

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

MAY 15, 2018

The meeting was called to order at 7:00 p.m. by Chairperson Donna R. Kalata. County Clerk Megan Kapp conducted roll call. All were present: Supvs. Bonfiglio, Eckstein, Kalata, Kapp, Kerschner, King, Lauer, Peterman, Piechowski, Timm and Wedde. A silent prayer was held, followed by the Pledge of Allegiance.

APPROVAL OF AGENDA

Supv. Kapp made a motion to approve the agenda as presented, seconded by Supv. King; motion carried.

APPROVAL OF MINUTES

Supv. Wedde moved to approve the minutes of the April 17, 2018, County Board organizational meeting; seconded by Supv. Eckstein. Motion carried.

PUBLIC COMMENTS – None

NEW BUSINESS

REPORTS/PRESENTATIONS

County Administrator's Monthly Report: Administrator Robert J. Sivick reported on continued difficulties in recruitment efforts. He updated the Board on several areas of business including the UW-Extension reorganization, the closing of Lincoln Hills and Copper Lake juvenile facilities, the Procurement Code and public outreach happenings.

Department of Aging Annual Report: Director Debbie Paavola reported on 2017 department activities. Paavola discussed the decline in participation at the senior dining centers and noted the department will continue to assess the situation. Karen Wenninger, project manager for the Memory Café, provided details on the program for individuals with dementia or Alzheimer's, which was implemented in 2017.

Public Health Department Annual Report: Director/Public Health Officer Patti Wohlfeil provided a written annual report summary in addition to her presentation to the Board. She shared 2017 statistics regarding departmental programs and highlighted priority areas and initiatives for the upcoming years. Programs administered by the department include fluoride supplements, bike helmet safety, food and retail licensing, car seats, foot care, and many others.

Life-Saving Awards: Sheriff Jeff Nett presented awards to Citizen Jim Wendtland and Deputy Wally Zuehlke for their life-saving actions during an incident on March 1, 2018, where a subject fell through the ice.

DISCUSSION/POSSIBLE MOTION ACTION ITEMS

Increasing Buildings and Grounds Committee from Three to Five Members

Moved by Supv. Eckstein, seconded by Supv. Kerschner to increase the Buildings and Grounds Committee from three to five members, and to appoint Supvs. Kalata and Timm to the committee. The motion was carried by voice vote with Supv. Timm abstaining.

Given the increased workload, potential for conflict, and substantial fiscal impact, Administrator Sivick has recommended the increase in anticipation of the upcoming space study.

**RESOLUTION NO. 26-05-18
RESOLUTION AUTHORIZING FUND BALANCE RESTRICTIONS,
COMMITMENTS, ASSIGNS, AND REAPPROPRIATION OF
SPECIFIED FUNDS FROM 2017 TO 2018**

WHEREAS, Waushara County has previously established fund balances of various programs and activities for carryover and reappropriation to subsequent budget years. Some of the fund balances are restricted by outside authority, while some have been set up by previous County Board budgets or subsequent action; and

WHEREAS, the County Board has previously adopted Resolution No.08-02-12 Implementing Fund Balance Policy in Accordance With GASB Statement No. 54 on 2-21-2012; and

WHEREAS, the Finance Supervisor has compiled a pre-audit list identifying those activities, programs, projects, and funds that should be carried forward and reappropriated in the 2018 budget; and

WHEREAS, the appropriate oversight committees and the Executive Committee have reviewed the requests and recommend that the restrictions, commitments, assigns and reappropriation requests be approved; and

WHEREAS, Wisconsin statutes and county board rules require that the county board take official action to authorize the commitments, assigns and reappropriation of funds; and

WHEREAS, sound financial practice requires that such carryovers be recorded in the official records of the County; and

WHEREAS, any additional items or adjustments that may be required at the completion of the County's external audit will be brought to the County Board in a separate resolution at the conclusion of the field work of the external audit.

NOW, THEREFORE, BE IT RESOLVED by the Waushara County Board of Supervisors that the following funds and their designations are authorized to be carried over from the official records of the County for the year ended December 31, 2017, to the official records of the

County for the year ending December 31, 2018; that the funds be reappropriated and expended as may be required; and that the 2018 annual budget is amended and the appropriate line items in the General Fund may be increased as necessary:

