AGENDA
EXECUTIVE COMMITTEE
REGULAR MEETING
MONDAY, FEBRUARY 1, 2021 – 3:00 PM
ADMINISTRATION CENTER - AUDITORIUM
121 W MAIN STREET, PORT WASHINGTON, WI 53074

The public can access the meeting by viewing the live stream at the link which will be opened five minutes before the call to order:

Executive Committee Live Stream

The public can submit comments here: Public Comment Form
Public Comment Policy & Instructions for Submitting Public Comments Online

1. **CALL TO ORDER**
   Roll Call
2. **PROPER NOTICE**
3. **PUBLIC COMMENTS, CORRESPONDENCE, COMMUNICATIONS**
4. **APPROVAL OF MINUTES**
   a. January 4 & 20, 2021
5. **ACTION ITEMS**
   a. RES.20-72: Resolution Authorizing the Issuance and Sale of $2,645,000 General Obligation Refunding Bonds
   b. RES.20-70: Authorizing the Submission of a Community Development Block Grant-Coronavirus (CDBG-CV) Application
   c. RES.20-62: Amending Sections 2.02 (4)(e) and 2.05 (2)(a)(e)(f) of the Ozaukee County Policy and Procedure Manual - County Board Agendas (Referred)
6. **DISCUSSION ITEMS**
   a. Legislative Support for Equity in Utility Tax Aid
   b. County Board Redistricting Update
   c. Schedule of County Board Meetings
7. **COUNTY ADMINISTRATOR'S REPORT**
   a. CDBG Revolving Loan Fund Grant
   b. 2021 Project Fund Update
   c. 2020 Fiscal and Sales Tax
   d. Energy Innovation Grant
   e. Strategic Planning Calendar
8. **COMMITTEE REPORTS**
9. **NEXT MEETING DATE**
   Monday, March 1, 2021
10. **ADJOURNMENT**

A quorum of members of committees or the full County Board of Ozaukee County may be in attendance at this meeting for purposes related to committee or board duties, however, no formal action will be taken by these committees or the board at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the County Clerk's Office at 262-284-8110, twenty-four (24) hours in advance of the meeting.

Updated 1/28/2021 10:34 AM

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: **February 1, 2021**
DEPARTMENT: **County Clerk**
DIRECTOR: **Julie Winkelhorst**
PREPARER: **Julie Winkelhorst**

Agenda Summary January 4 & 20, 2021

January 4, 2021

<https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_01042021-2828>

January 20, 2021

<https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_01202021-2840>

RESOLUTION NO. 20-72

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF $2,645,000 GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the County Board of Supervisors hereby finds and determines that it is necessary, desirable and in the best interest of Ozaukee County, Wisconsin (the "County") to raise funds for the public purpose of refunding obligations of the County, including interest on them, specifically, the General Obligation County Building Bonds, dated August 24, 2011, maturing in the years 2022 through 2031 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the Refunded Obligations for the purpose of achieving debt service savings;

WHEREAS, the County is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance its outstanding obligations;

WHEREAS, the County has directed Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell the County's general obligation refunding bonds (the "Bonds") to pay the cost of the Refunding;

WHEREAS, Baird, in consultation with the officials of the County, prepared an Official Notice of Sale (a copy of which is attached hereto as <u>Exhibit A</u> and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale;

WHEREAS, the County Clerk (in consultation with Baird) caused notice of the sale of the Bonds to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale;

WHEREAS, the County has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as <u>Exhibit B</u> and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. Baird has recommended that the County accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as <u>Exhibit C</u> and incorporated herein by this reference; and

WHEREAS, it has been determined to issue the Bonds in the principal amount of $2,645,000.

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

<u>Section 1. Ratification of the Official Notice of Sale and Offering Materials</u>. The County Board of Supervisors hereby ratifies and approves the details of the Bonds set forth in

Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the County and Baird in connection with the preparation and distribution of the Official Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1A. Authorization and Award of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of TWO MILLION SIX HUNDRED FORTY-FIVE THOUSAND DOLLARS ($2,645,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal (as modified on the Bid Tabulation and reflected in the Pricing Summary referenced below and incorporated herein), plus accrued interest to the date of delivery, is hereby accepted. The Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. The good faith deposit of the Purchaser shall be applied in accordance with the Official Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of $2,645,000; shall be dated February 24, 2021; 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 March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2021. 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 Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds are not subject to optional redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E 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 Bonds 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 2021 through 2030 for the payments due in the years 2021 through 2031 in the amounts set forth on the Schedule. The amount of tax levied in the year 2021 shall be the total amount of debt service due on the Bonds in the years 2021 and 2022; 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 interest on the Bonds in the year 2021.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds 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 Bonds, 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 Bonds 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 Bonds, amounts levied to pay debt service on the Refunded Obligations 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 Bonds coming due in 2021 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 Refunding Bonds, dated February 24, 2021" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds 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 Bonds; (ii) any premium not used for the Refunding which may be received by the County above the par value of the Bonds 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 Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds 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 Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds 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 Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Bonds 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 Bonds 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 Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the County and disbursed solely for the purpose or purposes for which borrowed. 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 Bonds 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 Bonds 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 Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Qualified 501(c)(3) Bonds. The Bonds are being issued as qualified 501(c)(3) bonds under Section 145 of the Code. Pursuant to Section 147(f)(2)(D) of the Code, no public approval of the issuance of the Bonds is required.

Section 10. Compliance with Federal Tax Laws. (a) The County represents and covenants that (i) the project financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the project will meet all applicable requirements found in Sections 141 and 145 of the Code, and (ii) it will not use or permit the facilities financed by the Bonds and the Refunded Obligations to be used in a manner which would cause the Bonds or the Refunded Obligations not to be qualified 501(c)(3) bonds under Section 145 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 Bonds 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 Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond within the meaning of the Code or would otherwise cause interest on the Bonds 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 Bonds 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 Bonds provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Bonds 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 91. Qualified Tax-Exempt Obligations. The Bonds are deemed designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3)(D) of the Code. Any Bonds which cannot be deemed designated are hereby designated as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) 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 12. Execution of the Bonds; Closing; Professional Services. The Bonds 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 Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds 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 Bonds 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 Bonds, 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 Bonds is hereby ratified and approved in all respects.

Section 103. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the County Clerk or the County Treasurer (the "Fiscal Agent").

Section 114. Persons Treated as Owners; Transfer of Bonds. The County shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond 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 Bond 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 Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond 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 Bond or Bonds 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 Bond surrendered for transfer.

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

Section 125. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the Record Date.

Section 136. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds 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 147. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds 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 158. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Bonds, 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 Bonds 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 Bonds).

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 Bonds, 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 169. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on March 1, 2021 at a price of par plus accrued interest to the date of redemption.

The County hereby directs the County Clerk to work with Baird to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. Any and all actions heretofore taken by the officers and agents of the County to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 20. 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 Bonds in the Record Book.

Section 171. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, 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 Bond 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 Bonds 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 Bond provided herein.

Section 182. 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.

Dated at Port Washington, Wisconsin, this 3rd day of February, 2021.

SUMMARY: Resolution Authorizing the Issuance and Sale Of $2,645,000 General Obligation Refunding Bonds.

VOTE REQUIRED: Three-Fourths Members Elect.

EXECUTIVE COMMITTEE

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: **February 1, 2021**
DEPARTMENT: **Administrator**
DIRECTOR: **Jason Dzwinel**
PREPARER: **Jason Dzwinel**

Agenda Summary Resolution Authorizing the Issuance and Sale of $2,645,000 General Obligation Refunding Bonds

BACKGROUND INFORMATION: Due to the favorable interest rate market for municipal bonds the county has the opportunity to refinance the $4,600,000 debt issuance from August of 2011 that supported the construction of the Ozaukee Pavilion, the Curling Building and the gazebo, among other improvements at the County Fairgrounds.

ANALYSIS: Currently $2,645,000 of the original debt remains to be paid through 2031 at an average interest rate of 3.4%. Current market rates for this type of general obligation debt are in the 1.0% to 0.9% range. The difference in the interest payments will save the county approximately $420,000 over the remaining life of the debt issuance.

The final rate will be set the day preceding the County Board meeting when the bonds are sold at market. This does not obligate the county to refinance should interest rates change significantly. The likelihood of any significant change is extremely low. A fluctuation of 0.3% would change the savings approximately $50,000. Even in the event of a 0.3% increase, staff and Bond Counsel recommend refinancing.

FISCAL IMPACT: The difference in the interest payments will save the county approximately $420,000 over the remaining life of the debt issuance, $42,000 per year.

FUNDING SOURCE: County debt levy.

RECOMMENDED MOTION: Staff respectfully requests that the Executive Committee approves the Resolution authorizing the refinancing of the debt.

ATTACHMENTS:

- Fairgrounds Debt Refinancing (PDF)

Ozaukee County
Refinancing Discussion

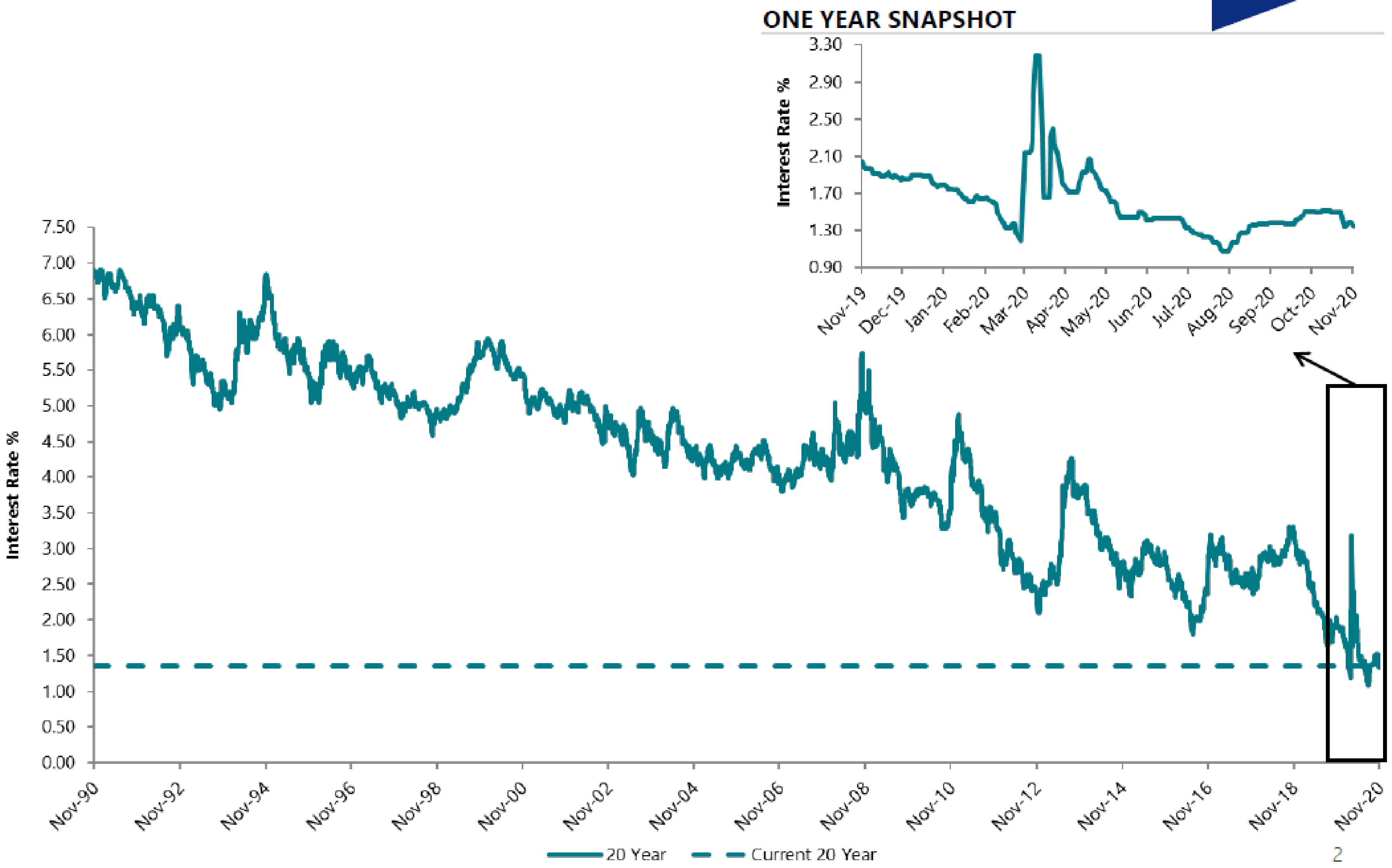
EXECUTIVE COMMITTEE
NOVEMBER 2020

Baird Public Finance

Brian C. Brewer
Managing Director
414.298.7030
bbrewer@rwbaird.com

Historical Interest Rate Trend

AAA MUNICIPAL MARKET DATA (MMD) INDEX PAST 30 YEARS



Source: Refinitiv as of November 12, 2020

Ozaukee County

BAIRD

OUTSTANDING INDEBTEDNESS

	Issue 1	Issue 2	Issue 3
Issue:	1	2	3
Amount:	$4,600,000	$2,415,000	$6,885,000
Type:	General Obligation County Building Bonds	General Obligation Refunding Bonds (AR)	General Obligation Promissory Notes
Dated:	August 24, 2011	May 23, 2012	July 24, 2013
Callable:	***'22-'31 Callable 3/1/21 or on any date thereafter @ Par***	***Noncallable***	***'21-'23 Callable 3/1/20 or on any date thereafter @ Par***

PAYMENT PERIOD		Issue 1 PRINCIPAL (3/1)	Issue 1 RATE	Issue 1 INTEREST (3/1 & 9/1)	Issue 1 TOTAL	Issue 2 PRINCIPAL (3/1)	Issue 2 RATE	Issue 2 INTEREST (3/1 & 9/1)	Issue 2 TOTAL	Issue 3 PRINCIPAL (3/1)	Issue 3 RATE	Issue 3 INTEREST (3/1 & 9/1)	Issue 3 TOTAL
Jan-June	2020	$205,000	3.000%	$53,503	$258,503	$360,000	3.000%	$11,025	$371,025	$715,000	3.000%	$38,378	$753,378
July-Dec	2020			$50,428	$50,428			$5,625	$5,625			$27,653	$27,653
Jan-June	2021	$215,000	3.000%	$50,428	$265,428	$375,000	3.000%	$5,625	$380,625	**$730,000**	2.100%	$27,653	$757,653
July-Dec	2021			$47,203	$47,203							$19,988	$19,988
Jan-June	2022	**$225,000**	3.000%	$47,203	$272,203					**$750,000**	2.250%	$19,988	$769,988
July-Dec	2022			$43,828	$43,828							$11,550	$11,550
Jan-June	2023	**$235,000**	3.000%	$43,828	$278,828					**$770,000**	3.000%	$11,550	$781,550
July-Dec	2023			$40,303	$40,303								
Jan-June	2024	**$240,000**	3.000%	$40,303	$280,303								
July-Dec	2024			$36,703	$36,703								
Jan-June	2025	**$255,000**	3.125%	$36,703	$291,703								
July-Dec	2025			$32,719	$32,719								
Jan-June	2026	**$265,000**	3.250%	$32,719	$297,719								
July-Dec	2026			$28,413	$28,413								
Jan-June	2027	**$275,000**	3.500%	$28,413	$303,413								
July-Dec	2027			$23,600	$23,600								
Jan-June	2028	**$290,000**	3.500%	$23,600	$313,600								
July-Dec	2028			$18,525	$18,525								
Jan-June	2029	**$300,000**	3.750%	$18,525	$318,525								
July-Dec	2029			$12,900	$12,900								
Jan-June	2030	**$315,000**	4.000%	$12,900	$327,900								
July-Dec	2030			$6,600	$6,600								
Jan-June	2031	**$330,000**	4.000%	$6,600	$336,600								
July-Dec	2031												
Jan-June	2032												
July-Dec	2032												
Jan-June	2033												
July-Dec	2033												
Jan-June	2034												
July-Dec	2034												
TOTAL		$3,150,000		$735,947	$3,885,947	$735,000		$22,275	$757,275	$2,965,000		$156,758	$3,121,758

