



AGENDA
OZAUKEE COUNTY BOARD
REGULAR MEETING
WEDNESDAY, MARCH 3, 2021 – 9:00 AM
ADMINISTRATION CENTER - ROOM A-204
121 W. MAIN STREET, PORT WASHINGTON, WI 53074

THE FOLLOWING BUSINESS WILL BE BEFORE THE COUNTY BOARD FOR INITIATION, DISCUSSION, CONSIDERATION, DELIBERATION AND POSSIBLE FORMAL ACTION:

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:

[County Board 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. PLEDGE OF ALLEGIANCE TO THE FLAG

3. APPROVAL OF MINUTES

February 3, 2021

4. PUBLIC COMMENT

Legislative Update

Chairperson's Proclamation

5. COMMUNICATIONS

6. CLAIMS

7. COUNTY ADMINISTRATOR'S REPORT

County Administrator's Report - March 2021

Redistricting Update

CDBG Grant for Homeless Shelter

Lasata Campus Master Facility Planning

Project Fund Update

COVID Vaccination Update

PRESENTATION: LONG TERM DEBT STRATEGY

8. NON-COMMENDATION RESOLUTIONS

RES.20-78: Increase of Revenue 2021 - Land & Water Management; Planning & Parks

RES.20-79: Supplemental Appropriation 2021 - Facilities Fairgrounds

RES.20-80: Carryover of 2020 Funds

RES.20-81: Supporting State Funding for Equitable Return of Utility Tax Collections to Counties and Municipalities as Utility Aid

RES.20-82: Support for Increased Funding for Aging and Disability Resource Centers

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)(Revised)

9. ORDINANCES

ORD.20-5: Shoreland and Floodplain Zoning Map Amendment - Town of Belgium, Section 6

10. COMMITTEE APPOINTMENTS/REAPPOINTMENTS

March 2021 Appointments/Reappointments

11. COMMITTEE REPORTS

12. ADJOURNMENT

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 2/26/2021 10:27 AM

Ozaukee County Board

AGENDA INFORMATION SHEET

AGENDA DATE:	March 3, 2021
DEPARTMENT:	County Clerk
DIRECTOR:	Julie Winkelhorst
PREPARER:	Julie Winkelhorst

Agenda Summary February 3, 2021

[<https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/ 02032021-2847>](https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/02032021-2847)



County Administrator's Report

March 3, 2021

FINANCE

- 2020 Sales Tax recieved \$9.3M, plus Miller Park overage of \$300,000. 2020 budget assumption was \$9.1M. Pandemic impact orginnally estimated 2020 collections to fall in the \$8.0M range.
- Committee approved carryovers.
- General Fund Surplus estimated to fall in the \$1.0M range.

Finance Committee

Data Updated today | Prorated Budget

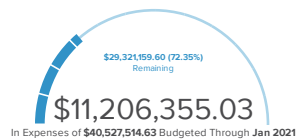


HUMAN SERVICES

- Lasata Care Campus no longer in outbreak status.
- Public hearing on Revolving Loan Fund CBDG Grant for Homeless Shelter held, one supportive public comment recieved.
- Discussed vaccine supply shortages.

Human Services

Data Updated today | Prorated Budget



NATURAL RESOURCES

- Approved 2021 Clean Sweep Grant.
- Approved purchase of golf carts and other capital purchases.

- Little Menomonee Project nearing completion, land transfer completed.
- Discussion of efforts to address recent bluff rescues at Lion's Den and tree vandalism. Effort to increase awareness of bluff danger. County is seeking repayment for tree damage.

Natural Resources

Data Updated today | Prorated Budget



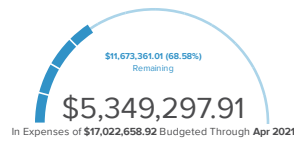
7.a

PUBLIC SAFETY

- Discussed filling of Paralegal position to support DA's Office electronic discovery efforts
- Approved upgrade to Jail fire service panel

Public Safety

Data Updated today | Prorated Budget

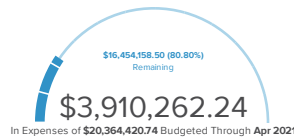


PUBLIC WORKS

- Discussed status of Express Bus Service
- Approved Facility Study for Waubeka Shop

Public Works

Data Updated today | Prorated Budget



RESOLUTION NO. 20-78

INCREASE OF REVENUE 2021 - LAND & WATER MANAGEMENT; PLANNING & PARKS

RESOLVED, by the Ozaukee County Board of Supervisors, that budgets be increased in the accounts as follows:

Department / Program

	<u>Account Number</u>	<u>Account Name</u>	<u>AMOUNT</u>	<u>AMOUNT</u>
<i>Land & Water Management</i>				
Expense	117-2-01-58180-000	Landowner Reimbursement	\$47,409	
Expense	117-2-01-53601-006	Supplies and Material - Nutr/Farmer Educ Grant	804	
Expense	117-2-01-58180-002	Landowner Reimbursement - DNR Grant	\$225,000	
Revenue	117-2-01-42375-004	St Aid - Conservation Aid - WDATCP - Landowner		\$47,409
Revenue	117-2-01-42375-006	St Aid - Nut/Farmer Educ Grant		804
Revenue	117-2-01-42375-001	St Aid - Conservation Aid - TRM		\$225,000
<i>Planning & Parks</i>				
Expense	221-1-01-51101-000	Regular Salaries and Wages	\$5,400	
Expense	221-1-01-54106-000	Professional Services	\$14,600	
Revenue	221-1-01-42110-000	Fed Aid - WCMP Coastal Resilience Virmond		\$20,000