RESTRICTED FUND BALANCE

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
100-00-00000-34130-000000	(25) Redaction Fund	\$ 3,154.78
100-00-00000-34155-000000	(51) DNR/Add'l Tower Exp (Debt)	\$ 105,523.88
100-00-00000-34160-000000	(42) Timber Salv-Mt. M/Rattle Crk	\$ 21,714.94
100-00-00000-34170-000000	(57) Protective Vest Replace	\$ 1,600.00
100-00-00000-34200-000000	(09) Land Rec Modernization Rev	\$ 76,510.83
100-00-00000-34214-000000	(44) Loan Closet Rent/Donation	\$ 24,950.94
100-00-00000-34215-000000	(44) Tobacco Coalit Donation	\$ 3,771.16
100-00-00000-34219-000000	(43) Vets Svs Comm Donation	\$ 2,496.82
100-00-00000-34220-000000	(57) DARE Program	\$9,791.62
100-00-00000-34221-000000	(57) State Asset Forf/Drug Educ	\$ 9,806.17
100-00-00000-34223-000000	(27) LCC Field Day Donations	\$ 2,269.95
100-00-00000-34281-000000	(22) M/W Drainage Boards	\$ 5,168.38
100-00-00000-34363-000000	(43) Veterans Mini Bus Donation	\$ 272.00
120-00-00000-35153-000000	(19) Transport Trust s.85.21	\$ 38,407.00
120-00-00000-35156-000000	(19) Prog Inc. Carry-Over/Donations	\$ 2,380.00
160-00-00000-34251-000000	(50) EMS Donations	\$ 29,539.83
160-00-00000-34371-000000	(50) Emg Med Dispatch Donations	\$ 1,436.83
	TOTAL:	\$ 338,795.13

COMMITTED FUND BALANCE

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
100-00-00000-34124-000000	(48) Strategic Planning	\$ 19,709.60
100-00-00000-34140-000000	(43) WI Stat45.84(1)/Vet-Burial	\$ 2,130.00
100-00-00000-34145-000000	(51) Emg Govt Subseq Yr Budget	\$ 1,905.82
100-00-00000-34202-000000	(48) EE Contingency Fund	\$ 1,209,887.99
100-00-00000-34203-000000	(48) Health Reimb Arrangement	\$ 130,728.23
100-00-00000-34208-000000	(27) LCC Vehicle	\$ 23,963.90
100-00-00000-34210-000000	(27) LCC Technical Svs Fee	\$ 2,500.00
100-00-00000-34212-000000	(30) Domestic Violence	\$ 1,020.00
100-00-00000-34216-000000	(44) Tri-Co Food & Retail	\$ 208,026.48
100-00-00000-34227-000000	(44) Reproductive Health	\$ 2,442.75
100-00-00000-34232-000000	(42) Sub-Div Dedication \$'s	\$ 134,112.94
100-00-00000-34234-000000	(42) Parks/Vehicle-Capitol Impr	\$ 172,328.97
100-00-00000-34321-000000	(36) Bldg/Grnds Contingency	\$ 324,806.36
100-00-00000-34341-000000	(57) Confid Investigation	\$ 35,078.11
100-00-00000-34361-000000	(36) Bldg/Grnds Parking Lot	\$ 1,719.94

COMMITTED FUND BALANCE (Continued)

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
100-00-00000-34365-000000	(57) 911 System Upgrade	\$ 5,001.43
120-00-00000-35154-000000	(19) Transportation-General	\$ 12,875.72
120-00-00000-35155-000000	(19) Caregiver Non-Lapsing Acct	\$ 5,121.57
120-00-00000-35157-000000	(19) Waushara Co Health Prog	\$ 30,045.39
120-00-00000-35165-000000	(19) Senior Home Repair/Non-Lapse	\$ 13,144.33
120-00-00000-35167-000000	(19) Fundraiser	\$ 3,947.70
120-00-00000-35168-000000	(19) Memory Café	\$ 1,040.00
	TOTAL:	\$ 2,341,537.23

UNASSIGNED FUND BALANCE

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
100-00-00000-34301-000000	Unreserved/Undesignated Fd Bal	\$ 7,502,756.41

BE IT FURTHER RESOLVED that remaining funds in the County’s Special Revenue Funds and Debt Service Fund be carried forward for their intended purpose as previously approved by the County Board.

BE IT FURTHER RESOLVED that the Finance Supervisor is directed to record such information in the official records of the County for the year ended December 31, 2017, and for the year ending December 31, 2018, as may be required.

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

The resolution provides details on the funds carried over from the 2017 to 2018 budget. Some of this money is available for any purpose, and some must be kept in reserve for emergencies. Various other funds are earmarked for specific purposes, programs or projects.