Callable Maturities

Issue 1

Credit: Moody's Aaa
Paying Agent: County Treasurer
Purpose: Construction of buildings & related site improvements on County fairgrounds

Issue 2

Credit: Moody's Aaa
Paying Agent: County Treasurer
2012 Purpose: Advance Refunded 2006 Issue
2006 Purpose: Acquisition & installation of equipment of County's emergency radio backbone & related infrastructure

Issue 3

Credit: Moody's Aaa
Paying Agent: County Treasurer
Purpose: Highway improvements; Justice Center info techology; jail/courthouse camera; historical building inprovements; elevator & HVAC at Admin. Center; Justice Center communication tower; County fairgrounds construction & improvements; Prioneer Village/Hawthorne Hills Park improvements

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Ozaukee County

OUTSTANDING INDEBTEDNESS, CONTINUED

Issue: 4
Amount: $10,000,000
Type: General Obligation County Building Bonds
Dated: August 28, 2014
Callable: ***'23-'34 Callable 3/1/22 or on any date thereafter @ Par***

PAYMENT PERIOD		PRINCIPAL (3/1)	RATE	INTEREST (3/1 & 9/1)	TOTAL
Jan-June	2020	$455,000	2.000%	$120,075	$575,075
July-Dec	2020			$115,525	$115,525
Jan-June	2021	$465,000	3.000%	$115,525	$580,525
July-Dec	2021			$108,550	$108,550
Jan-June	2022	$480,000	3.000%	$108,550	$588,550
July-Dec	2022			$101,350	$101,350
Jan-June	2023	**$490,000**	2.000%	$101,350	$591,350
July-Dec	2023			$96,450	$96,450
Jan-June	2024	**$500,000**	2.125%	$96,450	$596,450
July-Dec	2024			$91,138	$91,138
Jan-June	2025	**$515,000**	2.500%	$91,138	$606,138
July-Dec	2025			$84,700	$84,700
Jan-June	2026	**$525,000**	2.750%	$84,700	$609,700
July-Dec	2026			$77,481	$77,481
Jan-June	2027	**$540,000**	3.000%	$77,481	$617,481
July-Dec	2027			$69,381	$69,381
Jan-June	2028	**$560,000**	3.000%	$69,381	$629,381
July-Dec	2028			$60,981	$60,981
Jan-June	2029	**$575,000**	3.000%	$60,981	$635,981
July-Dec	2029			$52,356	$52,356
Jan-June	2030	**$595,000**	3.125%	$52,356	$647,356
July-Dec	2030			$43,059	$43,059
Jan-June	2031	**$610,000**	3.250%	$43,059	$653,059
July-Dec	2031			$33,147	$33,147
Jan-June	2032	**$635,000**	3.500%	$33,147	$668,147
July-Dec	2032			$22,034	$22,034
Jan-June	2033	**$655,000**	3.250%	$22,034	$677,034
July-Dec	2033			$11,391	$11,391
Jan-June	2034	**$675,000**	3.375%	$11,391	$686,391
July-Dec	2034				
TOTAL		$8,275,000		$2,055,163	$10,330,163

Credit: Moody's Aaa
Paying Agent: County Treasurer
Purpose: Renovation & construction improvements to Lasata Care Center.

Issue: 5
Amount: $7,150,000
Type: General Obligation Refunding Bonds (AR)
Dated: February 2, 2015
Callable: ***'24-'28 Callable 3/1/23 or on any date thereafter @ Par***

PAYMENT PERIOD		PRINCIPAL (3/1)	RATE	INTEREST (3/1 & 9/1)	TOTAL
Jan-June	2020	$600,000	3.000%	$100,363	$700,363
July-Dec	2020			$91,363	$91,363
Jan-June	2021	$620,000	3.000%	$91,363	$711,363
July-Dec	2021			$82,063	$82,063
Jan-June	2022	$645,000	3.000%	$82,063	$727,063
July-Dec	2022			$72,388	$72,388
Jan-June	2023	$670,000	3.000%	$72,388	$742,388
July-Dec	2023			$62,338	$62,338
Jan-June	2024	**$695,000**	3.000%	$62,338	$757,338
July-Dec	2024			$51,913	$51,913
Jan-June	2025	**$725,000**	3.000%	$51,913	$776,913
July-Dec	2025			$41,038	$41,038
Jan-June	2026	**$750,000**	3.500%	$41,038	$791,038
July-Dec	2026			$27,913	$27,913
Jan-June	2027	**$780,000**	3.500%	$27,913	$807,913
July-Dec	2027			$14,263	$14,263
Jan-June	2028	**$815,000**	3.500%	$14,263	$829,263
TOTAL		$6,300,000		$986,913	$7,286,913

Credit: Aaa
Paying Agent: County Treasurer
2015 Purpose: Advance Refunded 2008 Bonds
2008 Purpose: Lasata RCAC

Issue: 6
Amount: $4,000,000
Type: General Obligation Promissory Notes
Dated: March 7, 2019
Callable: ***'26-'29 Callable 3/1/25 or on any date thereafter @ Par***

PAYMENT PERIOD		PRINCIPAL (9/1/19 & 3/1 Thereafter)	RATE	INTEREST (3/1 & 9/1)	TOTAL
Jan-June	2020	$340,000	2.000%	$50,000	$390,000
July-Dec	2020			$46,600	$46,600
Jan-June	2021	$345,000	2.000%	$46,600	$391,600
July-Dec	2021			$43,150	$43,150
Jan-June	2022	$355,000	2.000%	$43,150	$398,150
July-Dec	2022			$39,600	$39,600
Jan-June	2023	$360,000	2.000%	$39,600	$399,600
July-Dec	2023			$36,000	$36,000
Jan-June	2024	$370,000	3.000%	$36,000	$406,000
July-Dec	2024			$30,450	$30,450
Jan-June	2025	$380,000	3.000%	$30,450	$410,450
July-Dec	2025			$24,750	$24,750
Jan-June	2026	**$395,000**	3.000%	$24,750	$419,750
July-Dec	2026			$18,825	$18,825
Jan-June	2027	**$405,000**	3.000%	$18,825	$423,825
July-Dec	2027			$12,750	$12,750
Jan-June	2028	**$420,000**	3.000%	$12,750	$432,750
July-Dec	2028			$6,450	$6,450
Jan-June	2029	**$430,000**	3.000%	$6,450	$436,450
TOTAL		$3,800,000		$567,150	$4,367,150

Credit: Aaa
Paying Agent: County Treasurer
Notes: Bid premium of $50,168.30
Purpose: Radio Projects

Callable Maturities

Ozaukee County

OUTSTANDING INDEBTEDNESS, CONTINUED

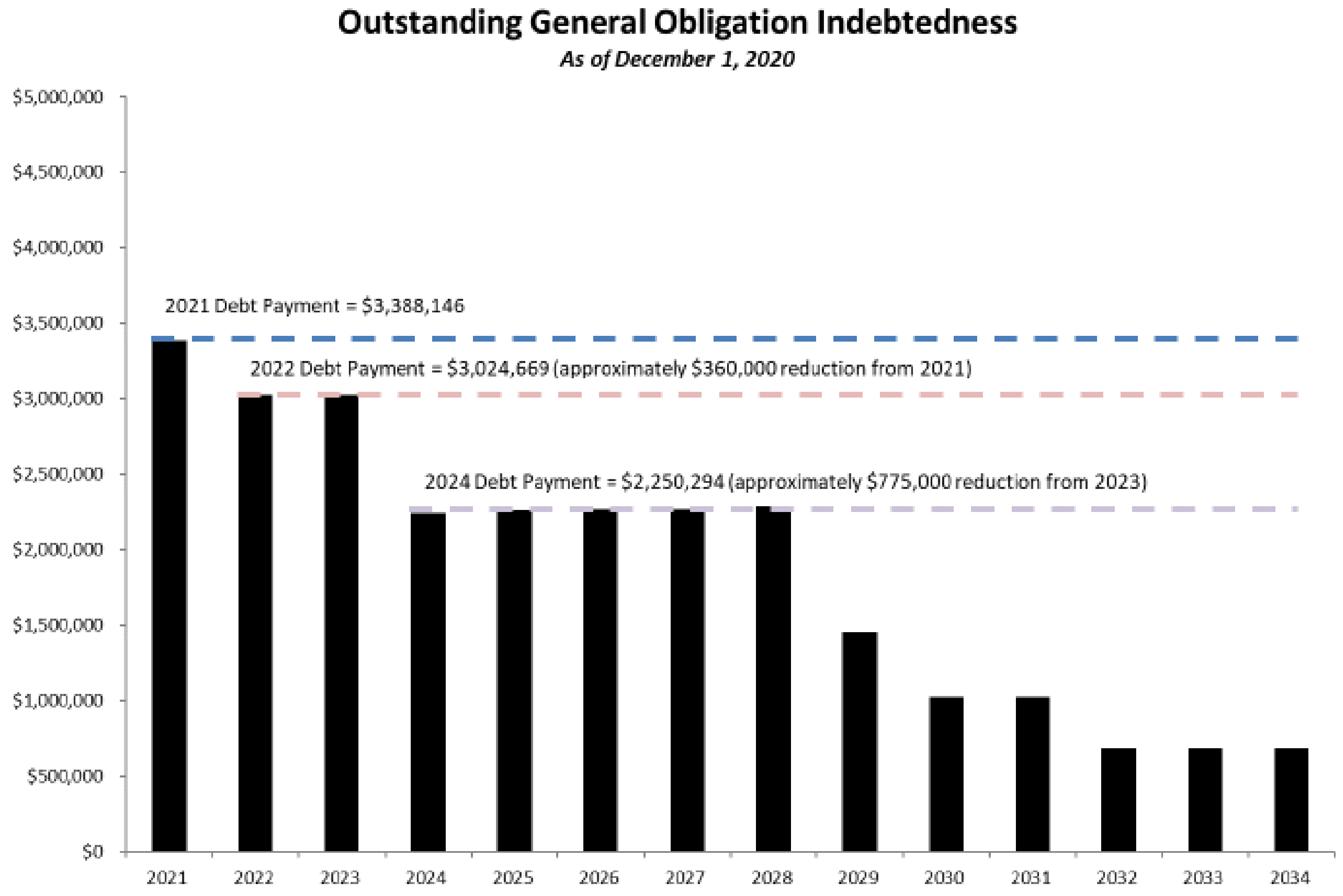
BAIRD

TOTAL GENERAL OBLIGATION DEBT SERVICE

PAYMENT	***PERIOD***	PRINCIPAL	INTEREST	TOTAL	FISCAL YEAR TOTAL	CALENDAR YEAR TOTAL	***PAYMENT***	***PERIOD***
					Jan-June Only			
Jan-June	2020	$2,675,000	$373,343	$3,048,343	$3,048,343		Jan-June	2020
July-Dec	2020		$337,193	$337,193		$3,385,536	July-Dec	2020
Jan-June	2021	$2,750,000	$337,193	$3,087,193	$3,424,386		Jan-June	2021
July-Dec	2021		$300,953	$300,953		$3,388,146	July-Dec	2021
Jan-June	2022	$2,455,000	$300,953	$2,755,953	$3,056,906		Jan-June	2022
July-Dec	2022		$268,716	$268,716		$3,024,669	July-Dec	2022
Jan-June	2023	$2,525,000	$268,716	$2,793,716	$3,062,431		Jan-June	2023
July-Dec	2023		$235,091	$235,091		$3,028,806	July-Dec	2023
Jan-June	2024	$1,805,000	$235,091	$2,040,091	$2,275,181		Jan-June	2024
July-Dec	2024		$210,203	$210,203		$2,250,294	July-Dec	2024
Jan-June	2025	$1,875,000	$210,203	$2,085,203	$2,295,406		Jan-June	2025
July-Dec	2025		$183,206	$183,206		$2,268,409	July-Dec	2025
Jan-June	2026	$1,935,000	$183,206	$2,118,206	$2,301,413		Jan-June	2026
July-Dec	2026		$152,631	$152,631		$2,270,838	July-Dec	2026
Jan-June	2027	$2,000,000	$152,631	$2,152,631	$2,305,263		Jan-June	2027
July-Dec	2027		$119,994	$119,994		$2,272,625	July-Dec	2027
Jan-June	2028	$2,085,000	$119,994	$2,204,994	$2,324,988		Jan-June	2028
July-Dec	2028		$85,956	$85,956		$2,290,950	July-Dec	2028
Jan-June	2029	$1,305,000	$85,956	$1,390,956	$1,476,913		Jan-June	2029
July-Dec	2029		$65,256	$65,256		$1,456,213	July-Dec	2029
Jan-June	2030	$910,000	$65,256	$975,256	$1,040,513		Jan-June	2030
July-Dec	2030		$49,659	$49,659		$1,024,916	July-Dec	2030
Jan-June	2031	$940,000	$49,659	$989,659	$1,039,319		Jan-June	2031
July-Dec	2031		$33,147	$33,147		$1,022,806	July-Dec	2031
Jan-June	2032	$635,000	$33,147	$668,147	$701,294		Jan-June	2032
July-Dec	2032		$22,034	$22,034		$690,181	July-Dec	2032
Jan-June	2033	$655,000	$22,034	$677,034	$699,069		Jan-June	2033
July-Dec	2033		$11,391	$11,391		$688,425	July-Dec	2033
Jan-June	2034	$675,000	$11,391	$686,391	$697,781		Jan-June	2034
July-Dec	2034					$686,391	July-Dec	2034
TOTAL		$25,225,000	$4,524,204	$29,749,204	$29,749,204	$29,749,204		