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

SUMMARY: DATCP Soil and Water Resource Management Grant - \$47,409; Nutrient Management Farmer Education Grant - \$804; DNR Targeted Runoff Management Program Grant - \$225,000; and Wisconsin Coastal Management Program Coastal Resilience Grant - \$20,000.

VOTE REQUIRED: Two-Thirds of Members Elect

FINANCE COMMITTEE

02/25/21

Finance Committee APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	T. Winker, Supervisor District 1
SECONDER:	T. Richart, Vice-Chairperson
AYES:	Melotik, Richart, Larson, Strom, Winker

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: February 4, 2021
DEPARTMENT: Land and Water Management
DIRECTOR: Andy Holschbach
PREPARER: Andy Holschbach

Agenda Summary Increase of Revenue Budget Amendment for Unspent 2020 Funds*

BACKGROUND INFORMATION: This increase in revenue budget amendment includes unspent 2020 grant funds: \$47,409 of DATCP Soil and Water Resource Management Program Grant cost-share funds allocated to landowners for conservation practices to be installed in 2021, \$804 of unspent DATCP Nutrient Management Farmer Education Grant funds, and \$225,000 of unspent DNR Targeted Runoff Management Program Grant funds for a farm water quality improvement project.

ANALYSIS: Unspent DATCP & DNR funds included in 2020 Budget.

FISCAL IMPACT: \$273,213

FUNDING SOURCE:

County Levy: \$0

Non-County Levy: \$273,213

Indicate source: \$48,213 WI DATCP, \$225,000 WDNR

RECOMMENDED MOTION: To approve Increase in Revenue Budget Amendment totaling \$273,213

NATURAL RESOURCES COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]**Next: 2/25/2021 8:30 AM

MOVER: B. Ross, Supervisor District 19

SECONDER: R. Holyoke, Supervisor District 22

AYES: Korinek, Jobs, Holyoke, Minkel-Dumit, Ross, Hilgendorf

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: February 4, 2021
DEPARTMENT: Planning and Parks
DIRECTOR: Andrew Struck
PREPARER: Andrew Struck

Agenda Summary Increase of Revenue Budget Amendment for a Wisconsin Coastal Management Program Coastal Resiliency Grant for Surface Water, Stormwater, and Groundwater Drainage Studies at Virmond County Park

BACKGROUND INFORMATION: The Planning and Parks Department (Department) was awarded a 2019 grant from the Wisconsin Coastal Management Program (WCMP) Coastal Resilience grant program to support development of Master Plans for Virmond County Park, Lion's Den Gorge Nature Preserve, and the proposed Clay Bluffs Cedar Gorge Nature Preserve. Development and refinement of the Master Plans is ongoing, and surface water, stormwater, and groundwater drainage studies and analysis, particularly for Virmond County Park in relationship to wetlands, drainage patterns, existing and planned infrastructure (parking lot areas) and other facilities (public access stairway to Lake Michigan), is required as part of the original Master Plan scope. Discussions with WCMP staff have indicated that supplemental funding was available to support further development of these tasks for refinement of the Master Plan at Virmond County Park.

ANALYSIS: The original total WCMP grant award amount was \$25,000. The supplemental funding grant award amount is \$20,000 and requires a 50% match of the funding amount, which will be provided by in-kind Department staff time, travel, supplies and in-direct charges and in-kind support from the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The Natural Resources Committee unanimously approved the increase of revenue budget amendment for the WCMP grant at its May 2, 2019 meeting (Ayes: Rothstein, Jobs, Gall, Holyoke, Ross) and the County Board of Supervisors unanimously approved Resolution No. 19-6 for the increase in 2019 revenue at its June 5, 2019 meeting (Ayes - 23, Nays - 0, Absent - 3). This budget amendment is reflective of the supplemental \$20,000 increase in revenue.

FISCAL IMPACT:

Balance Current Year: NONE (Additional Revenue - \$20,000)

Next Year's Estimated Cost: NONE

FUNDING SOURCE:

County Levy:

Non-County Levy: X

Indicate source: In-kind SEWRPC support and in-kind Department staff time, travel, supplies

Attachment: Planning & Parks (RES:20-78 : INC REV)

RECOMMENDED MOTION: Approve and recommend to the Ozaukee County Board of Supervisors the budget amendment increase of revenue for the Wisconsin Coastal Management Program Coastal Resilience Grant for Surface Water, Stormwater, and Groundwater Drainage Studies at Virmond County Park.