ORDINANCE NO. 625

**ORDINANCE AMENDING WAUSHARA COUNTY ZONING MAPS PURSUANT TO THE
 AUTHORITY GRANTED IN CHAPTER 58 WAUSHARA COUNTY CODE
 ZONE CHANGE – TWO OAKS NORTH, INC. – TOWN OF MARION**

WHEREAS, on March 20, 2018, Two Oaks North Inc. did file an application with the Waushara County Zoning office for a zoning amendment in Section 17, in the Town of Marion; and

WHEREAS, said application involves an approximate 0.34 acres of land lying immediately south of lots 57, 58, 59, & 61 in the Two Oaks North Plat, Section 17, T18N, R11E, Town of Marion, Hills Lake, Cree Ave.; and

WHEREAS, the said Zoning Office did process said application as required; and

WHEREAS, the Waushara County Planning Committee did consider said application at a regular meeting held at the Waushara County Courthouse on April 19, 2018; and

WHEREAS, the said Planning Committee did approve said request with the following conditions:

1. The development must be in substantial compliance with the site plan and testimony provided at the public hearing.
2. All required setbacks must be complied with and all other codes must be adhered to.
3. All permits must be obtained including land use, building, and proper connection made to municipal sewer.
4. Standard erosion control and stormwater management plans shall be submitted for each lot prior to construction.
5. Each individual parcel must be legally transferred to each adjoining landowner and cannot be individually sold.
6. Deed restrictions must be included, if applicable.
7. All driveways shall meet all required codes, including fire and access code requirements to provide for access by emergency vehicles. In addition, the driveway shall provide good visibility and a turnaround area to prevent backing onto the road.
8. The applicant will allow agents of Waushara County access to the property to ensure compliance with all applicable regulations.
9. The application is now forwarded to the Waushara County Board of Supervisors and the Town Board of Marion for their consideration. The Town Board is responsible for determining whether this application, if approved, is in compliance with the Towns' approved Land Use Plan.

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

1. That the Waushara County Zoning maps are amended by changing the zoning district of the described property from O-P (Park & Recreation) to RS-10 (Single Family Residential).
2. That this ordinance shall be effective upon approval and recording with the Office of the County Clerk for Waushara County.

Submitted by Supv. Kapp, Planning and Zoning Committee chair. Motion to approve by Supv. Kapp, seconded by Supv. Lauer. Motion carried by voice vote.

The ordinance rezones approximately 0.34 acres of land from Park and Recreation (O-P) to Single Family Residential (RS-10) zoning, in order to increase the square footage of five existing residential lots.

ORDINANCE NO. 626
ORDINANCE AMENDING WAUSHARA COUNTY ZONING MAPS PURSUANT TO THE
AUTHORITY GRANTED IN CHAPTER 58 WAUSHARA COUNTY CODE
ZONE CHANGE – CHARLES SIEWERT – TOWN OF MARION

WHEREAS, on December 20, 2017, Charles Siewert did file an application with the Waushara County Zoning office for a zoning amendment in Section 17, in the Town of Marion; and

WHEREAS, said application involves the northerly approximate 8.45 acre portion to be zoned RS-20 (Residential Single Family), lying approximately 735' north and east of Cree Avenue, and the remaining southerly 7.12 acres to be zoned A-R (Agricultural Residential), *except* lot 1 of CSM #3982, the entire area being approximately 15.27 acres being part of government lot 8 including part of the land vacated in Hills Lake Subdivision, Lots 1, 2, 3, & 4 of CSM #6485, Section 8, T18N, R11E, Town of Marion, Cree Avenue; and

WHEREAS, the said Zoning Office did process said application as required; and

WHEREAS, the Waushara County Planning Committee did consider said application at a regular meeting held at the Waushara County Courthouse on April 19, 2018; and

WHEREAS, the said Planning Committee did approve said request with the following conditions:

1. The development must be in substantial compliance with the site plan and testimony provided at the public hearing.
2. All required setbacks must be complied with and all other codes must be adhered to.
3. All permits must be obtained including land use, building, and proper connection made to municipal sewer.
4. Deed restrictions must be included, if applicable.
5. Utility easements must be shown upon the Preliminary and Final Plat.
6. No Land Use and/or Building Permit shall be issued until such time that the Zone Change is approved by the Town Board of Marion and the Final Plat is approved and recorded.
7. Prior to Final Plat, the applicant shall have a wetland delineation performed to clearly illustrate limits of the wetlands upon lots 5 & 6 and findings submitted to County Zoning Office.
8. Individual Stormwater and Erosion Control Plans shall be submitted for Lots 5 and 6 through Land Conservation for any land disturbance, including installation of driveways and/or construction of a dwelling.

9. Driveways shall be installed upon lots 5 & 6 prior to the issuance of a Land Use Permit and Building Permit including issuance of Wetland Disturbance Permit through the DNR, if required.
10. Standard erosion control and stormwater management plans shall be submitted for each lot prior to construction.
11. All driveways shall meet all required codes, including fire and access code requirements to provide for access by emergency vehicles. In addition, the driveway shall provide good visibility and a turnaround area to prevent backing onto the road.
12. The applicant will allow agents of Waushara County access to the property to ensure compliance with all applicable regulations.
13. A Preliminary Plat of Subdivision must be submitted and recorded in accordance with County and State requirements within 6 months of the date of final approval of the rezoning.
14. All roads intended to be deeded to the public shall be constructed to both Town and County standards and shall be formally accepted by the Town of Marion.
15. The application is now forwarded to the Waushara County Board of Supervisors and the Town Board of Marion for their consideration. The Town Board is responsible for determining whether this application, if approved, is in compliance with the Town's approved Land Use Plan.