Ozaukee County

ILLUSTRATION OF OUTSTANDING INDEBTEDNESS



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Ozaukee County

HYPOTHETICAL REFINANCING ILLUSTRATION

BAIRD

Illustration of Hypothetical Refinancing (1)

Calendar Year	BEFORE REFINANCING: $4,600,000 G.O. County Building Bonds Dated August 24, 2011 PRINCIPAL (3/1)	RATE	INTEREST (3/1 & 9/1)	TOTAL	AFTER REFINANCING: $4,600,000 G.O. County Building Bonds Dated August 24, 2011 PRINCIPAL (3/1)	INTEREST (3/1 & 9/1)	$2,700,000 G.O. Refunding Bonds (CR) Dated February 1, 2021 PRINCIPAL (3/1)	INTEREST (3/1 & 9/1) AIC= 1.04%	TOTAL	TOTAL NEW DEBT SERVICE	POTENTIAL DEBT SERVICE SAVINGS
2021	$215,000	3.000%	$97,631	$312,631	$215,000	$50,428		$18,638	$18,638	$284,066	***$28,566***
2022	***$225,000***	3.000%	$91,031	$316,031	***		$245,000	$29,500	$274,500	$274,500	***$41,531***
2023	***$235,000***	3.000%	$84,131	$319,131	***		$250,000	$24,550	$274,550	$274,550	***$44,581***
2024	***$240,000***	3.000%	$77,006	$317,006	***		$255,000	$20,775	$275,775	$275,775	***$41,231***
2025	***$255,000***	3.125%	$69,422	$324,422	***		$265,000	$18,175	$283,175	$283,175	***$41,247***
2026	***$265,000***	3.250%	$61,131	$326,131	***		$270,000	$15,500	$285,500	$285,500	***$40,631***
2027	***$275,000***	3.500%	$52,013	$327,013	***		$270,000	$12,800	$282,800	$282,800	***$44,213***
2028	***$290,000***	3.500%	$42,125	$332,125	***		$280,000	$10,050	$290,050	$290,050	***$42,075***
2029	***$300,000***	3.750%	$31,425	$331,425	***		$280,000	$7,250	$287,250	$287,250	***$44,175***
2030	***$315,000***	4.000%	$19,500	$334,500	***		$290,000	$4,400	$294,400	$294,400	***$40,100***
2031	***$330,000***	4.000%	$6,600	$336,600	***		$295,000	$1,475	$296,475	$296,475	***$40,125***
	$2,945,000		$632,016	$3,577,016	$215,000	$50,428	$2,700,000	$163,113	$2,863,113	$3,128,541	***$448,475***

Maturities callable 3/1/2021 or any date thereafter.

CALLABLE MATURITIES

*** *REFINANCED WITH 2021 ISSUE.*

LESS: TRANSFER FROM PRIOR D/S.......................	***($28,566)***
ROUNDING AMOUNT.......................	***$540***
POTENTIAL GROSS SAVINGS.......................	***$420,449***
(2) *POTENTIAL PRESENT VALUE SAVINGS $.......................*	***$396,056***
POTENTIAL PRESENT VALUE SAVINGS %.......................	***14.508%***

(1) This illustration represents a mathematical calculation of potential interest cost savings (cost), assuming hypothetical rates based on current rates for municipal bonds as of 11/17/20. Actual rates may vary. If actual rates are higher than those assumed, the interest cost savings would be lower. This illustration provides information and is not intended to be a recommendation, proposal or suggestion for a refinancing or otherwise to be considered as advice.

(2) Present value calculated using the All Inclusive Cost (AIC) of 1.04% as the discount rate.

Interest Rate Sensitivity

Change in Rates	Est. PV % Savings	Est. PV $ Savings
-0.30%	16.435%	$448,687
-0.20%	15.793%	$431,135
-0.10%	15.147%	$413,523
+0.10%	13.877%	$378,856
+0.20%	13.254%	$361,824
+0.30%	12.631%	$344,821

Robert W. Baird & Co. Incorporated ("Baird") is not recommending any action to you. Baird is not acting as an advisor to you and does not owe you a fiduciary duty pursuant to Section 15B of the Securities Exchange Act of 1934. Baird is acting for its own interests. You should discuss the information contained herein with any and all internal or external advisors and experts you deem appropriate before acting on the information. Baird seeks to serve as an underwriter (or placement agent) on a future transaction and not as a financial advisor or municipal advisor. The primary role of an underwriter (or placement agent) is to purchase, or arrange for the placement of, securities in an arm's length commercial transaction with the issuer, and it has financial and other interests that differ from those of the issuer. The information provided is for discussion purposes only, in seeking to serve as underwriter (or placement agent). See "Important Disclosures" contained herein.

Ozaukee County

HYPOTHETICAL BOND ISSUANCE TIMELINE

- Executive Committee discussion on financing considerations..Nov/Dec TBD, 2020
- County Board discussion on financing considerations..Dec/Jan TBD, 2020/21
- County Board considers Initial Borrowing Resolution..Jan/Feb TBD, 2021
  - Preparations are made for issuance
    - ✓ Board Resolutions
    - ✓ Official Statement
    - ✓ Bond Rating
    - ✓ Marketing
- County Board considers Award Resolution (finalizes terms and interest rate)......................................Feb TBD, 2021
- Closing (funds available)..Late February, 2021
- Payoff of 2011 Bondholders..March 1, 2021

RESOLUTION NO. 20-70

AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS (CDBG-CV) APPLICATION

WHEREAS, Federal monies are available under the community Development Block Grant (CDBG) program, administered by the Wisconsin Department of Administration (DOA) Division of Energy, Housing and Community Resources (DEHCR) for the purpose of the provision or improvement of public facilities (CDBG-CV); and

WHEREAS, a public meeting and due consideration by the Human Services Board will be held on February 23rd and that, upon their recommendation, an application be submitted to DOA for the following project: Emergency Homeless Shelter; and

WHEREAS, it is necessary for the Ozaukee County Board of Supervisors to approve the preparation and filing of an application for Ozaukee County to receive funds from this program; and

WHEREAS, the Ozaukee County Board of Supervisors has reviewed the need for the proposed projects and the benefits to be gained there from.

NOW, THEREFORE, BE IT RESOLVED, by the Ozaukee County Board of Supervisors does hereby approve and authorize the preparation and filing of an application for the above named projects, that the County Board Chairperson is hereby authorized to sign all necessary documents on behalf of Ozaukee County; and

FURTHER RESOLVED, that authority is granted to the Human Services Board to take the necessary steps to prepare and file the application for funds under this program in accordance with this resolution.

Dated at Port Washington, Wisconsin, this 3rd day of February 2021.

SUMMARY: Authorizing the submission of a Community Development Block Grant - Coronavirus (CDBG-CV) application.

VOTE REQUIRED: Majority

EXECUTIVE COMMITTEE

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: **February 1, 2021**
DEPARTMENT: **Administrator**
DIRECTOR: **Jason Dzwinel**
PREPARER: **Jason Wittek**

Agenda Summary Authorizing the Submission of a Community Development Block Grant-Coronavirus (CDBG-CV) Application

BACKGROUND INFORMATION: The Intent to Apply for Community Development Block Grant for Coronavirus (CDBG-CV) approved for submittal in November by the HHS Committee was reviewed by WI-DOA and we have been invited to submit a full application for review, and the requested $1,339,050 in funding have been set aside pending approval of the full application meeting the program requirements. This ITA was submitted as a partnership between Ozaukee County and Family Promise. The full application is due February 26th, and requires a public hearing and approval of the grant submittal by the County Board and the Human Services Board.

ANALYSIS: Ozaukee County in partnership with Family Promise of Ozaukee County, Inc. is seeking funds from CDBG-CV to develop a much-needed static site non-congregate emergency shelter in the community. The emergency shelter will meet an urgent need in the county for shelter services to single women, single men and families who are homeless.

Prior to COVID-19, the FPOZ Emergency Shelter program used congregations to provide four rooms for shelter and meals. The pandemic caused two issues. First, the churches closed leaving the organization with no place to shelter people overnight. Then number of phone calls increased dramatically from people seeking shelter. Because of COVID-19 the county was left with no shelter and an increased demand for service.

Family Promise responded by increasing capacity, making ten rooms available to households who were homeless. These rooms have been at capacity since April 1, 2020. Investing in the Ozaukee County Emergency Shelter project will increase pre-COVID capacity from four rooms to ten rooms and could expand service delivery demographics from only single women and families to potentially all household types, including single men.

The funds will be used to cover the cost of building acquisition, renovation work, and shelter operation. The estimated total cost of the project $ 1,339,050 and is projected to serve 50 Households (125 individuals) annually.

The county submitted the Intent to Apply on November 20 to support the development of the homeless shelter. The funds requested will support:

1. Building Acquisition/Renovation: $885,000

2. Operations: $300,000
3. Administration: $154,050

TOTAL CDBG-CV PROJECT BUDGET: $1,339,050

FISCAL IMPACT:

Balance Current Year: $1,339,050 Next Year's Estimated Cost:

FUNDING SOURCE:

County Levy: $0

Non-County Levy: $1,339,050

Indicate source: Community Development Block Grant-Coronavirus Application

RECOMMENDED MOTION: Approve

EXECUTIVE COMMITTEE

RESOLUTION NO. 20-62

AMENDING SECTIONS 2.02 (4)(E) AND 2.05 (2)(A)(E)(F) OF THE OZAUKEE COUNTY POLICY AND PROCEDURE MANUAL - COUNTY BOARD AGENDAS (REFERRED)

RESOLVED, by the Ozaukee County Board of Supervisors, that Section 2.02 (4)(e) and 2.05 (2)(a)(e)(f) of the Ozaukee County Policy and Procedure Manual be amended to read:

2.02 EXECUTIVE COMMITTEE

(4) The Executive Committee shall exercise the following powers and duties:

(e) Set the agenda for the ~~monthly County Board policy meeting~~ regular meeting held on the third Wednesday

2.05 COUNTY BOARD OF SUPERVISORS

(2) Meetings

(a) Organizational Meetings

3. Regular Meetings:

a. The County Board shall convene on the first and third Wednesday of each month at 9:00 A.M. for the purpose of transacting general business.

(1) The meeting scheduled for the third Wednesday shall ~~focus on the discussion of policy issues~~ primarily be for the purpose of receiving information.

(2) ~~The policy~~ Regular meetings may be cancelled at the discretion of the Chairperson when he or she determines there is insufficient business to conduct, it is unlikely that quorum will be obtained or for any other reason demonstrating that a meeting would be an unproductive use of time.

(e) Voting Procedures:

7. No subject matter shall be voted upon more than twice in the ~~Board year~~ session, unless by permission of a two-thirds vote of the Supervisors elect of the Board.

(f) County Board Agendas:

1. The Agenda shall be the responsibility of the Chairperson with the assistance of the County Administrator and County Clerk per s. 59.23(2)(a), Wis. Stats., and circulated to the County Board not less than 48 hours before each meeting.

~~1~~2. All agenda items shall be filed with the County Clerk at least 7 (seven) days prior, or as soon as practicable to each County Board meeting. ~~including:~~

~~a. Informational presentations for consideration under public comment~~

~~b.~~3. Ordinances~~,~~ and R~~r~~esolutions~~, and reports for consideration~~

a. Ordinances and resolutions must be reviewed by all applicable oversight committees before being placed on the agenda unless the Chairperson determines that County Board action on a matter is necessary and extraordinary circumstances exist which make it impossible to obtain committee review due to time constraints.

b. Any Supervisor may introduce a resolution on matters falling within the powers and privileges granted to the County or the performance of the legal duties charged upon the County by presenting such resolution to the Chairperson of the applicable standing committee or to the County Board Chairperson.

c. The County Board Chairperson shall refer all resolutions presented to him or her to the applicable standing committee within 20 calendar days.

d. If the standing committee does not consider a resolution within 60 days from the time it was presented or referred to it and the County Board Chairperson, in consultation with the Corporation Counsel and the County Administrator, agrees that the resolution falls within the powers and privileges granted to the County or the performance of the legal duties charged upon by the County, the Supervisor may file the resolution with the County Clerk for placement on the County Board agenda."

~~2. The County Board Chairperson or any Supervisor may file an item.~~

~~3~~4. The County Clerk shall compile from the information filed an agenda containing the business to be presented at the next meeting of the County Board.

~~4~~5. In emergency situations, the County Board agenda may be revised, to allow consideration of additional items, within twenty-four (24), hours of the posted date and time of the meeting. In no case, can the notice be less than two (2), hours before the meeting per Sec. 19.84(3), Wis. Stats.

Dated at Port Washington, Wisconsin this 2nd day of December 2020.

SUMMARY: Amending Section 2.02 (4)(e) and 2.05 (2)(a)(e)(f) of the Ozaukee County Policy and Procedure Manual.

VOTE REQUIRED: Majority

EXECUTIVE COMMITTEE

11/02/20	**Executive Committee**	**APPROVED**

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	D. Korinek, Supervisor District 13
SECONDER:	M. Wolf, 2nd Vice- Chairperson
AYES:	Schlenvogt, Melotik, Wolf, Korinek, Nelson
EXCUSED:	K. Geracie

01/04/21 **Executive Committee**

3:50 PM Corporation Counsel Gorden joined the meeting.

Mr. Dzwinel explained that Corporation Counsel Gorden worked with the Wisconsin Counties Association on a memo that was finalized this morning. It is a lengthy memo, so the staff recommendation is to bring this resolution back to the committee at the February 1, 2021 meeting.

The committee agreed with the staff recommendation; therefore, no action was taken.

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: **February 1, 2021**
DEPARTMENT: **Administrator**
DIRECTOR: **Jason Dzwinel**
PREPARER: **Julie Winkelhorst**

Agenda Summary Amending Sections 2.02 (4)(e) and 2.05 (2)(a)(e)(f) of the Ozaukee County Policy and Procedure Manual - County Board Agendas (Referred)

BACKGROUND INFORMATION: This resolution clarifies the process for placing items on the agenda for the County Board.

ANALYSIS: The previous policy stated that any Supervisor can place an item on "file." This policy was ambiguous and interpreted differently by staff and County Board Members. This policy allows any Supervisor to introduce an item and requires that it be assigned to the proper Standing Committee for review within 20 days. Standing Committee review is a critical step in the policy review process. If an item is time-sensitive a special Standing Committee meeting can be called with 24 hours' notice. It also allows a Supervisor to bring an item forward within 60 days if a Standing Committee does not consider an item.

FISCAL IMPACT: None

RECOMMENDED MOTION: Approve the resolution on placing items on the agenda.