NATURAL RESOURCES COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]Next: 2/25/2021 8:30 AM**

MOVER: N. Minkel-Dumit, Supervisor District 26

SECONDER: R. Holyoke, Supervisor District 22

AYES: Korinek, Jobs, Holyoke, Minkel-Dumit, Ross

RESOLUTION NO. 20-79

SUPPLEMENTAL APPROPRIATION 2021 - FACILITIES FAIRGROUNDS

RESOLVED, by the Ozaukee County Board of Supervisors, that funds be committed in the accounts as follows:

Department / Program

	<u>Account Number</u>	<u>Account Name</u>	<u>AMOUNT</u>	<u>AMOUNT</u>
<i>Facilities - Fairgrounds</i>				
Expense	220-1-01-54303-000	Building Repair & Maintenance	\$18,000	
Revenue	220-0-00-31690-000	Unassigned Balance		\$18,000

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

SUMMARY: Use of Fairgrounds Reserve to replace HVAC at the Ozaukee Pavilion.

VOTE REQUIRED: Two-Thirds of Members Elect

PUBLIC WORKS COMMITTEE
FINANCE COMMITTEE

02/18/21

Public Works Committee

APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Haas, Supervisor District 2
SECONDER:	T. Grabow, Vice-Chairperson
AYES:	M. Wolf, T. Grabow, J. Haas, P. Marchese
EXCUSED:	D. Henrichs

02/25/21

Finance Committee APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Strom, Supervisor District 21
SECONDER:	T. Richart, Vice-Chairperson
AYES:	Melotik, Richart, Larson, Strom, Winker

Public Works Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	March 3, 2021
DEPARTMENT:	Facilities Management
DIRECTOR:	Jon Edgren
PREPARER:	Jon Edgren

Agenda Summary Supplemental Appropriation 2021 - Facilities Fairgrounds

BACKGROUND INFORMATION: Last September, retired Building Superintendent Gerard Behlen approved replacement of the Pavilion HVAC on the Ozaukee County Fairgrounds following failure of two of the air conditioning units and the age of all of the HVAC equipment (+/-28 years). However, due to COVID and staffing changes, the project was never completed.

Building Superintendent Ryan Tackes is moving forward with the work at this time, but given the additional work occurring in 2021 rather than 2020, I submitted a Budget Amendment to document the additional funds necessary for the project in 2021.

ANALYSIS: As excess funds exist in the Fairground Reserves (+/- \$200,000) and following discussion with Finance Director Jay McMahon, we decided that it made sense to cover the costs with Fairgrounds Reserves in 2021 to better document the project and budget impact.

FISCAL IMPACT:

Balance Current Year: \$18,000 Next Year's Estimated Cost: --

FUNDING SOURCE:

County Levy: X (Fairground Reserves)

RECOMMENDED MOTION: Authorize the Fairgrounds 2021 Budget Amendment for the Pavilion HVAC Project.

RESOLUTION NO. 20-80

CARRYOVER OF 2020 FUNDS

RESOLVED, by the Ozaukee County Board of Supervisors, the following carry-over of funds from 2020 to 2021 be approved:

<u>DEPARTMENT</u> <u>NAME / Account</u> <u>Number</u>	<u>Account Name</u>	<u>Amount</u>	<u>Dept Total</u>
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GENERAL FUND

Coroner

108-1-01-61212-000	Moveable Equipment	\$20,940	
			\$20,940

Planning & Parks

Covered Bridge Park

115-1-03-55103-000	Highway - Grounds Maintenance	\$9,200	
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Interurban Recreation Trail

115-1-07-54501-000	Purchased Services - Construction	\$20,000	
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MeeKwon Park

115-1-09-54303-000	Building Repair & Maintenance	\$5,000	
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115-1-09-55103-000	Highway - Grounds Maintenance	5,000	
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Tendick Nature Park

115-1-12-62105-000	Building	\$30,000	
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Waubedonia Park

115-1-14-54304-000	Grounds Maintenance	\$5,000	
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Cedar Vineyard Park

115-1-15-63315-000	Land Improvements	\$200,000	
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Planning Administration

115-2-01-51103-000	Temporary Salaries	\$20,000	
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115-2-01-54106-000	Professional Services - SEWRPC	57,000	
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115-2-01-54505-000	Printing - Outside Vendor	8,000	
			\$359,200

Land & Water Management

117-2-01-58180-005	Landowner Reimbursement - Phosphorus - MDV	\$18,129	
			\$18,129

Total General Fund Carryovers:	\$398,269
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SPECIAL REVENUE FUNDS

Transit Services

211-1-01-61225-000 Vehicles

\$105,703

\$105,703

Total Carryovers in Other Fund Departments:
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\$105,703

Total Year End Carryovers

\$503,972

Dated at Port Washington, Wisconsin, the 3rd day of March 2021.

SUMMARY: Carryover of Funds from 2020 to 2021 - \$503,972.