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

1. That the Waushara County Zoning maps are amended by changing the zoning district of the described property from A-G (General Agriculture) to RS-20 (Single Family Residential) & A-R (Agriculture Residential).
2. That this ordinance shall be effective upon approval and recording with the Office of the County Clerk for Waushara County.

Submitted by Supv. Kapp, Planning and Zoning Committee chair. Motion to approve by Supv. King, seconded by Supv. Peterman. Motion carried by voice vote.

The ordinance allows that an approximate 15.27 acre parcel of land be rezoned from General Agriculture (A-G) to Single Family Residential (RS-20) and Agricultural Residential (A-R), resulting in the formation of six RS-20 lots, with one out lot, and seven A-R lots.

**ORDINANCE NO. 627
AN ORDINANCE AMENDING WAUSHARA COUNTY CODE
CHAPTER 2, ARTICLE VII, CODE OF ETHICS**

WHEREAS, the Waushara County Board of Supervisors previously adopted Ordinance Nos. 460, 488, 496 and 611 creating and amending the Code of Ethics; and

WHEREAS, the Waushara County Board of Supervisors has adopted a procurement policy effective June 1, 2018, that modifies some of the provisions previously adopted in this Ethics Code.

NOW, THEREFORE, the Waushara County Board of Supervisors does hereby ordain to modify Chapter 2, Article VII, Code of Ethics of the Waushara County Code as follows:

ARTICLE VII. - CODE OF ETHICS

Sec. 2-331. - Declaration of policy.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the best interests of the people, the community and the government and in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all county officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the county. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the county and by directing disclosures by such officials and employees of private financial or other interests in matters affecting the county. Nothing contained in this code is intended to deny to any individual the rights granted by the United States Constitution, the state Constitution, the laws of the state, or the rights stated by labor agreements negotiated with certified employee bargaining representatives, or the rights accorded individuals by virtue of resolutions or ordinances of the county board or by any other provision of law. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interest of the county.

(Ord. No. 460, 9-12-2006)

Sec. 2-332. - Notice.

County officials and employees, shall be made aware of this code at the time of election, employment or appointment. The county clerk shall distribute a copy of this code to each county board supervisor at the first meeting of the county board following the spring biennial election. The administrator's office shall distribute a copy of this code to each employee at the beginning of employment. Training will be held on this code for all county officials and employees.

(Ord. No. 460, 9-12-2006; Ord. No. 611, 4-18-2017)

Sec. 2-333. - Definitions.

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

Advisory opinion means an interpretation requested by a public official or employee and issued by the ethics board regarding the propriety of any matter to which the public official or employee is or may become a party.

Anything of value means any money or property, favor, gift, service, payment, advance, forbearance, loan, or promise of future employment, including without restriction by enumeration, tickets, passes, lodging, travel, recreational expense, and admission offered and provided by persons doing business, or interested in doing business, with the county **that is valued at more than One Hundred Dollars (\$100.00)**. Anything of value does not include such things as compensation and expenses paid by the state or county, political contributions which are reported under Wis. Stats. ch. 11, occasional meals and beverages, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, informational or educational materials of unexceptional value, plaques, other advertising give-aways, **items received as part of a random process such as door prizes or raffles,** hospitality of nominal value or extended for a purpose unrelated to county business, business related seminars, trade shows or other training related activities or any other thing which is not likely to influence the judgment of individuals covered by this code.

Contract ~~means all agreements executed between the county or a sub-unit thereof and another party or parties for the provision of goods, materials, supplies, construction, or services in exchange for valuable and sufficient consideration~~ **Any and all types of agreements regardless of what they may be labeled, for the procurement of goods, supplies, services, or construction.**

Employee ~~means all persons filling an allocated position of county employment and all members of boards, committees and commissions except members of the county ethics board and those individuals included in the definition of official~~ **Any individual serving as a compensated or uncompensated employee or official performing services for the County or for or through any of its agencies.**

Family means any individual related to a public official as spouse, parent, child, sibling, grandparent, grandchild, parent-in-law, sibling-in-law and step relations of the above, or an a legal designee of the public official for tax purposes.

Financial interest ~~means any interest which shall yield, directly or indirectly, a monetary or other material benefit to the official or employee or to any person employing or retaining the services of the official or employee~~ **Any interest in an entity having a contract with the County pursuant to the Procurement Policy which provides that individual in excess of annual compensation of One Thousand Dollars (\$1,000.00), more than a One Percent (1%) ownership interest in that entity or holding the position of Officer, Director, Partner, or member of the Board of Directors of that entity.**

Immediate family means an official's or employee's spouses, ~~or family member who contributes more than half the support of the official or employee or receives that level of support from the official or employee~~ **children, parents, siblings and in-laws.**

Official means all county department heads or directors, county supervisors, and all other county elected officers, except judges and district attorneys.