ATTACHMENTS:

- CB Vote to Refer Back to Committee (PDF)
- Corp Counsel Memo 1.4.21 (PDF)

OZAUKEE COUNTY
FORWARD FOCUSED

VOTE RESULTS: Passed By Majority Vote

YES: 17 NO: 2 ABSTAIN: 0 ABSENT: 7

Winker		EXCUSED	Herro		YES
Haas		EXCUSED	Geracie	Motion	YES
Jobs		YES	Duecker		EXCUSED
Schlenvogt		YES	Irish		EXCUSED
Clark		YES	Wirth		EXCUSED
Nelson		YES	Ross		YES
Becker		YES	Marchese		YES
Larson		YES	Strom		YES
Grabow	Second	YES	Holyoke		YES
Melotik		NO	Henrichs		EXCUSED
Wolf		NO	Braverman		YES
Richart		YES	Read		YES
Korinek		EXCUSED	Minkel-Dumit		

OFFICE OF THE CORPORATION COUNSEL

Rhonda K. Gorden
Corporation Counsel

Rik Kluessendorf
Assistant Corporation Counsel

Date: January 4, 2021

To: Ozaukee County Executive Committee

From: Rhonda Gorden

Re: County Board Agendas

We are presently reviewing our procedure on County Board agendas. Our current policy provides that, “The County Board Chairperson or any Supervisor may file an item” on the agenda. s. 2.05(2)(g)2. Questions about what items should be allowed on the agenda, the process by which items are filed on the agenda and who should control what items are on the agenda have surfaced. This memo attempts to raise and address issues regarding the what, how and who of County Board agendas.

WHAT ITEMS MAY BE PLACED ON COUNTY BOARD AGENDAS?

The pertinent question is whether a proposed resolution relates to a matter over which the State legislature has delegated legislative power to counties? If this question is not confronted, the agenda may be bogged down with items the County Board has no authority to address.

This memo discusses the question generally. It is unlikely that a single rule could yield an answer to the question of what does or does not fall within legislative powers delegated to counties for every proposed resolution that may be offered.

The Wisconsin Constitution, Art. IV, sec. 22, provides that

> The legislature may confer upon the boards of supervisors of the several counties of the state such powers of a local, legislative and administrative character as they shall from time to time prescribe.

The Wisconsin Supreme Court has interpreted Art. IV, sec. 22 as follows:

> A county is a creature of the legislature and as such, it has only those

> powers that the legislature by statute provided. Wis. Const, art. IV, § 22. For more than a century, Wisconsin courts consistently have interpreted counties' powers as arising solely from the statutes[.]

Jackson County v. State, 2006 WI 96, ¶ 16, 293 Wis. 2d 497,717 N.W.2d 713.

The Wisconsin Supreme Court has also stated

> Because of its status as an arm of the state, a county cannot be heard to challenge or question the wisdom of its creator. See *Marshfield v. Cameron*, 24 Wis.2d 56, 63, 127 N.W.2d 809 (1964)[1], *McDougall v. Racine County*, 156 Wis. 663, 665-66, 146 N.W. 794 (1914)[2].

Brown County v. Dep't of HSS, 103 Wis. 2d 37, 307 N.W.2d 247 (1981).

The Wisconsin Attorney General has reiterated the limited nature of power delegated to counties by the Wisconsin Legislature, stating:

> The county board is one of limited powers. It possesses only such powers as are expressly given by statute or are necessary to the exercise of and therefore necessarily inferred from the expressed powers.

8 OAG 532 (1919).

There are numerous statutes delegating power to counties. Many of these statutes are contained in Chapter 59 but others are scattered throughout the Wisconsin Statutes.

Taking legislative action on matters not within our delegated powers can result in passing void legislation. A case from Calumet County presents an example of County Board action that was struck down under the doctrine of *ultra vires* (acting without legal authority). The dispute involved a wind energy ordinance passed by the Calumet County Board. A Wisconsin Court of Appeals determined that, "[t]he County thus exceeded its authority under Wis. Stats. § 66.0401 when it created its wind energy ordinance. We therefore hold the ordinance to be ultra vires." *Ecker Bros. v. Calumet County*, 2009 WI App 112, ¶25, 321 Wis.2d 51, 772 N.W.2d 240.

Not all improper resolutions are likely to be challenged in litigation as Calumet County's wind energy ordinance was. Regardless of the degree to which a particular resolution

---

[1] "Municipal corporations, being creatures of the state, are not permitted to censor or supervise the activities of their creator." *Id.*

[2] "In governmental matters the county is simply the arm of the state; the state may direct its action as it deems best, and the county cannot complain or refuse to obey. The arm is not to be heard to challenge the wisdom of the commands of the brain." *Id.*

invites legal repercussions, the language of cases like *Jackson*, *Marshfield* and *McDougall* inform counties that they are created to assist the State when called upon to do so. These cases also inform counties that they should not lash out at the State over policies that counties do not like.

The recent proposals circulating on County Board agendas statewide calling for a referendum or, in the alternative, a County Board resolution urging the State legislature to adopt a "fair" process for redistricting provide a good example for discussion of this issue. The proposals all related to a state issue over which legislative power has not been delegated to counties.

While a County Board decision to issue a referendum on matters outside of county delegated powers could readily invite a lawsuit, a mere resolution expressing the majority position of County Board members is unlikely to.[3] However, the fact that a lawsuit is unlikely to be filed is not support for an argument that a particular resolution is appropriate to place on the County Board agenda. The pertinent question of whether the matter falls within legislative power delegated to counties must still be answered. If the County possesses no delegated power over a particular matter, even a resolution that is limited to condemning the State is erroneous and in more extreme situations may be *ultra vires*.

Feedback from county boards on State legislative proposals that affect county entities is another matter. The State legislature has delegated to county boards the power to, "purchase membership in an association of county boards for the protection of county interests and the furtherance of better county government." § 59.52 (22), Wis. Stats.

The language "county interests" in § 59.52 (22) limits the association to addressing matters affecting counties. Through the Wisconsin Counties Association, counties have a channel for voicing concerns to the State or Federal government on matters that impact counties. Counties are political subdivisions of the State. See, e.g., § 66.0305 (1), Wis. Stats.

Considering again the redistricting referendum/resolution again, it does not relate to a matter impacting any county interest. There is no pecuniary or other interest affected. Consequently, there is no outlet, either through an association or through individual county boards county boards for proposing legislation on this issue.

HOW SHOULD ITEMS BE PLACED ON THE COUNTY BOARD AGENDA?

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[3] "it is a well–settled principle that the expenditure of corporate money for an unlawful purpose may be enjoined by a taxpayer suing on behalf of himself and all other taxpayers." *McDougal* citing *Webster v. Douglas County*, 102 Wis. 181, 77 N. W. 885, 78 N. W. 451, 72 Am. St. Rep. 870.

Given that it is not always easy to know what matters fall within or without counties' delegated powers, it is important to have procedures regarding how items arrive on the County Board. The Wisconsin County Official's Handbook states that

> Resolutions and ordinance amendments should proceed before a committee before going to the county board. The rules could authorize the chair or committee to refer a resolution to an appropriate standing committee, board, or commission. The matter's primary sponsor should be invited and allowed to speak at the committee meeting.

The County Board has limited ability on the Board floor to investigate resolutions and ordinances. For that reason, it is better procedure to require that resolutions initially be introduced at the committee level absent an emergency in which the County Board is required to take action, or it is highly desirable that action be taken, by a deadline which leaves no time for prior consideration by committee.

By having committees provide an initial review of proposed resolutions, issues can be ferreted out before a proposed resolution advances to the County Board for consideration. Committees can investigate whether a proposed resolution falls within the statutorily delegated powers of counties if the answer is not clear. For example, the committee could seek a legal opinion from the Corporation Counsel on whether a resolution proposal placed on its agenda falls within the powers delegated to counties.

The Wisconsin County Official's Handbook further states:

> The rules should define the process for placing resolutions and ordinance amendments on the agenda once the committee have acted.

After a resolution or ordinance has been subject to committee review, our practice has been to automatically place it on the County Board agenda if the committee has recommended passage. Resolutions receiving a negative vote have also been allowed to advance to the Board is requested by a supervisor. For additional reasons below, it is good practice to allow all resolutions to advance to the Board when requested.

WHO SHOULD DECIDE WHAT ITEMS MAY BE PLACED ON THE COUNTY BOARD AGENDA?

This question raises the issue of the extent to which the County Board may delegate the responsibility to choose what items are placed on the agenda. The Wisconsin statutes provide some guidance. The "powers of a county as a body corporate can only be exercised by the board, or in pursuance of a resolution adopted or ordinance enacted by the board." s. 59.02 (1), Wis. Stats. The

> board may, by resolution designating the purposes and prescribing the duties thereof and manner of reporting, authorize their chairperson to appoint before June 1 in any year committees from the members of the board, and the committees so appointed shall perform the duties and report as prescribed in the resolution.

s. 59.13 (1), Wis. Stats.

Regarding s. 59.13 (1), the Wisconsin Supreme Court has stated

> This section does not restrict the power of the committees appointed to making investigations and reporting recommendations. It does not undertake to define what power is conferred on committees. Whenever they are authorized to do an act, they must very properly report to the board what they have done.
>
> [s. 59.02 (1)] provides that the powers of a county as a body corporate can only be exercised by the county board or in pursuance of a resolution or ordinance by them adopted. This section contemplates that some powers of a county board may be exercised by a committee pursuant to resolution. No attempt is made to define the extent of this power of delegation.
>
> Some of the business of the county must be transacted by representatives of the board. There are, however, limitations on the power of the board to delegate even administrative functions, and the question presently before us is whether or not these limitations have been transgressed. Perhaps the cases even in this court are not entirely harmonious on the proposition.

First Savings & Trust Co. v. Milwaukee County, 158 Wis. 207, 148 N.W. 22, 29-30 (1914).

The Wisconsin Supreme Court previously applied [s. 59.02 (1)] to a case in which a county committee purchased a poor farm. *French v. Dunn Co.*, 58 Wis. 402, 17 N.W. 1 (1883). The specific issue raised was whether or not a committee's decision to purchase uncultivated land that required improvements as opposed to cultivated land was a decision properly made by the committee. Concluding that the committee's action was consistent with a proper delegation of responsibility to it by the County Board, the Court stated:

> The power to purchase the farm was exercised by the committee pursuant to a resolution adopted by the board. The action taken seems to conform to both the letter and spirit of the law in respect to the execution of corporate authority, unless there is something in the nature of the act to be performed

> which rendered it essential it should be executed by the entire board. There are, doubtless, powers vested in the county board which could not be delegated to any committee. Powers which are legislative in their character, which are confided to the judgment and discretion of the board itself, such as the levying of taxes, must be exercised under the immediate authority of the board. The counsel for the county says the purchase of a poor–farm involves the exercise of judgment and discretion in its selection. So it does, in a certain sense. So, as plaintiff's counsel suggests, does the purchase of a lock for the county jail, or suitable fuel for the county buildings, or the purchase of many other things which the county has to procure. But it has not been understood that it was necessary for the entire board to transact such business. The statute must have a reasonable interpretation, so as to make it practicable in the transaction of county business. The power to purchase a poor–farm can be as well exercised by a competent committee as by the whole body. Therefore, in the absence of any explicit provision of law showing that it was intended to intrust this duty to the county board alone, we think it might be exercised by a committee pursuant to a resolution by them adopted.

Id., at 2.

It is clear from case law cited above that there are reasonable limits on the ability of the County Board to delegate its responsibilities and that the County Board’s legislative power cannot be delegated. It is also clear that the limits of a County Board’s power to delegate matters to committees or representatives of the County is a determination that must be made situation by situation.

Any procedure adopted regarding the agendas should reflect that it is the County Board that legislates not an individual supervisor or committee. A procedure that enables an individual or committee to exercise ultimate discretion with respect to whether or not an item is placed on the agenda has the potential to thwart or otherwise interfere with power delegated by the State legislature to counties. Therefore, delegating the power to control what is allowed on the County Board agenda to the Chairperson or a committee should be viewed as an improper delegation of legislative power if the Chairperson or committee is viewed as the final arbiter on the matter.

Were the Chairperson erroneously to refuse to place an item on the County Board agenda that did fall within counties’ statutorily delegated powers, the result would be the same as the situation in which a resolution was considered but denied on its merits by the County Board. The critical difference is that the legislative outcome in the former situation was inappropriately determined by an individual supervisor and in the later properly determined by the County Board.

Delegating responsibility to a committee to investigate and make a recommendation as to whether or not the County Board has legislative power to address a matter is a viable alternative consistent with s. 59.13 (1), Wis. Stats. Delegation to committee for this purpose is similar to delegating a matter to committee for investigation and recommendation on the proposal's merits. The issue of whether an item is within a county's legislative powers is inherently part of any determination to recommend or not recommend a proposed resolution for County Board action. Committees may deter by a negative vote, but not prevent, a matter from being placed on the County Board agenda.

I discussed the agenda control issue with WCA's Deputy Director of Government Affairs, Sarah Diedrick-Kasdorf and WCA Counsel Andy Phillips. We discussed the fact that some counties do delegate the decision of what is placed on an agenda to the Chairperson or require that a certain number of supervisors sponsor an item before it may be placed on an agenda.

Attorney Phillips concurred that there is reason to be concerned about the Chairperson being the sole arbiter as to what items are placed on the agenda. Attorney Phillips notes that Chapter 59 does assign responsibility for the creation of county board agendas to county board chairpersons. The relevant language provides that county clerks shall, "under the direction of the county board chairperson or committee chairperson, create the agenda for board meetings." § 59.23 (2)(a), Wis. Stats.. See also, e.g., § 19.84 (1)(b), Wis. Stats. Attorney Phillips indicated that there are several counties that have a process in board rules to "override" a Chairperson's decision on the agenda.

Attorney Phillips advises under that, under Robert's Rules, any supervisor may make a motion to include a proposed resolution on an upcoming meeting agenda. The motion to add an item to a future agenda is subject to approval by majority vote. The Board could, to a rather limited extent, debate the propriety of placing the resolution on the agenda. (A discussion of the merits of the proposed resolution would not be allowable due to the lack of notice required under open meetings law.) A supervisor could make the subsidiary motion to commit or refer to committee for deeper consideration of the issue to avoid an open meetings violation. Attorney Phillips also advises that supervisors may force an item onto the agenda by calling a special meeting under 59.11 (2), Wis. Stats., or by adopting a local rule providing a process for adding items to the agenda that the Chairperson has rejected.

I also raised concern about having a procedure that requires a threshold number of supervisors to concur in placing a matter on the agenda may encourage walking quorums in violation of the open meetings law. Ms. Diedrick-Kasdorf and Attorney Phillips shared in the concern.

While WCA's viewpoint that the statutes do provide that control over agendas may be assigned to the board chairperson, I think that it is not a best practice. Requiring supervisors to make a motion to have an item rejected by the Chairperson placed on the

County Board agenda automatically causes delay due to the necessity of a supervisor having to make a motion during a meeting. Robert's Rules states that one of the presiding officer's "principal duties" is to "expedite business in every way compatible with the rights of members." *Id.*, at p. 450.