VOTE REQUIRED: Two-Thirds of Members Elect

FINANCE COMMITTEE

02/25/21

Finance Committee APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	T. Richart, Vice-Chairperson
SECONDER:	T. Winker, Supervisor District 1
AYES:	Melotik, Richart, Larson, Strom, Winker

Carry over 2020 - 2021

Dept/Account	Description	Request	2020 Balance	Reason
General Fund				
Coroner				
108-1-01-61212-000	Moveable Equipment	\$ 20,940		To purchase a 4X4 van for Transporting in all weather conditions
Total Department Carry over:		\$ 20,940	\$ 34,680	Department's 2020 remaining balance
Planning & Parks				
Covered Bridge Park				
115-1-03-55103-000	Highway - Grounds Maintenance	\$ 9,200	\$ 11,284	Highway Dept Tree Removal on new parcel - Brookby/NFWF/Cedarburg Fndtn
Interurban Recreation Trail				
115-1-07-54501-000	Purchased Services - Construction	\$ 20,000	\$ 20,757	Existing E&D Contract and OIT Grant Construction Project - Port Washington
MeeKwon Park				
115-1-09-54303-000	Building Repair & Maintenance	\$ 5,000		Old Maintenance Bldg Garage Doors and Painting Contract
115-1-09-55103-000	Highway - Grounds Maintenance	\$ 5,000	\$ 10,451	Highway Dept Road Reconstruction and Stormwater Wetlands WDNR UNPSP Grant
Tendick Nature Park				
115-1-12-62105-000	Building	\$ 30,000	\$ 30,246	Contract - E&D and infrastructure for Maintenance building replacement
Waubedonia Park				
115-1-14-54304-000	Grounds Maintenance	\$ 5,000	\$ 5,124	Tree Planting Contract USFS Grant
Cedar Vineyard Park - Setting up same budget for 2018				
115-1-15-63315-000	Land Improvements	\$ 200,000	\$ 200,000	USFWS JV Grant - Property acquisition and improvements - Clay Bluff's Vineyard
Planning Administration				
115-2-01-51103-000	Temporary Salaries	\$ 20,000		Temp Salaries for committed match on existing grants (invasive, trees, FP)
115-2-01-54106-000	Professional Services - SEWRPC	\$ 57,000		SEWRPC Planning Assistance per MOU / Agreement - POSP & Comprehensive Plan
115-2-01-54505-000	Printing - Outside Vendor	\$ 8,000	\$ 133,151	WCMP Plan Grant - Technical & Public Reports, POSP & Comp Plan, OIT Trail Map
Total Department Carry over:		\$ 359,200	\$ 360,166	Department's 2020 remaining balance
Land and Water Management				
117-2-01-58180-005	Landowner Reimbursement - Phosphorus - MDV	\$ 18,129		WI Multi-Discharger Variance for Phosphorus Program Funds

Attachment: Carryovers 2020 Detail (RES.20-80 : Carryovers)

Dept/Account	Description	Request	2020 Balance	Reason	8.a
Total Department Carry over:		\$ 18,129	\$ 191,044	Department's 2020 remaining balance	
Total General Fund Carry overs:		\$ 398,269			

Special Revenue Funds

Transit Services

211-1-01-61225-000	Vehicles	\$ 105,703	\$ (3,352,058)	Vehicles Procurred in 2020 not available for production until 2021
Total 211 Fund Balance Carry over:		\$ 105,703	\$ 1,313,447	Department's 2020 Fund Balance

Attachment: Carryovers 2020 Detail (RES.20-80 : Carryovers)

RESOLUTION NO. 20-81

SUPPORTING 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, and

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.

NOW, THEREFORE, BE IT RESOLVED, by the Ozaukee County Board of Supervisors that the State Legislators consider an amendment to the State 2021-2023 budget to include a provision in 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; and

FURTHER RESOLVED, that the State of Wisconsin seek enhanced transparency in utility company asset data to clarify and enhance the analysis of the impacts of tax-exempt utility properties in Wisconsin municipalities; and

FURTHER RESOLVED, that the Ozaukee County Clerk shall send a copy of this resolution to all of the State of Wisconsin Legislators representing Ozaukee County.

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

SUMMARY: The resolution seeks an inflationary increase in utility aid payments to account for the increased costs to municipalities where tax-exempt utility property is sited.

VOTE REQUIRED: Majority

EXECUTIVE COMMITTEE

03/01/21

Executive Committee

APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	R. Nelson, Supervisor District 6
SECONDER:	K. Geracie, Supervisor District 15
AYES:	Schlenvogt, Melotik, Wolf, Geracie, Korinek, Nelson

Executive Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	March 3, 2021
DEPARTMENT:	Administrator
DIRECTOR:	Jason Dzwinel
PREPARER:	Jason Dzwinel

Agenda Summary Supporting State Funding for Equitable Return of Utility Tax Collections to Counties and Municipalities as Utility Aid

BACKGROUND INFORMATION: Ozaukee County 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 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

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 judgments 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

ANALYSIS: The resolution seeks an inflationary increase in utility aid payments to account for the increased costs to municipalities where tax-exempt utility property is sited.

FISCAL IMPACT: Any increase in utility aid would be allocated to the general fund for financing one-time projects or a reduction in debt levies.

RECOMMENDED MOTION: Staff respectfully requests that the committee approve the resolution seeking an increase in utility aid payments.