Person means any natural person, corporation, partnership proprietorship, firm, enterprise, franchise, association, organization, joint venture trust, or other legal entity recognized as such by the laws of the State of Wisconsin.

Personal interest means any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

Privileged information means any written or oral material related to county government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

(Ord. No. 460, 9-12-2006)

Sec. 2-334. - Responsibility of public office.

County officials and employees are agents of the public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this state and carry out efficiently and impartially the laws of the United States, the State of Wisconsin and the county and to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

(Ord. No. 460, 9-12-2006)

Sec. 2-335. - Dedicated service.

All officials and employees of the county should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees shall not exceed their authority or breach of law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(Ord. No. 460, 9-12-2006)

Sec. 2-336. - Fair and equal treatment.

(a) *Use of public property.* No official or employee shall request or permit the unauthorized use of county owned vehicles, equipment, materials, privileged information or property for

personal convenience or profit, unless such services or use are available to the public generally.

- (b) *Obligations to citizens.* No official or employee shall grant any special consideration, treatment or advantage to any person beyond that which is available to every other person. This section does not affect the duty of county supervisors to diligently represent their constituency.

(Ord. No. 460, 9-12-2006)

Sec. 2-337. - Conflict of interest.

- (a) *Financial and personal interest prohibited.* No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of the official duties in the public interest contrary to the provisions of this code or would tend to impair independence of judgment or action in the performance of the official duties.
- (b) *Incompatible employment.* No official or employee shall engage in or accept private employment or render service for private interest, when such employment or service is incompatible with the proper discharge of the official duties or would tend to impair independence of judgment or action in the performance of the official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- (c) *Disclosure of privileged information.* No official or employee shall, without proper legal authorization, disclose privileged information concerning the property, government, or affairs of the county, nor shall use such information to advance the financial or other private interest of employee or others.
- (d) *Gifts and favors.* No officials or employee shall accept anything of value, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to employee's knowledge is interested, directly or indirectly in any manner whatsoever in business dealings with the county; nor shall any such official or employee accept any gift, favor or anything of value that may tend to influence in the discharge of duties, or grant in the discharge of duties any improper favor, service or anything of value.
- (e) *Contracts with the county.* No county official or employee who in the capacity as such official or employee participates in the making of a contract in which there is a private pecuniary interest, direct or indirect, or performs in regard to that contract some function direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on employee's part, shall enter into any contract with the county unless, within the confines of Wis. Stats. § 946.13:
- (1) The contract is awarded through a process of public notice and competitive bidding; or
 - (2) The ethics board hereinafter created waives the requirement of this section after determining that it is in the best interest of the county to do so.

- (f) *Disclosure of interest in legislation.* Any member of the board of supervisors who has a financial interest or personal interest in any proposed legislation before the county board shall disclose on the records to the county board, or the ethics board hereinafter created, the nature and extent of such interest prior to or during discussion of such proposal.
- (g) *Campaign contributions.* Campaign contributions shall be reported by all candidates for county office in strict conformity with the provisions of the Wisconsin Statutes. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the ethics board.

(Ord. No. 460, 9-12-2006; Ord. No. 496, 5-13-2008)

Sec. 2-338. - Ethics board.

- (a) There is hereby created an ethics board to consist of seven members. The membership of the ethics board shall consist of four citizens, the chair and vice-chair of the county board and the county clerk. The administrator shall provide necessary staff assistance to the board, shall serve as its secretary, but shall not vote. The corporation counsel shall furnish the board whatever legal assistance is necessary to carry out its functions. The corporation counsel may retain outside counsel to provide this assistance as necessary. In all other sections of this article where the term corporation counsel is used, it shall include any counsel retained by the corporation counsel under this section.
- (b) The members of the ethics board shall be appointed by the county board chair subject to confirmation by the board of supervisors. Terms of office shall be three years.
- (c) The ethics board shall elect its own chair and vice-chair.
- (d) The ethics board will interpret the county code of ethics consistent with interpretations handed down by the State of Wisconsin Ethics Board.

(Ord. No. 460, 9-12-2006; Ord. No. 488, 1-8-2008; Ord. No. 611, 4-18-2017)

Sec. 2-339. - Procedures for ethics board—Handling of complaints.