Another deficit in this procedure is that individual supervisors are placed in the uncomfortable position of having to challenge the Chairperson's decision not to place their proposed resolution on an agenda. Placed in such a circumstance, the supervisor may be motivated to discuss the matter with any number of other supervisors to garner support for the proposed resolution before making a motion to have it placed on an agenda. The same risk presented by a policy requiring a threshold number of supervisors to place an item on an agenda applies here - walking quorums.

A final weakness is that an individual supervisor may become discouraged and simply give up on the proposed resolution without other supervisors becoming aware of it. The foregone resolution may be an item that the supervisor's constituents have expressed an interest in. Legislation that may be proper and desirable might be derailed solely due to the extra time and struggle required of an individual supervisor to push the resolution forward.

Robert's Rules recognizes and addresses certain fundamental parliamentary principles, including

> a regard for the rights:
>
> - of the majority;
> - of the minority, especially a strong minority – greater than one third;
> - of individual members;
> - of absentees; and
> - of all these together.

While protecting these rights, Robert's recognizes that "it is the majority taking part in the assembly who decide the general will, but only following upon the opportunity for a deliberative process of full and free discussion. Only two-thirds or more of those present and voting may deny a minority or any member the right of such discussion." Robert's Rules of Order, *11th Edition*, Principles Underlying Parliamentary Law.

If resolutions are allowed to advance to the County Board agenda at the request of a single supervisor regardless of the Chairperson's approval (either forthwith or after the committee takes affirmative or negative action), there is a remedy available for the County Board to avoid taking action that may be *ultra vires* or otherwise improper. Any supervisor may make the parliamentary motion to postpone indefinitely, the purpose of which is to dispose of an improper resolution. Regarding the motion to postpone indefinitely, Robert's Rules states:

> *Postpone Indefinitely* is a motion that the assembly decline to take a position on the main question. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question. It is useful in disposing of a badly chosen main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

Robert's Rules of Order, *11th Edition*, p. 126.

The moving supervisor should specify that he or she does not believe the resolution falls within counties' delegated legislative powers. A motion to postpone indefinitely requires a second, is subject to debate (including on the merits of the underlying motion) and requires a majority vote. Robert's Rules of Order, *11th Edition*, p. 127. The motion to postpone indefinitely therefore presents an opportunity for the County Board to answer the question of whether the resolution or ordinance itself involves a matter over which the County Board has been delegated authority to legislate on.

CONCLUSION

The current policy providing that "any supervisor may file an item on the agenda" is consistent with the statutory delegation of county legislative power to County Boards, not individual supervisors or committees. However, the current policy does little to prevent items falling outside of County's delegated powers from being filed on the agenda.

Any amendment should continue to foster, in an efficient manner, the County Board's broad exercise of its delegated legislative powers while minimizing the likelihood of passing legislation on matters that fall outside these powers. The policy should balance the interests of members, individually and collectively, consistent with the fundamentals of parliamentary procedure. If we choose a procedure that delegates control to the County Board Chairperson to reject items he does not believe are proper for county board consideration, either before or after committee consideration, then we should provide a procedure for overriding the Chairperson's rejection of proposed resolutions.

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: **February 1, 2021**
DEPARTMENT: **Administrator**
DIRECTOR: **Jason Dzwinel**
PREPARER: **Jason Dzwinel**

Agenda Summary Legislative Support for Equity in Utility Tax Aid

Discussion for seeking Ozaukee County Board support for Wisconsin Counties Utility Tax Association 2021-2022 budget request. See attachments.

ATTACHMENTS:

- WCUTA goveversbudgetrequest 9.30.2020_ (PDF)
- LFB Memo 2011-2020 Utility Tax Collections and Utility Aid Payments 102020 (PDF)
- Ashland County 06-WCUTA Resolution Packet (PDF)
- Sheboygan County letter to Gov .December2020 (PDF)

WISCONSIN COUNTIES UTILITY TAX ASSOCIATION

25 West Main St. Floor 5 Suite 44 Madison, WI 53703

September 30, 2020

The Honorable Tony Evers
Governor of Wisconsin
115 East, State Capitol
Madison, WI 53703

Dear Governor Evers,

We write to you on behalf our respective organizations to ask that you **include a provision in your 2021-23 budget plan to provide for a fairer, more equitable return of utility tax collections to counties and municipalities as utility aid.**

Given the significant demands on local governments, it is timely to address the absence of **inflationary increases in utility aid formula components** that have contributed to stagnant utility aid payments. Specifically, a **thirteen-year inflationary index** (2005-2018) would generate $22.5 million more in utility aid payments (catch-up money from this revenue not being indexed for inflation). **Indexing formula components from 2018 onward**, would ensure that payments reflect the increased value of utility property. A memo from the Legislative Fiscal Bureau detailing this proposal is attached for your information.

By way of background, shared revenue utility aid payments help counties and municipalities pay for services provided to tax-exempt utility property. These payments-in-lieu of taxes are also viewed as partial compensation for the air pollution, noise, traffic congestion, property maintenance, emergency services and land use limitations caused by the presence of utility property.

We are concerned that the state has typically retained about eighty percent of utility tax collections for use as General Purpose Revenue (GPR), rather than return those dollars to counties and municipalities where the utilities are located. In 2019-20, the state collected $351.4 million in utility taxes, but only returned $75.6 million to local governments as utility aid.

Moreover, payments generated through the current utility aid formula aid formula have largely been stagnant, both as a percentage of tax collections and in the actual dollars distributed to counties and municipalities. Stagnant or declining aid results in a burdensome shift in taxes to owners of the remaining taxable property.

Please know that we are eager to answer any questions you may have or provide additional information. Please contact either Kyle Christiansen at christianson@wicounties.org or (608-663-7120) or Alice O'Connor at aoc@constituencyservices.org or (608-225-9391). We would welcome the opportunity to further discuss this with you.

Thank you for your consideration.

Sincerely,

William Goehring, WCUTA Board Chair , Sheboygan County Supervisor

Walt Christiansen, WCUTA Vice Chair, Jefferson County Supervisor

Robert Keeney, WCUTA Treasurer, Grant County Board Chairman

Kyle Christianson WCA Director of Government Affairs

M. Alice O'Connor, WCUTA Executive Director

Legislative Fiscal Bureau
One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: http://legis.wisconsin.gov/lfb

October 20, 2020

TO: Representative Samantha Kerkman
Room 315 North, State Capitol

FROM: Noga Ardon and Rory Tikalsky

SUBJECT: Historical Utility Tax Collections and Utility Aid Payments

At your request, the attachments provide a 10-year history of utility tax collections and utility aid payments. Attachment 1 shows general fund utility tax collections by utility type for fiscal years 2011 through 2020. Attachment 2 shows utility aid distributions by category and recipient type for tax years 2011 through 2020.

Utilities are exempt from local property taxes, and instead pay utility taxes to the state based on their revenue (gross revenue group) or property value (ad valorem group). In lieu of property tax revenue, utility aid payments are intended to compensate local governments for costs incurred in providing services to public utility properties. Utility aid is paid from a sum-sufficient shared revenue appropriation, funded largely from the state's general fund.

When utility tax collections are deposited in the general fund, they lose their identity, similar to other deposits in the general fund. Therefore, there is no direct relationship between utility tax collections and utility aid payments.

We hope this information is helpful. Please contact us if you have further questions.

NA/RT/lb
Attachments

ATTACHMENT 1

General Fund Utility Tax Collections, State Fiscal Years 2010-11 to 2019-20

Utility Tax Collections	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Gross Revenue										
Private Light, Heat & Power	$227,317,956	$231,579,943	$226,078,921	$232,346,764	$243,788,828	$226,050,354	$229,622,060	$235,390,222	$231,473,659	$225,411,443
Electric Cooperatives	11,554,215	11,164,359	11,275,756	12,089,088	12,231,394	11,747,206	12,045,639	12,464,443	13,353,310	12,751,922
Municipal Light, Heat & Power	3,190,053	3,028,528	3,168,833	3,354,663	3,298,395	3,488,001	2,895,443	3,065,119	2,695,090	2,728,904
Carline	169,256	179,379	182,945	192,812	201,331	159,649	139,082	215,521	269,226	205,187
Ad Valorem										
Telephone	67,021,928	80,976,003	67,340,379	72,198,849	81,943,205	76,473,827	70,782,883	63,590,942	67,196,991	66,173,269
Pipeline	27,108,062	33,673,847	28,396,076	35,463,868	34,994,107	37,315,661	39,726,880	45,530,841	44,884,404	44,513,183
Municipal Electric	4,862,817	5,170,611	4,992,202	5,170,115	5,161,878	4,946,854	4,934,603	4,802,240	4,713,552	4,444,548
Conservation & Regulation	118,961	132,779	129,121	148,513	184,769	214,998	209,447	218,389	331,432	268,319
Total	$341,343,247	$365,905,447	$341,564,233	$360,964,673	$381,803,908	$360,396,549	$360,356,037	$365,277,716	$364,917,663	$356,496,775
Annual Change		7.2%	-6.7%	5.7%	5.8%	-5.6%	0.0%	1.4%	-0.1%	-2.3%

ATTACHMENT 2

Utility Aid Payments, 2011-2020

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
Utility Aid										
9 Mill Formula & Nuclear Storage	$23,171,910	$25,362,861	$25,890,676	$25,474,838	$29,238,319	$26,412,621	$26,163,022	$30,747,648	$32,680,831	$35,130,267
Capacity Aid	32,766,333	34,271,933	35,171,933	35,189,933	35,026,533	35,597,133	35,465,833	35,363,933	34,123,133	34,146,853
Incentive Aid	7,349,400	9,175,800	9,175,800	9,352,200	9,424,080	9,413,880	9,375,880	9,405,280	9,553,680	9,520,280
Per Capita Limit, Old vs. New Law	-1,045,003	-1,025,200	-1,043,113	736,656	-931,413	1,534,615	1,335,061	-466,080	-705,901	-965,388
Total	$62,242,640	$67,785,394	$69,195,296	$70,753,627	$72,757,519	$72,958,249	$72,339,796	$75,050,781	$75,651,743	$77,832,012
Annual Change	4.9%	8.9%	2.1%	2.3%	2.8%	0.3%	-0.8%	3.7%	0.8%	2.9%
County Portion	$30,928,139	$32,993,165	$33,725,712	$34,426,993	$35,048,312	$35,171,959	$34,893,426	$36,191,975	$36,829,192	$37,739,630
Annual Change	5.6%	6.7%	2.2%	2.1%	1.8%	0.4%	-0.8%	3.7%	1.8%	2.5%
Municipal Portion	$32,250,062	$34,792,229	$35,469,584	$36,326,634	$37,709,208	$37,786,291	$37,446,370	$38,858,806	$38,822,551	$40,092,382
Annual Change	7.4%	7.9%	1.9%	2.4%	3.8%	0.2%	-0.9%	3.8%	-0.1%	3.3%

* September, 2020, Revised Estimates.

ASHLAND COUNTY County Board

AGENDA ITEM ROUTING SLIP (AIRS)

PROPOSED AGENDA ITEM TITLE: **Wisconsin County Utility tax assocaition WCUTA**

TIMELY FILED Yes ☑ No ☐

If No, justification

AGENDA DATE: 11/10/20 **DEPARTMENT:** Admin **TIME NEEDED:** 5 Minutes

RECOMMENDED AGENDA CATEGORY Regular Agenda

If this is a Presentation, who is doing the Presentation?

Clark Schroeder

CONTACT PERSON: Clark Schroeder **TODAY'S DATE:** 10/21/20

BRIEF BACKGROUND OR NOTE:

See memo

FILE(S) ATTACHED (List Here):

INSTRUCTIONS ONCE SIGNED:

☐ No Additional Activity Required

☑ File with County Clerk

☑ Send Printed Copy to: Name: WCUTA

Address: 25 West Main St. Floor 5 Suite 44

City: Madison State: WI Zip: 53703

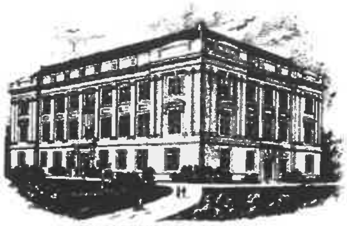
☐ E-mail a Digital Copy to:

☐ Other Phone:

Note: *Most signed documents are filed/recorded with the Clerk per standard process.*

Motion: Move to approve resolution R10-2020-1364

Updated: 09-2019



ASHLAND COUNTY COURTHOUSE

ASHLAND COUNTY ADMINISTRATOR

Ashland County Courthouse
201 W. Main Street, Room 102
Ashland, Wisconsin 54806-1652
715-682-7015

To: Finance committee

From: Clark Schroeder, County Administrator

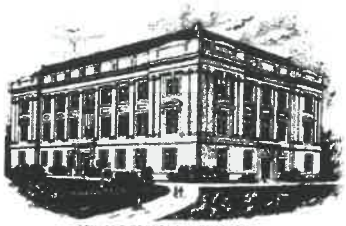
Date: 10/15/20

Concerning: WCUTA resolution

We are a member of the Wisconsin County Utility Tax Association. This is a group of counties which have power generating facilities in their county.
Public utilities are generally exempt from local property taxes and taxed instead by the state under Chapter 76 of the statutes. Utility shared revenue payments help municipalities and counties pay for the services they provide to tax-exempt utility property. The payments are also viewed as partial compensation for "disamenities" such as air pollution, noise, traffic congestion, and limitations on land use that are created by certain types of utility property.

The state has typically retained about eighty percent of utility tax collections for use as General Purpose Revenue (GPR), rather than return those dollars to counties and municipalities where the utilities are located. In 2019-20, the state collected $351.4 million in utility taxes, but only returned $75.6 million to local governments as utility aid. Moreover, payments generated through the current utility aid formula aid formula have largely been stagnant, both as a percentage of tax collections and in the actual dollars distributed to counties and municipalities. Stagnant or declining aid results in a burdensome shift in taxes to owners of the remaining taxable property.

Currently-reported utility company asset data is not accessible to state and local elected officials in a way that allows them to make determinations about current and future utility aid payments in lieu of local general property taxation. Importantly, utility aid is intended to cushion and spread the burden of the loss of revenue due to utility property being exempt from local taxation.



ASHLAND COUNTY ADMINISTRATOR

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Ashland, Wisconsin 54806-1652
715-682-7015

The provision of utility aid also helps counties and municipalities offset the cost of providing a variety of services that are required by state law, including emergency management services. The need for increased data transparency has become more apparent due to the fact that local taxpayers in counties and municipalities that rely on utility aid as payment in lieu of general property taxation are only receiving a small fraction of state utility tax collections. Moreover, stagnant or declining utility aid payments has resulted in a further burdensome shift in taxes to owners of the remaining taxable property. Utility aid payments are also at risk of decline due to other factors, including alterations in the energy use mix due to price changes and conservation efforts. In furtherance of the goal of carbon neutrality, Wisconsin is shifting away from electricity generated by fossil fuels in favor of things like solar and wind power. To provide for greater accountability and oversight of these shared revenue dollars, local government stakeholders, including the Wisconsin County Utility Tax Association, Wisconsin Utility Tax Association, Wisconsin Towns Association, and League of Wisconsin Municipalities are seeking legislation to require the Department of Revenue (DOR) to enhance the transparency of currently-reported utility company asset data. Access to utility tax collection and utility aid data will also allow elected officials to make better judgements about the utility aid distribution methodology, as well as anticipate changes in state aid due to other factors, such as alterations in the energy use mix.

