Committee chair. Motion to approve by Supv. Kapp, seconded by Supv. Krentz. Motion carried by voice vote.

This amendment to the County's social host ordinance is necessary to provide additional clarification to match a recent change in statutory language.

ADJOURNMENT

There being no further business, Supv. Eckstein moved to adjourn, seconded by Supv. Timm; motion carried. The meeting thus adjourned at 9:10 p.m.

I, Megan Kapp, county clerk in and for the county of Waushara, Wis., do hereby certify that the foregoing is the original record of the proceedings of the Waushara County Board of Supervisors at its regular monthly meeting held January 16, 2018. These minutes are subject to amendment or change at subsequent meetings of the County Board, and any such changes will be detailed in the minutes of the meeting at which the amendments are proposed.

/s/ Megan Kapp, Waushara County Clerk