- (a) *Complaints.*
 - (1) All complaints shall be made in writing. The complaint shall state the specific provision(s) of the county ethics code and/or Wisconsin Statute section(s) believed to have been violated and shall include sufficient information to support the allegations.
 - (2) The complaint shall also include all of the following:
 - a. The name, address and telephone number of the complainant;
 - b. The name, address and position of the individual who is the subject named in the complaint;
 - c. The facts constituting the alleged ethics violation(s) set forth clearly and in detail;

d. If complainant(s) believe that any board member has a conflict of interest or bias, it shall be stated in the complaint.

(3) Complaints which do not meet the minimum pleading requirements in subsections a. and b. above shall be dismissed without prejudice.

(4) No action may be taken on any complaint which is filed later than 12 months after a violation of the ethics code is alleged to have occurred.

(5) All written complaints shall be submitted to the County Clerk, Room 187, Waushara County Courthouse, PO Box 488, Wautoma, WI 54982. The county clerk shall forward the complaint to the chair of the ethics board and the corporation counsel. The complaint is a public document.

(b) *Notice.*

(1) The board shall send notice, including a copy of the complaint, to the respondent(s) and complainant within seven business days of the receipt of the complaint by the chair. The notice shall be sent via certified mail or by personal service.

(2) The notice shall inform the respondent that they may file a written statement of their position with the board within ten business days of the date the notice was sent.

(3) The board shall set a time for an initial meeting on the complaint that is within 15 business days following the ten business day time for response by the respondent. The initial meeting date shall be set prior to the notice being sent out so that the notice will include the date, time and place of the initial meeting of the board regarding the complaint.

(4) An agenda shall be filed and posted by the administrator or corporation counsel prior to the initial hearing.

(5) The corporation counsel shall send a copy of the response(s) received by the respondent(s) to the board and the complainant(s) at least five business days prior to the initial hearing.

(c) *Hearings.*

(1) The board shall convene within 15 business days following the ten-business-day response period for the respondent to determine if it has jurisdiction over the subject matter of the complaint and to determine if there is a basis for the complaint. The complainant shall be present. If the complainant does not personally appear, the board may dismiss the complaint without prejudice. If the board determines that there is no basis for the complaint, the board may immediately dismiss the complaint with prejudice and without hearing. In determining if there is a basis for the complaint, the board must review the complaint assuming that every allegation in the complaint is true.

(2) At the beginning of the initial hearing, corporation counsel will remind all board members of conflict of interest, bias and fair hearing issues and ask if any member wishes to recuse him/herself.

- (3) If the board finds that it has jurisdiction and that there is a basis for the complaint, it may establish a scheduling order, set the matter for a fact-finding hearing. If all parties agree, the board may proceed immediately to a hearing on the complaint. If the board sets the matter for a fact-finding hearing, it may direct the parties to appear before it for a conference to consider:
 - a. The clarification of issues;
 - b. The necessity or desirability of amendments to the pleadings;
 - c. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
 - d. The limitation of the number of witnesses;
 - e. Such other matters as may aid in the disposition of the action.
- (4) The board may issue subpoenas and administer oaths. Fees associated with the issuance of subpoenas shall be paid by the person requesting the subpoenas.
- (5) All hearings shall be conducted under oath or affirmation and shall be electronically recorded.
- (6) The board shall not be bound by common law or statutory rules of evidence. The board shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. The board shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality and probative force shall govern the proof of all questions of fact.
- (7) The burden of proof shall rest with the complainant to prove the allegations by evidence that is clear, satisfactory and convincing.
- (8) Corporation counsel will direct the proceedings of the hearing.
- (9) The parties may make a brief opening statement to acquaint the board with the nature of the complaint.
- (10) The parties shall be allowed to question each other and present witnesses on their behalf, consistent with the subject matter before the board.
- (11) The voting members of the board may direct questions to any party or witness.
- (12) The factual basis of the decision shall be solely the evidence and matters officially noticed.
- (13) Unless otherwise precluded by law, informal disposition of any case may be made by stipulation, agreed settlement, consent order or default.
- (14) Upon completion of the board's inquiry it shall adjourn to closed session for deliberations. Any person not a member of the board, including county board supervisors, shall be excluded from the deliberations of the ethics board. For the purposes of this section only, member of the board shall include the administrator and

corporation counsel who are charged with providing administrative and legal assistance to the board under the ethics code.

- (15) Upon completion of deliberations, the board shall issue a written decision within ten business days of the conclusion of deliberations, which shall be filed with the county clerk's office. A copy of the decision shall be sent to the complainant and respondent.
- (16) If appropriate, the board shall refer the matter to the proper county authority. The proper county authority shall be as follows:
 - a. For matters involving allegations against a county employee (non-department head): The department head and controlling committee;
 - b. For matters involving allegations against a department head or full-time elected official (i.e., county clerk, treasurer, etc.): The controlling committee;
 - c. For matters involving allegations against a county board supervisor: The county board of supervisors.