The long and short of this agenda item is that we are asking the Governor's 2021-2023 budget to include an inflationary increase built into the utility aid formula. The attached WCUTA memo explains the ask and we are looking for the County Board to pass a resolution to reflect as such.

Motion

Move to recommend resolution to the full county board.

Regards

Clark Schroeder

RESOLUTION

RESOLUTION R11-2020-1364

A RESOLUTION IN SUPPORT OF STATE FUNDING FOR EQUITABLE RETURN OF UTILITY TAX COLLECTIONS TO COUNTIES AND MUNICIPALITIES AS UTILITY AID

WHEREAS, shared revenue utility aid payments help counties and municipalities pay for services provided to tax-exempt utility property, and

WHEREAS, These payments-in-lieu of taxes are also viewed as partial compensation for the air pollution, noise, traffic congestion, property maintenance, emergency services and land use limitations caused by the presence of utility property, and

WHEREAS, state has typically retained about eighty percent of utility tax collections for use as General Purpose Revenue (GPR), rather than return those dollars to counties and municipalities where the utilities are located.

WHEREAS, in 2019-20, the state collected $351.4 million in utility taxes, but only returned $75.6 million to local governments as utility aid, and

WHEREAS, moreover, payments generated through the current utility aid formula have largely been stagnant, both as a percentage of tax collections and in the actual dollars distributed to counties and municipalities. Stagnant or declining aid results in a burdensome shift in taxes to owners of the remaining taxable property.

THEREFORE BE IT RESOLVED, that the Ashland County Board of Supervisors hereby encourages the Governor's 2021-2023 budget to include a provision in your 2021-23 budget plan to provide for a fairer, more equitable return of utility tax collections to counties and municipalities as utility aid with an inflationary increase built into the utility aid formula.

Signed at the City of Ashland, Wisconsin on this 10th day of November, 2020.

____

Richard Pufall, County Board Chair

____

ATTEST: Heather Schutte, Ashland County Clerk

PASSED FAILED

SHEBOYGAN COUNTY

Vernon Koch
Chairman of the Board

Adam N. Payne
County Administrator

December 16, 2020

Senator LeMahieu
Representative Katsma
Representative Vorpagel
State Capitol, Madison, WI

Sent via email

Dear Senator LeMahieu, Representative Katsma, and Representative Vorpagel,

We respectfully request that you include a provision in your 2021-23 budget plan to provide a more equitable return of utility tax collections to counties and municipalities, and strive to enhance the transparency of currently-reported utility company asset data.

Given the significant demands for services on local governments, and current limitations on local control, it would be helpful to address the absence of inflationary increases in the utility aid formula. Unfortunately, there is a growing disparity between how much the State collects and retains, versus returns to the counties and municipalities where the utilities are located.

Tax-exempt utility companies make utility aid payments in lieu of local property taxes, which help counties and municipalities pay for services. These payments-in-lieu of taxes are also viewed as partial compensation for the air pollution, noise, traffic congestion, property maintenance, emergency services and land use limitations caused by the presence of utility property. The state is now retaining about 80% of utility tax collections for use as General Purpose Revenue, and in 2019-20, collected $351.4 million in utility taxes, but only returned $75.6 million to local governments as utility aid.

To make matters worse, payments generated through the current utility aid formula have largely been stagnant, both as a percentage of tax collections and in the actual dollars distributed to counties and municipalities. Stagnant or declining utility aid results in a burdensome shift in taxes to the shoulders of property taxpayers, which certainly is not fair, equitable, or what the vast majority of people want.

Finally, our Finance Director has been in discussions with the Department of Revenue and there appears to be an unintended shift in burden when a Utility Plant retires a unit versus closes their plant outright. Per section 79.04(5)(b) of the Wisconsin Statutes, a county is not eligible for utility aid when the retirement of one or more units occurs within a utility plant that is not going to be closed. Recently, Sheboygan County experienced a retirement of two units at the Edgewater Plant that reduced our County Utility Aid by $252,000 in 2019 and thereafter. The Edgewater Plant now has one remaining unit. When the Edgewater Plant ultimately closes, the

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Administration Building
508 New York Avenue - Room 311
Sheboygan, WI 53081-4126

www.sheboygancounty.com

Department of Revenue is taking the position that under Wis. Stats 79.04, only one of the three units will qualify for the five-year recovery provision. This may present an opportunity for some relief in support of local units of government as well.

Thank you for your ongoing efforts to support local governments, address inequities such as this, and help us hold the line on property taxes. We do not want to shift an increasing burden on the property taxpayer, but it is examples such as this, and unfunded State mandates, that contribute to the problem rather than the solution.

Thank you for your consideration.

Sincerely,

ON BEHALF OF THE SHEBOYGAN COUNTY EXECUTIVE & FINANCE COMMITTEE MEMBERS:

Vernon C Koch

Vernon C. Koch
County Board Chairperson

William C. Goehring

William C. Goehring
Finance Committee Chairperson

Cc: Adam Payne, County Administrator
Wendy Charnon, Finance Director
Alice O'Connor, WCUTA Executive Director
Kyle Christianson, WCA Director of Government Affairs

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: **February 1, 2021**
DEPARTMENT: **Administrator**
DIRECTOR: **Jason Dzwinel**
PREPARER: **Julie Winkelhorst**

Agenda Summary County Board Redistricting Update

ATTACHMENTS:

- 2020 Redistricting Handbook Posting (PDF)
- Alternative for Consideration (PDF)

COUNTY DECENNIAL REDISTRICTING HANDBOOK

2021 Redistricting Cycle

Wisconsin Counties Association
22 East Mifflin Street, Suite 900 ⬩ Madison, Wisconsin 53703
1.866.404.2700 ⬩ *www.wicounties.org*

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INTRODUCTION

The processes associated with reapportionment and redistricting are mandated by federal and state law. “Reapportionment” refers to the allocation of political seats among governmental units and traditionally refers to the allocation of congressional seats among the fifty states. “Redistricting” refers to the establishment of boundaries for political units such as state legislative and county districts.

Under Wisconsin statute 59.10, county governments in Wisconsin are required to redistrict following the federal decennial census (“decennial redistricting”). Section 59.10 also allows for redistricting one additional time in the period between decennial redistricting. Redistricting in this interim period will be referenced as “mid-term redistricting” throughout this handbook.

In order to meet the requirement of decennial redistricting and to understand the mechanics of mid-term redistricting, county officials need to have knowledge of the relevant legal, technical and procedural aspects of redistricting. This handbook provides a general overview of redistricting to assist county officials in this process.

The first chapter sets forth the statutory procedures for county redistricting in Wisconsin and includes a discussion of the creation of municipal wards within county districts as well as the rules governing mid-term redistricting. The second chapter discusses the creation of wards by municipalities and the interrelationship between ward creation and the county redistricting plan. The third chapter addresses legal issues surrounding redistricting with a particular emphasis on equal population and minority representation. The fourth chapter provides timelines and guidelines for counties in meeting the redistricting requirements. The final chapter provides a summary of the law as it relates to mid-term redistricting.

NOTE: This handbook is intended to be a general guide to understanding the county redistricting process and the statutes and legal principles that govern it. Before starting the redistricting process, county officials should review applicable state laws. The handbook is not intended as, and shall not constitute, legal advice. The Wisconsin Counties Association suggests that you seek guidance from the county corporation counsel regarding any legal questions you may have.

CHAPTER 1: PROCEDURE FOR DECENNIAL REDISTRICTING

REAPPORTIONMENT & REDISTRICTING

The United States Constitution requires a national census every ten years ("decennial census") and that the results of the census be used to reapportion representatives in Congress among the states according to population. The census and reapportion requirements are found in Article I, Section 2, Clause 3 of the Constitution, which states:

> *Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers…The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative…*

After reapportionment, each state must perform redistricting. Redistricting is the process of redrawing the lines of districts from which public officials are elected. Decennial redistricting takes place after each decennial census. As explained in more detail on page 21, redistricting may also occur after the decennial census ("mid-term redistricting") if the county board has decided to decrease the number of supervisors. The purpose of reapportionment and redistricting is to preserve the one person-one vote fairness principle.

BASIC PROCEDURE FOR DECENNIAL REDISTRICTING UNDER WIS. STAT. § 59.10(3)

Under Wis. Stat. § 59.10(3), counties begin the decennial redistricting process with a "clean slate." All existing district and ward lines are erased, and a county is able to draw new lines based on the results of the decennial census to reflect any population shifts. However, as indicated in the discussion below and in the legal issues section later, a county's ability to redistrict is governed by traditional concepts of redistricting, which include compactness, contiguity, and substantial equivalence of population.

The legislature has adopted a three-step procedure for the creation of county board districts following publication of the results of the decennial federal census. The procedure is set forth in Wis. Stat. § 59.10(3) and applies to all Wisconsin counties with the exception of Milwaukee County and Menominee County.

STEP 1: Adoption of a Tentative County Supervisory District Plan.

Under Wis. Stat. § 59.10(3)(b)1, each county board is required to do the following as part of the creation and adoption of a tentative county supervisory district plan. This must be completed within 60 days after the results of the federal census (including the publication of maps showing the location and numbering of census blocks[1]) become available from the federal government or are published by a state agency, but no later than July 1, 2021:

[1] Census blocks are uniquely numbered geographic areas used by the Census Bureau for basic demographic information, with boundaries determined by physical features or political borders. They are the smallest level of geography in which basic demographic information is available, including total population by age, sex, and race. They serve as the building blocks for all geographic areas in which the Census Bureau compiles data. They vary widely in population and physical size. Every physical location in the country is part of a census block. Census Bureau website, https://www.census.gov/newsroom/blogs/random-samplings/2011/07/what-are-census-blocks.html (accessed June 5, 2019).

(a) propose a tentative county supervisory district plan establishing the number of supervisory districts proposed by the board and tentative boundaries for each district;
(b) hold a public hearing on the proposed plan; and
(c) adopt a tentative plan.

Rules for Drawing Lines and Substantially Equal Population
Each proposed supervisory district is required to consist of whole wards or municipalities. The tentative plan must divide the county into a number of districts equal to the number of supervisors (no multi-member districts), and all districts must be *substantially equal* in population. Territory within each district must be contiguous, and whenever possible, a county must place whole contiguous[2] municipalities or contiguous parts of the same municipality (wards) within the same district.[3] If the board seeks to divide a municipality, the board is required to provide a written statement to the affected municipality with the tentative plan that specifies the approximate location of the territory from which a ward is to be created and the approximate population of the ward. Additionally, census blocks may not be divided unless the block is bisected by a municipal boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population.

Intergovernmental Cooperation
Counties are required by Wis. Stat. § 59.10(3)(b)1 to work with municipalities in connection with the creation of the tentative plan. The statute requires a county board to "solicit suggestions from municipalities concerning the development of an appropriate plan."

Finalization and Distribution
The tentative plan may be amended after the public hearing and prior to its finalization and adoption. Once adopted, the board is required to transmit the tentative plan to each municipal governing body in the county.

ANTICIPATED TIMELINE FOR STEP 1: April 2021 through May 2021

STEP 2: Creation of Wards/Adjustment of Ward Lines by Municipalities

Upon receipt of the tentative plan and written statement regarding the creation of a ward, if any, from a county, a municipality has 60 days to create wards or adjust its ward lines in accordance with the tentative county supervisory redistricting plan. A municipality is required to:

(a) make a good faith effort to accommodate the tentative plan for the county or counties in which it is located; and

(b) to divide itself into wards in a way that permits the creation of supervisory districts that conform to the population requirements of the tentative plan.

The municipal clerk is required to forward a copy of the ward plan to the county within five (5) days after the municipality has enacted or adopted an ordinance or resolution creating wards in accordance with the tentative supervisory redistricting plan.

ANTICIPATED TIMELINE FOR STEP 2: June 2021 through July 2021

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[2] "Contiguous," for county supervisory district purposes, includes territory connected by corners.

[3] There are two recognized exceptions to the contiguity requirement. In the case that one or more wards located within a city or village is wholly surrounded by another city or water or both, the wards may be combined with noncontiguous wards. Wards consisting of island territory (which is defined as territory surrounded by water, or noncontiguous territory which is separated by the territory of another municipality or water, or both, from the major part of the municipality to which it belongs), may be combined with noncontiguous wards of the same municipality.

STEP 3: Adoption of a Final County Supervisory District Plan

Public Hearing, Adoption, Numbering of Wards

A county board is required to hold a public hearing and to adopt a final supervisory district plan within 60 days after every municipality in the county adjusts its wards. The final plan must assign numbers to each district.

Contiguity Requirement

Territory within each supervisory district created by the plan must be contiguous, except that one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards. In addition, one or more wards consisting of island territory as defined in Wis. Stat. § 5.15(2)(f)3 may be combined with one or more noncontiguous wards within the same municipality, to form a supervisory district.

Submission to Secretary of State by County Board Chair

The county board chair is required to file a certified copy of the final supervisory districting plan with the Secretary of State. Once the plan is enacted and filed with the Secretary of State, including any authorized amendment that is also enacted and filed, the plan remains in effect until it is superseded by a subsequent plan enacted under Wis. Stat. § 59.10 and a certified copy of that plan is filed with the Secretary of State.

ANTICIPATED TIMELINE FOR STEP 3: August 2021 through September 2021

CHAPTER 2: CREATION OF WARDS

The second step of the decennial county supervisory redistricting process involves the creation of wards and/or adjustment of ward lines in accordance with the tentative county supervisory district plan. This process is instrumental to the ability of counties to implement and, ultimately, finalize county supervisory redistricting plans. The following is a summary and explanation of the process for creating wards, as well as the enforcement mechanisms available to counties to require the creation of wards if municipalities do not meet their statutory obligations.

WHAT ARE WARDS?

A "ward" means a town, village, or city subdivision created to facilitate election administration and establish election districts (aldermanic, supervisory, legislative, and congressional) that are substantially equal in population.

RULES GOVERNING THE CREATION OF WARDS

General Rules

With the exceptions outlined below, every city, village, and town in Wisconsin is required, through its common council or village or town board, to be divided into wards. The boundaries of and number assigned to each ward are intended to be as permanent as possible. Where possible and practicable, each ward is to consist of whole census blocks. Wards are to be kept compact and observe the community of interest of existing neighborhoods and other settlements. Wards are confined to a single municipality and may only be in one county supervisory board district.