ATTACHMENTS:

- WCUTA goveversbudgetrequest 9.30.2020_ (PDF)
- LFB Memo 2011-2020 Utility Tax Collections and Utility Aid Payments 102020 (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	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>
<i>Gross Revenue</i>										
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
<i>Ad Valorem</i>										
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	<u>118,961</u>	<u>132,779</u>	<u>129,121</u>	<u>148,513</u>	<u>184,769</u>	<u>214,998</u>	<u>209,447</u>	<u>218,389</u>	<u>331,432</u>	<u>268,319</u>
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

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020*</u>
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	<u>-1,045,003</u>	<u>-1,025,200</u>	<u>-1,043,113</u>	<u>736,656</u>	<u>-931,413</u>	<u>1,534,615</u>	<u>1,335,061</u>	<u>-466,080</u>	<u>-705,901</u>	<u>-965,388</u>
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.

RESOLUTION NO. 20-82

SUPPORT FOR INCREASED FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS

WHEREAS, Aging and Disability Resource Centers (ADRC) are the first place to go to get accurate unbiased information on all aspects of life related to aging or living with a disability; and

WHEREAS, ADRC services include providing information and assistance, options and benefits counseling, coordinating short-term services, conducting functional screens, and enrollment processing and counseling; and

WHEREAS, in Wisconsin, there are currently 34 single-county ADRCs, 12 multi-county/tribal ADRCs, and seven tribal Aging and Disability Resource Specialists that work with an ADRC; and

WHEREAS, ADRCs serve the fastest growing demographic of our state's population; and

WHEREAS, the funding method for ADRCs has not been revised in more than a decade, and funding for ADRCs has not increased since 2006; and

WHEREAS, it has become evident that ADRC funding needs revision for a number of reasons, including:

- The current inequitable distribution of funding among ADRCs.
- The need to increase funding so that all ADRCs may effectively meet their mission, as outlined in the Scope of Services contract addendum; and

WHEREAS, the Office for Resource Center Development (ORCD) within the Department of Health Services (DHS) established a stakeholder advisory group in 2017 to discuss ADRC funding; and

WHEREAS, the stakeholder advisory group identified a number of issues with the current funding formula, such as:

- Dollars are distributed based on the date of ADRC establishment - older ADRCs (Generation One) receive more funding than ADRCs established at a later date (Generation Two and Three ADRCs);
- The current formula does not take into account elements associated with health and social inequity that require a greater need for ADRC services;
- The current formula does not adjust with need - Wisconsin's aging and disability populations continue to grow and are expected to grow significantly over the next 20 years;
- The current formula does not account for needed cost of living adjustments; and

WHEREAS, a significant state GPR investment is needed to implement the recommendations of the stakeholder advisory group; and

WHEREAS, such a significant state investment would provide consistency in ADRC

funding statewide, cover the services required and recommended in the Scope of Services contract addendum, and equalize services among ADRCs; and

WHEREAS, the work of the stakeholder advisory group complements the work of the Governor's Task Force on Caregiving.

NOW, THEREFORE, BE IT RESOLVED that the Ozaukee County Board of Supervisors does hereby support the following increases in the 2021-23 state biennial budget to ensure access to critical services provided by ADRCs to Wisconsin's aging and disability populations:

- Provide an additional \$27,410,000 GPR in funding to our state's ADRCs. It is important to note that the proposed change in the ADRC allocation methodology cannot occur unless the full \$27.4 million is allocated.
- Provide additional funding to expand/equalize ADRC services across the state:
 - Expand Dementia Care Specialist Funding Statewide: \$3,320,000
 - Fully Fund Elder Benefit Specialists Statewide: \$2,300,000
 - Expand Caregiver Support and Programs: \$3,600,000
 - Expand Health Promotion Services: \$6,000,000
 - Expand Care Transition Services: \$6,000,000
 - Fund Aging and Disability Resources in Tribes: \$1,180,000
 - Fully Fund Aging and Disability Resource Support Systems: \$2,650,000; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Tony Evers, DOA Secretary Joel Brennan, DHS Interim Secretary Karen Timberlake, the Wisconsin Counties Association and all area legislators.

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

SUMMARY: Support Increase Funding for Aging & Disability Resource Centers in the 2021-23 State Biennial Budget.

VOTE REQUIRED: Majority

HEALTH & HUMAN SERVICES COMMITTEE

02/23/21

Health and Human Services Committee

APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	D. Clark, Vice-Chairperson
SECONDER:	L. Herro, Supervisor District 14
AYES:	Geracie, Clark, Read, Herro, Irish

Health and Human Services Committee

AGENDA INFORMATION SHEET

AGENDA DATE:	March 3, 2021
DEPARTMENT:	Human Services
DIRECTOR:	Liza Drake
PREPARER:	Liza Drake

Agenda Summary Support for Increased Funding for Aging and Disability Resource Centers

The Office for Resource Center Development within the Department of Health Services established a stakeholder advisory group to begin the work necessary to revise the funding methodology for Aging and Disability Resource Centers (ADRCs). The group has determined the amount of funding needed to fully support ADRCs. The current funding formula does not account for all the required and recommended services contained in the Scope of Services and does not meet the needs of many ADRCs across the State of Wisconsin. While staffing costs have increased, the financial allocation of our ADRC contract has minimally changed since its inception within Ozaukee County more than 10 years ago. As our County ages, the needs of our elderly (and disabled) community members will only increase.