(d) *Review of board decision.*

- (1) Any party appearing before the board who is dissatisfied with the decision of the board may request a review of its decision.
- (2) The review is initiated by filing a written request to the presiding judge of the county circuit court. The request for review must be accompanied by a copy of the decision of the board and must meet all circuit court procedures, including but not limited to, proper format and filing fee.
- (3) The request for review shall be filed within 25 business days of the board's decision. Failure to timely file the review request shall bar any review under the county ethics code.
- (4) The request for review shall be served upon all parties, including the board, within 25 business days of the board's decision. Service shall be by certified mail. Service upon the board shall be considered complete upon service of the county clerk.
- (5) Payment of the filing fee and cost of review shall be the responsibility of the individual seeking review.

(Ord. No. 460, 9-12-2006; Ord. No. 488, 1-8-2008; Ord. No. 611, 4-18-2017)

Sec. 2-340. - Same—Handling of advisory opinions.

(a) *Request for advisory opinion.*

- (1) All requests for advisory opinions shall be made in writing. The request shall state facts with sufficient specificity to provide the ethics board with an idea of the specific provision(s) of the county ethics code and/or Wisconsin Statute section(s) believed to impact the situation.

(2) The request shall also include the name, address and telephone number of the requestor

(3) All written requests shall be submitted to the County Clerk, Room 187, Waushara County Courthouse, PO Box 488, Wautoma, WI 54982. The County Clerk shall forward the request to the chair of the ethics board and the corporation counsel. The request is a public document.

(b) *Notice.*

(1) The board shall send notice to the requestor within seven business days of the receipt of the request by the chair. The notice shall be sent via certified mail or by personal service.

(2) The board shall set a meeting to discuss the request that is within 15 business days of the receipt of the request by the chair.

(3) An agenda shall be filed and posted by the administrator or corporation counsel prior to the meeting.

(c) *Meeting.*

(1) The board shall convene within 15 business days of the receipt of the request by the chair to discuss the request. The requestor shall be present. If the requestor does not personally appear, the board may decline to issue an opinion on the request.

(2) The board shall meet with the requestor in closed session to obtain any additional information needed to form an opinion and to discuss the circumstances in order to formulate an opinion. The requestor may be asked to leave the closed session, if determined by the board that the requestor's presence would infringe upon the discussion of the board to reach an opinion on the request. Any person not a member of the board, including county board supervisors, shall be excluded from the closed session of the ethics board. For the purposes of this section only, member of the board shall include the administrator and corporation counsel who are charged with providing administrative and legal assistance to the board under the ethics code.

(3) Upon completion of deliberations, the board shall issue a written decision within ten business days of the conclusion of deliberations, which shall be filed with the county clerk's office. A copy of the decision shall be sent to the requestor.

(d) *Weight of advisory opinion.* Any official or employee acting consistent with an advisory opinion issued by the board under this section, shall be presumed to acting within the provisions of this code.

(Ord. No. 460, 9-12-2006; Ord. No. 488, 1-8-2008; Ord. No. 611, 4-18-2017)

Sec. 2-341. - Applicability of code.

When an official or employee has doubt as to the applicability of a provision of this code to a particular situation or definition of terms used in the code, he/she should apply to the ethics board for an advisory opinion and will be guided by that opinion when given. The official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability provisions of the code before such advisory decision is made. This code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the ethics board to be more appropriate or desirable.

(Ord. No. 460, 9-12-2006)

Sec. 2-342. - Penalty and sanctions.

Violation of any provision of this code should raise conscientious questions for the official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the county. If the ethics board determines that an official or employee has violated any provision of this code, the board may, as part of its report to the county board, make any of the following recommendations:

- (1) In the case of an official who is an elected county board supervisor, that the county board consider sanctioning, censuring or expelling the person;
- (2) In the case of a citizen member, that the county board consider removing the person from the administrative agency;
- (3) In the case of an employee, that the employee's appointing authority consider imposing discipline, up to and including discharge of the employee.

In addition to the sanctions available under subsections (1) through (3) above, any official or employee violating the provisions of this section shall be subject to a nonreimbursable forfeiture of not less than \$100.00 nor more than \$1,000.00.

(Ord. No. 460, 9-12-2006)

Secs. 2-343—2-365. - Reserved.

IT IS FURTHER ORDAINED that this ordinance shall be effective June 1, 2018, or upon passage and publication, whichever is later.

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

Updates were made to the Ethics Code to correspond with provisions of the newly adopted Procurement Code which goes into effect June 1.

APPOINTMENTS

Board of Health

Dr. Cheston E. Price, Wautoma (*Term: June 1, 2018-December 31, 2020*)

Supv. Larry Timm, Pine River (*Term: immediate-April 2020*)

Motion to approve by Supv. Wedde, seconded by Supv. Eckstein; motion carried by voice vote, with Supv. Timm abstaining.