Wards do not have to be equal in population. They are, however, subject to the population limits as set forth in Wis. Stat. §5.15(2)(b) which are included below:

- In any city in which the population is at least 150,000, each ward must contain not less than 1,000 nor more than 4,000 inhabitants.
- In any city in which the population is at least 39,000 but less than 150,000, each ward must contain not less than 800 nor more than 3,200 inhabitants.
- In any city, village, or town in which the population is at least 10,000 but less than 39,000, each ward must contain not less than 600 nor more than 2,100 inhabitants.
- In any city, village, or town in which the population is less than 10,000, each ward must contain not less than 300 nor more than 1,000 inhabitants.

The division of a municipality into wards is made by the common council, village board, or town board. Municipal wards are to be created by ordinance or resolution of the municipal governing body. The ordinance or resolution must number all wards in the municipality with unique whole numbers in consecutive order, designate the polling place for each ward, and describe the boundaries of each ward.[4]

Once established, the boundaries of each ward are required to remain unchanged until:

- A further decennial federal census of population indicates that the population of a ward is above or below the applicable population range; or
- The ward boundaries are required to be changed to permit creation of supervisory or aldermanic districts of substantially equal population or to enhance the participation of

[4] A list of all U.S. Census Bureau block numbers assigned to each ward, any partial blocks assigned to wards and a map with revised ward boundaries must be appended to the ordinance or resolution. The ordinance or resolution and the appended lists and maps must be filed with the county clerk of each county in which the municipality is located within five days after passage.

members of a racial or language minority group in the political process and their ability to elect representatives of their choice.

If the population of a ward increases above the maximum of its permitted population range or if the population of a ward must be decreased for one of the reasons immediately above, the ward must be divided into two or more wards in compliance with Wis. Stat. § 5.15(2)(b). If the population of a ward decreases below the minimum of its population range or if the population of a ward must be increased for one of the reasons immediately above, the ward must, if possible, be combined with an adjoining ward, or the underpopulated ward and one adjoining ward must be combined and together subdivided into two or more wards.

Notwithstanding the general rule regarding the creation of wards, no city electing its common council at large in which the total population is less than 1,000, and no village or town in which the total population is less than 1,000, is required to be divided into wards. However, any such city, village, or town may divide itself into wards if the creation of wards facilitates the administration of elections. Likewise, no village or town located in a county having only one town (Menominee County) is required to be divided into wards.

Creation of Wards Consistent with the Population Requirements of the Tentative County Supervisory District Plan

Every municipality is required to make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located. If a municipality is unable to accommodate the tentative plan, the municipality is nonetheless required to divide itself into wards in a way that creates municipal districts that are in accordance with the population requirements of the tentative plan.

Furthermore, if the legislature, in the process of redistricting legislative or congressional districts,[5] establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the municipality's ordinance or resolution, the municipal governing body must, no later than April 10 of the 2nd year following the year of the federal decennial census on which the act is based, amend the ordinance or resolution to the extent required to effect the act. The amended ordinance or resolution must designate the polling place for any ward that is created to affect the legislative act. However, counties or cities are not compelled to alter or redraw supervisory or aldermanic districts.

Aldermanic Districts

Aldermanic Districts are built using the same wards as county supervisory districts. Aldermanic districts have to be substantially equal in population. When a municipality creates its ward plan, it therefore not only has to accommodate the tentative plan for supervisory districts, but also has to allow for the creation of equal aldermanic districts.

COUNTY ENFORCEMENT OF MUNICIPAL DIVISION REQUIREMENTS

If a municipality does not divide itself into wards as required by statute, the county in which the municipality is located, or any elector of the municipality may petition the circuit court in which the municipality is located and submit a proposed ward division plan for the municipality. The plan must be submitted to the circuit court within 14 days following the expiration of the 60-day period in which the municipality has to adjust its wards following its receipt of a tentative supervisory district plan from a county following the decennial census.

If the circuit court finds that the existing division of the municipality does not comply with statutory requirements for redistricting, the circuit court will review the plan submitted by the petitioner and, after reasonable notice to the municipality, may adopt the plan or any other plan that complies with statutory requirements. The plan adopted by the circuit court is temporary and remains in effect until the municipality enacts or adopts a ward plan that complies with statutory requirements.

[5] Pursuant to article IV, section 3, of the constitution.

CHAPTER 3: LEGAL ISSUES IN REDISTRICTING

ONE PERSON, ONE VOTE IN COUNTY ELECTIONS

The "one person, one vote" requirement arises under the equal protection clause of the United States Constitution and requires that members of a local elected body be drawn from districts of *substantially equal* population.[6] Exact equality of population is not required.

PRINCIPLES OF ONE PERSON, ONE VOTE

Measuring Population Equality

"Substantially equal in population" is measured utilizing the following statistical methods:

1. *Ideal District Size*. Population equality is determined by calculating a district's deviation from ideal district size. Ideal district size is determined by dividing the total population by the number of seats involved. Deviation is determined by calculating the extent to which an actual district is larger (has a "+" deviation) or smaller (has a "-" deviation) than the ideal district size. For example, the 2000 census reveals that ABC County has a total of 100,000 people with 10 supervisors, one for each district. The ideal population for each district is calculated as follows:

   100,000 / 10 = 10,000 people per district

2. *Calculating Relative Deviation from Ideal District Size.* Relative deviation is used to determine whether the 10% deviation rule (discussed below) has been achieved. Relative deviation is calculated by dividing the population deviation from the ideal population by the ideal population and is expressed in terms of a percentage. For example, if there is a 500-person deviation from the ideal population of 10,000 people, the relative deviation is calculated as follows:

   500 (amount over ideal population) / 10,000 (ideal population) = .05 or 5%

3. *Overall Range.* Once the relative deviation is calculated for each individual district, the overall deviation range is determined. This statistic is calculated by determining the difference between districts with highest and lowest relative deviation. For example, if the highest and lowest deviations are +5% and –4% respectively, the overall range is 9%. Overall range is most commonly used in evaluating whether a district plan meets the one-person one, vote equal population standard.

Acceptable Deviation

1. *The 10% Rule.* The general rule that courts have applied in evaluating the constitutionality of redistricting is that districts should have a total population deviation of no more than 10% between the most populated district and the least populated district. Deviations below 10% in overall range are generally presumed to be constitutional. Deviations above 10% in overall range are presumed to be unconstitutional.

   Courts have made exceptions to the 10% rule where a local government can demonstrate that legitimate reasons exist for the deviation. As such, the 10% rule is not hard and fast and must be considered in the particular facts and circumstances facing a local government in redistricting.

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[6] States may rely on total population (not only registered or eligible voters) to satisfy the one person, one vote requirement when drawing districts. See *Evenwel v. Abbot*, 136 S.Ct. 1120 (2016).

However, a redistricting plan with a deviation of 16.5% is unconstitutional because it substantially deviates from the 10% range that is presumed to be constitutional.[7]

2. *Justifying Deviations Greater Than 10%.* A county can justify a deviation greater than 10% based on traditional redistricting concepts. These concepts include drawing districts that are compact and contiguous (all parts connected and touching), keeping political subdivisions intact, protecting incumbents, preserving the core of existing districts, and complying with the Voting Rights Act.

   In addressing acceptable deviations involving local government redistricting, the United States Supreme Court in *Abate v. Mundt*, 403 U.S., 182, 185 (1971) recognized that slightly greater deviations may be acceptable in the case of local governments due to their often-smaller size and specific circumstances:

   > *The facts that local legislative bodies frequently have fewer representatives than do their state and national counterparts and that some local legislative districts may have a much smaller population than do congressional and state legislative districts, lend support to the argument that slightly greater percentage deviations may be tolerable for local government apportionment schemes. Of course, this Court has never suggested that certain geographic areas or political interests are entitled to disproportionate representation. Rather, our statements have reflected the view that the particular circumstances and needs of a local community as a whole may sometimes justify departures from strict equality.*

In summary, the key for local officials to satisfy the one person, one vote standard is to develop supervisory district plans that keep the overall range below 10%. When district plans exceed this threshold, local officials should be prepared to justify the overall deviation by showing that the districts were created based on legitimate, consistently applied and nondiscriminatory redistricting policies.

MINORITY POPULATIONS AND CONSIDERATIONS OF RACE IN REDISTRICTING

Dilution and Methods of Dilution

Vote dilution, as opposed to vote denial, refers to the use of redistricting plans and other voting practices that unlawfully minimize or cancel out the voting strength of racial and other minorities. Three techniques frequently used to dilute minority voting strength are “fracturing,” “stacking,” and “packing.” Fracturing refers to fragmenting concentrations of minority population and dispersing them among other districts to ensure that all districts are majority white. Stacking refers to combining concentrations of minority population with greater concentrations of white population, again to ensure that districts are majority white. Packing refers to concentrating as many minorities as possible in as few districts as possible to minimize the number of majority-minority districts.

Section 2 of the Voting Rights Act: Prevention of Unlawful Voting Practices

1. *General Purpose.* Section 2 of the Voting Rights Act is designed to prevent dilution of voting strength of racial and other minorities through redistricting. Section 2 provides that a voting practice, such as redistricting, is unlawful if it “results” in discrimination, i.e., if, based on the totality of circumstances, it provides minorities with “less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” A court must look to the “totality of circumstances” in determining whether a voting rights violation of Section 2 has occurred. Factors to be considered include, but are not limited to, bloc voting, a history of discrimination, depressed levels of minority employment, income disparity, and a lack of minorities elected to office.

[7] *Connor v. Finch*, 431 U.S. 407, 416-418 (1977).

Section 2 does not create a right of proportional representation for minorities, i.e. a right to have members of a protected class elected in numbers equal to their proportion in the population. The ultimate question to be answered under a Section 2 challenge is whether the minority has been denied an equal opportunity to participate and elect candidates of his or her choice.

2. *Scope.* Section 2 of the Voting Rights Act can apply to any jurisdiction in any state. It enables a person filing suit to prove a violation of Section 2 if, as a result of the challenged practice or structure, plaintiffs did not have an equal opportunity to participate in the political process and to elect representatives of their choice.

When it was first enacted, the Voting Rights Act prohibited discrimination based on "race or color." In 1975, Congress extended the protection of the act to language minorities, defined as American Indians, Asian-Americans, Alaskan Natives, and persons of Spanish heritage. Consequently, under Section 2, a governing body may not create districts that result in the denial or abridgment of any U.S. citizen's right to vote on account of race, color, or status as a member of a language minority group.

3. *Establishing a Section 2 Violation.* In *Thornburg v. Gingles*, 478 U.S. 30, 44 (1986), the United States Supreme Court developed a three-part test that a minority group must meet in order to establish a vote dilution claim under Section 2 of the Voting Rights Act. The test requires that a minority group prove that (1) it is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) it is politically cohesive; and (3) in the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate. Stated another way, if these three conditions are present, the presumption is that a minority district must be established.

In creating a majority-minority district, the percentage of minorities required to provide minority voters with a fair chance to elect their candidate must be considered. In making this determination, information about differences between the majority and minority population regarding voter registration, past voter participation, and, especially, voting age population needs to be examined. The goal is to create a district with an effective voting majority of minority voters. There is no fixed percentage of minority population that translates into an effective voting majority in all cases. Rather, that percentage depends on the totality of circumstances. The percentage of minority voters assigned to a district must be based on empirical evidence rather than an arbitrarily applied formula. Also, those responsible for redistricting must follow the traditional redistricting principles of compactness, contiguity, and respect for political subdivisions. Lacking empirical evidence or focusing solely on creating a majority-minority district can result in a racial gerrymander– a district that is drawn solely or predominantly on account of race.

In order to satisfy the first factor, the minority must make up 50% plus 1 of the voting age population (VAP) in a district on the theory that only those of voting age have the potential to elect candidates of their choice within the meaning of Section 2. The Supreme Court affirmed this view in *Bartlett v. Strickland*, 129 S.Ct. 1231 (2009) by holding that: "Only when a geographically compact group of minority voters could form a majority in a single-member district has the first *Gingles* requirement been met."

With respect to the compactness element of the first factor, the Supreme Court has ruled that a district complies with Section 2 if it "is *reasonably* compact and regular, taking into account traditional redistricting principles such as maintaining communities of interest and traditional boundaries." Most courts have applied an "eyeball" test to determine compactness, i.e., if a district looks reasonably compact and is similar in shape to other districts drawn by the jurisdiction it is deemed compact within the meaning of Section 2 and the first *Gingles* factor.

In order to satisfy the cohesion factor, the Supreme Court held in *Gingles* that political cohesion can be shown by evidence "that a significant number of minority group members usually vote for the same candidates." Elsewhere in the opinion, the Court said that racial bloc voting and political cohesion could be established "where there is 'a consistent relationship between [the] race of the voter and the way in which the voter votes.'" Most courts have applied a common-sense rule that if a majority of minority voters vote for the same candidates a majority of the time, the minority is politically cohesive.

The third *Gingles* factor (whether white bloc voting is "legally significant") is satisfied if the majority votes sufficiently as a bloc to enable it "usually" to defeat the minority's preferred candidate. The fact that some minority candidates may have been elected does not foreclose a Section 2 claim. Instead, where a challenged scheme generally works to dilute the minority vote, it cannot be defended on the ground that it sporadically benefits minority voters.

Shaw v. Reno: Restricting Considerations of Race

The United States Supreme Court has placed strict limits on the manner in which race may be considered in redistricting. In *Shaw v. Reno*, 509 U.S. 630 (1993), the Court found that where racial considerations predominate in the redistricting process to the subordination of traditional non-race-based factors, the redistricting will be subject to a strict scrutiny test. The state or local government must demonstrate that race-based factors were used in furtherance of a compelling state interest, such as compliance with the Voting Rights Act and where the local government applied race-based factors in a "narrowly tailored" manner to achieve this interest.

Decisions following *Shaw* have established the following principles in redistricting: (1) race may considered as a factor along with other traditional factors; (2) race may not be considered as the predominant factor in redistricting to the detriment of traditional redistricting principles; (3) bizarrely shaped districts are not unconstitutional *per se* but may be evidence that race was the predominant consideration in redistricting; (4) if race is the predominant consideration in redistricting, it may be constitutional if it is "narrowly tailored" to address a compelling government interest, i.e., the redistricting will use race no more than as necessary to address the compelling government interest. In 2015, the U.S. Supreme Court reaffirmed these principles, and held that voters may present statewide evidence of discrimination to prove that an individual district was drawn in a racially discriminatory manner.[8] This means that voters may present evidence that a statewide discriminatory redistricting policy was applied to the specific district being challenged in court.

In light of *Shaw* and the cases that followed it, local governments should be careful to adopt and apply redistricting criteria that fairly consider race as well as traditional redistricting factors. These criteria should include:

- Using identifiable boundaries;
- Using whole voting precincts, where possible and feasible;
- Maintaining communities of interest;
- Basing the new plan on existing precincts;
- Adopting precincts of approximately equal size;
- Drawing precincts that are compact and contiguous;
- Keeping existing representatives in their precincts; and
- When considering race, narrowly tailoring to comply with the Voting Rights Act.