RECOMMENDED MOTION: The Department respectfully requests the Committee's support in increased funding for Aging and Disability Resource Centers.

ATTACHMENTS:

- ADRC Reinvestment (PDF)

AGING AND DISABILITY RESOURCE CENTER (ADRC) REINVESTMENT

Aging and Disability Resource Centers (ADRCs) are one-stop shops designed to provide services to individuals who need, or expect to need, long-term care services, as well as their families. ADRC services include providing information and assistance, benefits counseling, coordinating short-term services, conducting functional screens, and enrollment processing and counseling. There are currently 34 single-county ADRCs, 12 multi-county/tribal ADRCs, and seven tribal Aging and Disability Resource Specialists (ADRS) that work with an ADRC.

ADRCs serve the fastest growing demographic of our state's population; yet, the funding methodology for ADRCs has not been revised in more than a decade. The original funding methodology was based on several factors that were appropriate for the original ADRC pilots and the eventual expansion of ADRCs statewide. However, it is now evident that the funding methodology needs revision in order to create a more equitable distribution of funds across the state. It is also clear that additional funding is required to allow ADRCs to effectively meet their mission.

The Office for Resource Center Development (ORCD) within the Department of Health Services (DHS) established a stakeholder advisory group to begin the work necessary to revise the funding methodology for ADRCs. The group's mission shifted from reallocating existing GPR funding to determining the amount of funding needed to fully support ADRCs.

Multiple issues were identified and addressed by the stakeholder advisory group to develop a reliable, accurate, equitable, and flexible funding formula for ADRCs. These issues include:

- **Generational Differences:** Current funding for ADRCs differs based on date of establishment – Generation One, Generation Two, or Generation Three.
- **Health Equity:** The current funding formula does not address or take into account elements associated with health and social inequity that require a greater need for ADRC services – racial and ethnic minority status, income level, number of residents age 75 or older, rate of disability.
- **Projected Population Growth:** Wisconsin's aging (and disability) population continues to escalate. Understanding that this population will continue to grow over time, it is necessary to have a funding formula that adjusts with the aging and disability populations to ensure a continued equitable distribution of funds.
- **Cost of Living Adjustments:** ADRC contract allocations have remained flat despite increasing costs to operate.

ADRC Reinvestment
Page 2
September 2020

In order to implement the new ADRC allocation formula recommended by the stakeholder advisory group, an additional investment of state GPR funding - \$27.4 million – is needed.

The stakeholder advisory group also determined how much additional funding would be needed to add critical services to an ADRC's operational requirements – approximately \$25 million. This additional investment would equalize the services provided by ADRCs throughout the state.

CURRENT STATUS: The current funding allocation results in an inconsistent approach to funding the state-contracted services every ADRC is required to perform. The funding allocation also does not account for all of the required and recommended services contained in the Scope of Services; for example, the state funds services for some ADRCs, such as dementia care specialists, but not for others.

The stakeholder advisory group has completed its work and developed a funding methodology that not only updates formula factors but ensures greater equity in funding and services provided throughout the state.

REQUESTED ACTION:

- Provide an additional \$27,410,000 GPR in funding to our state's ADRCs. It is important to note that the change in the ADRC allocation methodology cannot occur unless the full \$27.4 million is allocated.
- Provide additional funding to expand/equalize ADRC services across the state:
 - Expand Dementia Care Specialist Funding Statewide: \$3,320,000
 - Fully Fund Elderly Benefit Specialists Statewide: \$2,300,000
 - Expand Caregiver Support and Programs: \$3,600,000
 - Expand Health Promotion Services: \$6,000,000
 - Expand Care Transition Services: \$6,000,000
 - Fund Aging and Disability Resources in Tribes: \$1,180,000
 - Fully Fund Aging and Disability Resource Support Systems: \$2,650,000

TALKING POINTS:

- The lack of adequate funding directly impacts the ability of ADRCs to assist individuals with disabilities and older adults equitably throughout the state.
- The total number of consumers served by ADRCs increased from 130,588 in 2016 to 141,692 in 2019, an 8.5% increase.
- The number of ADRC contacts increased 11.5% from 2016 to 2019 – from 512,413 to 571,424.

ADRC Reinvestment
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- ADRC funding must be increased to keep pace with the state's increasing aging population – in 2010, Wisconsin had 777,314 residents aged 65 and over; in 2040, this population is expected to grow to 1,535,365.
- The number of Wisconsin residents living with a disability is also expected to rise substantially by 2040.
- ADRCs are underfunded for the amount of work they are required to provide. ADRCs are required to enter into a grant agreement with the Wisconsin Department of Health Services, that includes a 78-page Scope of Services contract addendum, listing mandated and recommended services.
- In order to fully fund the current contract requirements (mandated and recommended services), ADRCs need approximately \$64,755,000 in GPR funding. This is based upon an all-funds need of \$104,500,000 that includes GPR funds, as well as a 38% federal Medicaid Administration drawdown average. An additional \$27.4 million GPR investment is needed to meet the \$64.7 million goal.
- The allocation for each ADRC has not increased since 2006.
- The current funding allocation for ADRCs is based on cost estimates that are more than 10 years out of date and treats ADRCs differently depending on when they began operations. ADRCs that have been open the longest are funded at a higher level than those that started at a later date.
- From FY11 to FY18, ADRC expenditures have risen from \$46.6 million to \$65.8 million.
- The additional \$25 million requested (expand/equalize ADRC services) would cover the costs to fully expand several programs that are not provided consistently statewide but are known to make a significant impact in people's lives.