Child and Family Partners Committee

Caryn Ruetten, Wild Rose (*Term: April 24, 2018-ongoing*)

Motion to approve by Supv. Eckstein, seconded by Supv. Wedde; motion carried by voice vote.

Commission on Aging

Mike Davis, Wautoma (*Term: June 1, 2018-May 31, 2021*)

Debbie Gallant, Plainfield (*Term: June 1, 2018-May 31, 2021*)

Linda Forseth, Pine River (*Term: June 1, 2018-May 31, 2021*)

Debra Gierach, Wild Rose (*Term: June 1, 2018-May 31, 2021*)

Mary Suchanek, Wautoma (*Term: June 1, 2018-May 31, 2021*)

Motion to approve by Supv. Wedde, seconded by Supv. Peterman; motion carried by voice vote.

Economic Development Corporation

Joseph Farago, Hancock (*Term: January 1, 2018-December 31, 2020*)

Motion to approve by Supv. Kerschner, seconded by Supv. Kapp; motion carried by voice vote.

Ethics Board

Jim Jarvis, Wautoma (*Term: immediate-March 31, 2021*)

Mike Leikness, Wautoma (*Term: immediate-March 31, 2021*)

Kent Peterson, Wild Rose (*Term: immediate-March 31, 2021*)

Linda Steffen, Wild Rose (*Term: immediate-March 31, 2021*)

Motion to approve by Supv. Eckstein, seconded by Supv. Peterman; motion carried by voice vote.

Highway Traffic Safety Commission (All Terms: May 2018-April 2020)

Dan Brugman – WI Dept. of Transportation

Brian Donaldson – EMS Director

Brian Freimark – Highway Dept. Commissioner

Trace Frost – Retired Law Enforcement Officer

Timothy Goke – Wautoma Transportation/City of Waupaca Police Chief

Mary LaBlanc – AODA Prevention Coordinator

Allen Luchini – Fire Services Rep.

Darlene Masticola – Administrative Assistant, Sheriff's Dept.

Jeff Nett – Waushara County Sheriff

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Highway Traffic Safety Commission (Continued)

Rick Olig – Retired Law Enforcement Officer
Michael Panosh – WI Dept. of Transportation
Mark Piechowski – County Board Rep.
Matt Strickland – WI State Patrol
Stacy Vaccaro – Patrol Lt., Sheriff's Dept.
Jerry Weiland – Citizen Member
Paul Weiss – City of Wautoma Police Chief
Ruth Zouski – Corporation Counsel/Legal Rep.

Motion to approve by Supv. King, seconded by Supv. Bonfiglio; motion carried by voice vote.

Human Services Board

Bernadette Krentz, Berlin (Term: April 24, 2018-March 31, 2020)
Caryn Ruetten, Wild Rose (Term: April 1, 2018-March 31, 2021)

Motion to approve by Supv. Wedde, seconded by Supv. Kapp; motion carried by voice vote.

Land Information Council

Norman Duesterhoeft (Term: May 15, 2018-ongoing)

Motion to approve by Supv. Kerschner, seconded by Supv. Kapp; motion carried by voice vote.

Lake Management Districts (All Terms: May 2018-May 2020)

Supv. Mike Kapp: Pearl, Silver, Spring and White River Flowage
Supv. Patrick King: Irogami, John's, Little Hills and Alpine
Supv. George Peterman: Fish, Marl, Hancock Pine and Upper White River
Supv. Mark Piechowski: Big Hills, Deer, Kusel-Wilson-Round and Long (Oasis)
FSA Representative Enrique Soria: Bugh's, Mt. Morris, Pleasant and Porters

Motion to approve by Supv. Wedde, seconded by Supv. Eckstein; motion carried by voice vote.

Transportation Coordinating Committee

Eunice Stevens, Wautoma (Term: May 2018-May 2021)

Motion to approve by Supv. Wedde, seconded by Supv. Kapp; motion carried by voice vote.

PROCLAMATIONS

Designating May 2018 Older Americans Month

Motion to approve by Supv. Peterman, seconded by Supv. King; motion carried by voice vote.

Designating June 15, 2018, Elder Abuse Awareness Day

Motion to approve by Supv. King, seconded by Supv. Bonfiglio; motion carried by voice vote.

Designating May 20-26, 2018, Emergency Medical Services Week

Motion to approve by Supv. Kapp, seconded by Supv. Kerschner; motion carried by voice vote.

FUTURE AGENDA ITEMS/ANNOUNCEMENTS

Chair Kalata encouraged everyone to attend the senior dining centers.

Administrator Sivick announced that the June, July and August County Board meetings would be held at various locations throughout the County.

ADJOURNMENT

There being no further business, Supv. Eckstein moved to adjourn, seconded by Supv. Kapp; motion carried. The meeting thus adjourned at 8:24 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 May 15, 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