While the Supreme Court, in *Shaw v. Reno*, has limited the use of race in redistricting, it recognizes that race should not be excluded altogether. It remains impermissible for counties and other governmental entities to use redistricting to unlawfully minimize or cancel out minority voting interests. Rather, race should

[8] *Alabama Legislative Black Caucus v. Alabama*, 135 S. Ct. 1257 (2015).

have equal standing with traditional districting principles when legislators or other government officials develop district plans.

GERRYMANDERING

Gerrymandering is the process where the majority party draws an election district map with district boundary lines that give itself an unfair and undeserved numerical vote advantage during each election. This numerical advantage is obtained by maximizing the number of districts with a majority of voters from the majority party. Here, majority party refers to the party with a majority of seats in the state legislature, which usually but not always corresponds to the party that received the majority of total votes in the previous election. Exceptions are possible due to gerrymanders.

A gerrymandered redistricting map concentrates minority party voters into the fewest possible number of election districts (packing), distributes minority party voters among many districts so their vote will not influence the election outcome in any one district (vote dilution), and/or divides incumbent minority party legislator districts and constituents up among multiple new districts with a majority of majority party voters (fracturing). In some gerrymander cases, multiple minority party incumbents are forced to run against each other in the same district. Bizarre election district boundaries are drawn to connect distant disjointed areas with thin strips of land running through unpopulated areas such as industrial parks and cemeteries, down highways and railroad tracks, and through bodies of water such as rivers, lakes, and the ocean.

While racially gerrymandered districts and districts that violate the "one person, one vote" principle are unconstitutional, the Supreme Court held that partisan gerrymandering claims are not justiciable.[9] This means that opponents of districts gerrymandered for partisan purposes may not challenge them in court. Wisconsin's county board supervisors are elected in nonpartisan elections, so partisanship should not be an issue in drawing county board supervisor districts. However, critics of potential redistricting plans may refer to gerrymandering because the litigation has been controversial.

DETERMINATION OF COUNTY BOARD SIZE IN DECENNIAL REDISTRICTING

Related to the issue of equal representation is the issue of county board size. Wisconsin counties may increase or decrease the size of their boards during redistricting following the decennial census. Once a board determines its size, district lines can then be drawn in accordance with traditional redistricting principles, substantial equal population requirements, and minority and race considerations. Redistricting is the best time for county leaders to evaluate the size of their county boards since the number of seats in an electoral body are a key component in determining what each seat will look like.

The maximum number of county board supervisors any county may have is governed by statute. The classification plan establishing the maximum number of supervisors is detailed in Wis. Stat. § 59.10(3) as follows:

a. Counties having a population of less than 750,000 but at least 100,000: 47 supervisors.

b. Counties having a population of less than 100,000 but at least 50,000: 39 supervisors.

c. Counties having a population of less than 50,000 but at least 25,000: 31 supervisors.

d. Counties having a population of less than 25,000 and containing more than one town: 21 supervisors.

If the population of any county is within 2% of the minimum population for the next most populous grouping, the county board, in establishing supervisory districts may employ the maximum number for districts set for the next most populous group.

[9] *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019).

CHAPTER 4: GUIDELINES TO DECENNIAL REDISTRICTING

Redistricting is a complex process. The following guidelines will assist counties in moving forward with redistricting and in meeting their statutory obligation under Wis. Stat. § 59.10(3). Included are general time frames within which each step in the process should be completed.

STEP ONE: Determine the Board Size and Appoint a Redistricting Committee
February 2021 and March 2021

As part of the redistricting process, county boards need to determine the number of districts that will be incorporated in the redistricting plan that, by definition, will determine the size of the board (county boards are single member districts). If the board size is to remain the same, no action should be taken. If the board size is going to increase or decrease, the county board should adopt a resolution establishing the new number of districts and board size.

County boards must then decide who will be responsible for overseeing the process of drawing district lines. The whole board can work in this capacity, but it is more efficient to select a redistricting committee that is tasked with the responsibility of drawing district lines. There are no restrictions on who may serve on a redistricting committee. A committee may, therefore, include county board members, representatives of affected municipalities, and citizens. Considering the integral role that municipalities play in the redistricting process and the obligation of counties to solicit suggestions from municipalities in the development of the plan, it is beneficial to have one or more representatives from municipalities on the committee.

The redistricting committee is not responsible for actually drafting the redistricting plans. The actual drafting will be done by county staff or a qualified consultant retained by the county to draw the district lines. The redistricting committee is responsible for establishing the guidelines that will govern the redistricting process and reviewing and making alterations to draft plans prepared by the consultant or staff.

STEP TWO: Establish Guidelines for Redistricting
March 2021

The redistricting committee is responsible for establishing the principles that will guide the redistricting process. The primary focus of the consultant will be on establishing a redistricting plan that focuses on substantial equal, contiguous, and compact districts. The redistricting committee should determine the extent to which other traditional concepts of redistricting will be reflected in the plan including preservation of political subdivisions, communities of interest and cores of prior districts, protection of incumbent interests, and consideration of minority interests, when appropriate. Additional considerations include municipal ward size restrictions, development of aldermanic districts, and other municipal redistricting concerns. The redistricting committee will need to guide the consultant in the development of plans to ensure that the guidelines chosen by the redistricting committee will be reflected in the plan.

STEP THREE: Develop a Tentative Plan
April 2021 through May 2021

Following receipt of census information, counties need to proceed forward with the preparation of a tentative plan. As indicated above, counties have 60 days under statute to complete this process from receipt of the census information.

Suggested Timeline

The following is a general timeline to assist in moving forward with the process:

1. Test the 2011 county plan. Using the 2020 census data, test the existing county plan. It may be possible to use the existing county plan as the basis for the tentative plan.

2. Draft plan options (about two weeks).

3. Review and revise plan (about two weeks).

4. Select a tentative plan.

5. Solicit municipal input (for split municipalities).

6. Hold a public hearing (early May).

7. Adopt tentative plan (May county board meeting).

Tips for Developing a Tentative Plan

1. When developing the tentative county plan, try to create districts that use whole contiguous municipalities and whole contiguous parts of municipalities. To be contiguous, the municipalities and/or parts of municipalities must have a common boundary or corner.

2. In the event that municipalities need to be divided, try first to divide those municipalities that are required to otherwise divide themselves under law, i.e., those with populations over 1,000. Only divide smaller municipalities when it is absolutely necessary in order to create supervisory districts that comply with the principle of one person, one vote.

3. Whenever it becomes necessary to divide a municipality, the county must submit a request to the municipality in writing, stating the size of the required ward and location for contiguity purposes. The county plan should not impose ward lines. It should inform the municipality of the types of wards it needs for county supervisory district purposes. The county should work with the municipality to create wards that meet both the county and municipal needs.

4. Special efforts must be made when working with cities that elect the members of the common council from districts. In these cases, the wards must serve both the county supervisory district purposes and the aldermanic district purposes. Careful work and negotiation with municipalities is advisable in this process.

5. The ultimate goal of any county redistricting plan should be 0% deviation from the norm; however, only districts which are *substantially equal* in population are required. With advances in mapping and redistricting software and technology, deviations below 10% (and potentially significantly lower considering the circumstances) should be readily achievable.

6. Amend the plan following the public hearing to address any issues that warrant consideration.

STEP FOUR: Create Municipal Wards
June 2021 through July 2021

As indicated above, every municipality in a county is required to make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located. If a municipality is unable to accommodate the tentative plan, the municipality must still divide itself into wards in a way that creates county supervisory districts that are in accordance with the population requirements of the tentative plan.

STEP FIVE: Finalize and Adopt the Redistricting Plan
August 2021 through September 2021

The following is a timeline for completing the redistricting process following receipt of ward plans from municipalities:

1. Adjust the tentative plan to accommodate ward plan changes.
2. Hold a public hearing (August county board meeting).
3. Enact a final plan (September county board meeting).

STEP SIX: Effectiveness of the New Plan and Application to Elections

Any decennial redistricting plan takes effect on November 15, 2021 (following its enactment by the county board). The plan first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county.

CHAPTER 5: MID-TERM REDISTRICTING

Section 59.10(3)(cm) governs mid-term redistricting, i.e., changes made during the decade following the decennial redistricting. Importantly, the only action that may be taken mid-term is a reduction in board size and corresponding redrawing of district lines to reflect the reduced board size. There are also circumstances involving municipal boundary adjustments when a board may, or may be required to, adjust districts to reflect such things as annexation or incompatibility of wards with legislative or congressional districts. However, the board may not increase or reduce the number of districts in such cases. The traditional concepts of redistricting and legal concerns outlined in this handbook apply in creating mid-term districts.

REDUCTION IN BOARD SIZE

Procedure for Mid-Term Redistricting to Reduce Board Size: Initiation by the Board

1. *Timing and Procedure.* Under Wis. Stat. § 59.10(3)(cm), a county board may, any time after the enactment of the decennial supervisory district plan, decrease the number of supervisors. Following the adoption of a resolution to reduce the size of the board, the board is required to redistrict, readjust, and change the boundaries of supervisory districts, so that (1) the number of districts equals the number of supervisors; (2) the districts are substantially equal in population according to the most recent countywide federal census; (3) the districts are in as compact a form as possible; and (4) the districts consist of contiguous municipalities or contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board must adhere to statutory requirements with regard to contiguity and must, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In mid-term redistricting, the original numbers of the districts in their geographic outlines, to the extent possible, must be retained. Mid-term redistricting may be done once in between decennial redistricting.

2. *A Board May Not Mid-Term Redistrict if a Petition for Redistricting or Referendum for Mid-Term Redistricting is Pending.* A county board may not enact a mid-term redistricting plan during the review of a petition or referendum to decrease the size of the county board. However, if the electors of the county reject a change in the number of supervisory districts by referendum, the board may proceed with mid-term redistricting as outlined above.

Petition and Referendum to Reduce Board Size Mid-Term

1. *Timing.* The electors of a county may, by petition and referendum, decrease the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan. This means that the electors cannot initiate action to revise the board's decennial supervisory district plan until after the April 2022 elections, i.e., "the first election held following enactment of the supervisory district plan."

2. *Procedure*

   - Initial Petition A petition for a change in the number of supervisors may be filed with the county clerk. Prior to circulating a petition to decrease the number of supervisors in any county, the petitioner must register with the county clerk, giving the petitioner's name and address and indicating the petitioner's intent to file such a petition. No signature on a petition is valid unless the signature is obtained within the 60-day period following registration. The petition must specify the proposed number of supervisors to be elected.

- Alternate Petition Within 14 days after the last day for filing an original petition, any other petitioner may file an alternative petition with the county clerk proposing a different number of supervisors to be elected. If the petition is valid, the alternative proposed in the petition must be submitted for approval at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition.

- Petition Requirements Each petition must conform with the requirements of Wis. Stat. § 8.40 and must contain a number of signatures of electors of the county equal to at least 25% of the total votes cast in the county for the office of supervisor at the most recent spring election preceding the date of filing. The county clerk is responsible for determining the sufficiency of a petition.

- Referendum Once the county clerk determines that one or more petitions are sufficient, the county clerk must call a referendum concurrently with the next spring or general election in the county that is held not earlier than 70 days after the determination is made. If the referendum is approved by a majority of the electors voting on the referendum, the board must enact an ordinance prescribing revised boundaries for the supervisory districts in the county in accordance with the referendum. The districts created by the board are subject to the same requirements that apply to decennial redistricting. The county clerk must file a certified copy of any redistricting plan enacted under this subdivision with the Secretary of State.

Limitation on Mid-Term Redistricting to Reduce Board Size: Only Once a Decade
Under Wis. Stat. § 59.10(cm)(3), if the number of supervisors in a county is decreased by the board or by petition, no further action may be taken by the board or by petition until after enactment of the next decennial supervisory district plan by the board.

Mid-term Changes Due to Municipal Boundary Adjustments: No Changes in the Number of Supervisory Districts
After the enactment of a decennial supervisory plan, the board may amend the plan to reflect a municipal incorporation, annexation, detachment, or consolidation. The number of supervisory districts in the county may not be changed by any action under this paragraph.

On the other hand, a board must amend the county supervisory district plan to reflect any renumbering of the wards specified in the plan when a municipality enacts or adopts a revised division ordinance or resolution pursuant to Wis. Stat. § 5.15(4)(a)[10]. Such amendment must be made within 60 days after the enactment or adoption of the revised division ordinance.

In both of these scenarios, the districts under the amended plan must be substantially equal in population according to the most recent countywide federal census, as compact a form as possible, and consist of contiguous municipalities or contiguous whole wards in existence at the time at which the redistricting plan is adopted. The original numbers of the districts in their geographic outlines must be retained to the extent possible. An amended plan becomes effective on the first November 15 following its enactment.

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[10] Section 5.15(4)(a), Wis. Stats., provides, in relevant part that:

> If the legislature, in an act redistricting legislative districts under article IV, section 3, of the constitution, or in redistricting congressional districts, establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the ordinance or resolution of the municipality, the municipal governing body shall, no later than April 10 of the 2nd year following the year of the federal decennial census on which the act is based, amend the ordinance or resolution to the extent required to effect the act. The amended ordinance or resolution shall designate the polling place for any ward that is created to effect the legislative act. Nothing in this paragraph shall be construed to compel a county or city to alter or redraw supervisory or aldermanic districts.

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January 11, 2021

Chairman Schlenvogt
Executive Committee Members, Supervisors Melotic, Geracie, Korinek, Wolf and Nelson
County Administrator Dzwinel

Committee Structure, Committee Membership and County Board Size.

As the Executive Committee reviews the current size of the County Board, I offer an additional alternative for your consideration.

Alternative (CoV-C), Committee of Vice-Chairs

- Full Board – twenty-two members
- Standing Committees – five
- Standing Committee Membership - five members
- County Board Chair is not appointed to a Standing Committee.
- The Executive Committee is comprised of the County Board Chair and the five Standing Committee Chairs.
- The Finance Committee is chaired by the County Board Vice-Chair. The other four members of the Finance Committee are comprised of the Vice-Chairs of the other four Standing Committees.

Under this proposal:

1. The committee structure remains the same in both number of Standing Committees and number of members on each Standing Committee.
2. The administrative functions of the County such as Finance and Human Resource activities receive a multi-standing committee review.
3. The committee vice-chairs will gain knowledge and experience about the administrative functions of government.
4. This committee (Finance Committee), can become part of a succession plan for future leadership appointments.
5. Communications are strengthened between the Executive Committee, Finance Committee and the other four Standing Committees.
6. Pay scale adjustments for Committee Chairs and Vice-Chairs could be considered since both groups will be assigned to two committees.

Tom Richart

Tom Richart
County Supervisor, District 12

Cc: Supervisor Marchese