Contact: Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs
608.663.7188
diedrick@wicounties.org

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)(REVISED)

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.

~~12.~~ 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 Resolutions, and reports for consideration~~

a. Any Supervisor may introduce a resolution on matters falling within the delegated legislative 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.

- b. 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.
- 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 referred to it, and the resolution falls within the delegated legislative powers and privileges granted to the County or the performance of the legal duties charged upon 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.

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

RESULT: **APPROVED [UNANIMOUS]**

MOVER: M. Wolf, 2nd Vice- Chairperson

SECONDER: P. Melotik, Vice-Chairperson

AYES: Schlenvogt, Melotik, Wolf, Geracie, Korinek

EXCUSED: Nelson

Ozaukee County Board
AGENDA INFORMATION SHEET

AGENDA DATE:	March 3, 2021
DEPARTMENT:	County Clerk
DIRECTOR:	Julie Winkelhorst
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)(Revised)

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 may file an item on the agenda.” This policy was ambiguous and interpreted differently by staff and County Board Members. The principal consideration that determines the appropriateness of any item that comes before the County Board for consideration is if the item falls within the delegated legislative powers provided to the county by the State of Wisconsin. Items that exceed a county’s legislative powers are improper. A legal analysis may sometimes be necessary to determine if a proposed resolution falls within the scope of the county’s delegated legislative powers.

The current policy does little to prevent items falling outside of County’s delegated powers from being filed on the agenda. Attached is a memo prepared by Corporation Counsel. The memo provides authority relevant to the subject of County Board agendas and raises issues for consideration when developing a County Board agenda policy. Corporation Counsel concludes that “Any amendment to Resolution 20-62 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.”

The memo advances the position that a best practice is to have committees vet proposed resolutions and ordinances before placing them on the County Board agenda. The memo also advances the position that members should be allowed to request proposals be placed on the County Board agenda even when a committee does not recommend it because delegated legislative powers are vested in the County Board and not any one individual or committee unless otherwise indicated by statute.

The proposed policy therefore continues to provide that any Supervisor may propose a resolution but would require that the proposed resolution be reviewed by the applicable standing committee before it advances to the County Board agenda. If an item is time-sensitive, a special Standing Committee meeting can be called with 24 hours’ notice.

The proposed policy also allows a Supervisor to bring an item forward within 60 days if the standing committee does not consider the item within that time period.

FISCAL IMPACT: None

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

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ATTACHMENTS:

- Corp Counsel Memo Re RES. 20-62 (PDF)


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?

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.” *McDougall* 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.

ORDINANCE NO. 20-5

SHORELAND AND FLOODPLAIN ZONING MAP AMENDMENT - TOWN OF BELGIUM,
SECTION 6

The Ozaukee County Board of Supervisors does ordain that the County Shoreland and Floodplain Zoning Map be amended in accordance with Section 7.1300 of the Ozaukee County Code of Ordinances to indicate a Zoning Classification Change from Floodplain to Non-floodplain in the Shoreland District.

Affecting the following described real estate: **Town of Belgium**, T12N-R23E in part of the NE 1/4 of SW 1/4 of Section 6. Pt. Lot 38, Lot 39, Pt. Lot 40, Sauk Trail Beach Subdivision

Tax Key # 02-055-0038.001 *Site address: 7062 Sauk Trail Beach Road*

This Ordinance shall take effect upon enactment and publication.

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

SUMMARY: Shoreland & Floodplain Zoning Map Change - Town of Belgium, Section 6.

VOTE REQUIRED: Majority

NATURAL RESOURCES COMMITTEE

02/04/21

Natural Resources Committee

APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	B. Ross, Supervisor District 19
SECONDER:	B. Jobs, Vice-Chairperson
AYES:	Korinek, Jobs, Holyoke, Minkel-Dumit, Ross

Natural Resources Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	March 3, 2021
DEPARTMENT:	Land and Water Management
DIRECTOR:	Andy Holschbach
PREPARER:	Andy Holschbach

Agenda Summary Shoreland and Floodplain Zoning Map Amendment - Town of Belgium, Section 6

BACKGROUND INFORMATION: Request by Timothy Hoelter Residuary Trust, Owners, and Brett Becker with Meridian Surveying LLC, as Agent, to petition the Natural Resources Committee for a Zoning Classification change from Floodplain to Non-floodplain in the Shoreland District, per Section 7.1300 of the Ozaukee County Shoreland & Floodplain Zoning Ordinance, to recognize the results of a certified survey indicating the 100-year Lake Michigan floodplain.

Affecting the following described real estate: **Town of Belgium**, T12N-R23E in part of the NE 1/4 of SW 1/4 of Section 6. Pt. Lot 38, Lot 39, Pt. Lot 40, Sauk Trail Beach Subdivision

Tax Key # 02-055-0038.001 *Site address: 7062 Sauk Trail Beach Road*

ANALYSIS: The Shoreland and Floodplain Zoning Map amendment is to reflect the 100-year Lake Michigan Floodplain (elevation 588.2') as a result of certified survey completed by Meridian Surveying LLC, January 8, 2021. Replacement mound system will be placed in the non-floodplain area.

Per Section 7.1300 of the County Shoreland and Floodplain Zoning Ordinance, any change to a floodplain boundary shown on a Shoreland and Floodplain Zoning Map requires County Board approval.

FISCAL IMPACT: N/A FUNDING SOURCE: N/A

RECOMMENDED MOTION: To approve the ordinance to amend the Shoreland & Floodplain Zoning Map to reflect the changes to Section 6, Town of Belgium

ATTACHMENTS:

- Hoelter Floodplain Rezoning (PDF)



LAND AND WATER MANAGEMENT DEPARTMENT

RECEIVED

JAN 19 2021

OZAUKEE COUNTY
LAND & WATER
MANAGEMENT DEPT

Andy Holschbach, Director

Edward J. Pfister, Sanitation & Zoning Coordinator

Jeffrey P. Bell, Land & Water Coordinator

www.co.ozaukee.wi

9.a

PETITION TO CHANGE ZONING CLASSIFICATION

TO THE OZAUKEE COUNTY NATURAL RESOURCES COMMITTEE:

Ladies & Gentleman:

The undersigned hereby petitions the Ozaukee County Natural Resource Committee to change the zoning classification of the following land in Ozaukee County, Wisconsin, from:

Floodplain
(Existing Zoning District)

to Non-floodplain
(Proposed Zoning District)

Owner:	Timothy Hoelter Residuary Trust
Telephone Number:	414-552-5022
E-Mail Address:	tkhoelter@gmail.com
Mailing Address:	2128 E. Lafayette Place
City, State, Zip:	Milwaukee, WI 53202
Project Address (if different than mailing address):	7062 Sauk Trail Beach Road

Agent:	Brett Becker, Meridian Surveying LLC
Telephone Number:	920-993-0881
E-Mail Address:	bbecker@meridian-wi.com
Mailing Address:	2020 Madison Street
City, State, Zip:	New Holstein, WI 53061

Tax Key Number: 02-055-0038.001

Legal Description (1/4/1/4, Section Township-Range, Municipality):

NE1/4-SW1/4, Section 6, T.12N. R.23E., Town of Belgium

Lot Number:	Block Number:	Subdivision Name or CSF#
Pt. Lot 38, Lot 39, Pt. Lot 40	--	Sauk Trail Beach Subdivision

Additional Information: The area labeled "REMOVAL OF LANDS FROM SFHA" on sheet 3 of 3 of included survey is applicable to be removed from the floodplain by rezoning per Section 7.1302 under item (b) – the property was above the regional flood elevation at the time of the effective date of the floodplain zoning map (mapped floodplain error). Note a Letter of Map Amendment (LOMA) was submitted to FEMA on January 8, 2021.

NOTICE TO PETITIONERS

The procedure to rezone/ amend the Ozaukee County Shoreland and Floodplain Zoning Ordinance must comply with the statute and administrative rule provisions described in Sections 7.1300-7.1305. The criteria that the board must consider to reach a decision on the petition are stated in the ordinance [Sections 7.1300 (comprehensive), 7.1302 (floodplain), and 7.1305 (shoreland-wetland)].

This petition (original only) and any support documents must be filed with the Ozaukee County Land & Water Management Department one month in advance of the applicable Natural Resources Committee meeting date. Required support documents include:

- (1) A survey clearly showing the boundaries (wetland/ floodplain) of any area to be rezoned, and
- (2) A written statement that addresses the criteria in ordinance Sections 7.1300-7.1305 as they relate to the proposed rezoning, if applicable (see descriptions on back page). **Application materials shall be limited to 8.50 x 11.00, 8.50 x 14.00, or 11.00 x 17.00 sheets. Petitions will be considered at the next available committee meeting.**

(continued on page 2)

121 W. Main Street, P. O. Box 994, Port Washington, WI 53074

Phone: (282) 284-8313 Metro: (282) 238-8313 Fax: (282) 284-8387 Metro Fax: (282) 238-8387

Packet Pg. 50

Attachment: Hoelter Floodplain Rezoning (ORD-20-5 : Zoning Map Amendment - LWM)

NOTICE TO PETITIONERS (continued)

Notice of a public hearing on the petition will be published as a Class II notice under CH. 985, Wisconsin Statutes. The applicant will be notified of the date, time, and location of the hearing. It is advisable for the applicant or an agent for the applicant to attend the hearing.

A rezoning application fee of \$330.00, payable to Ozaukee County, is due at the time the petition is filed.

Comprehensive Rezoning

Section 7.1300 - Applies to all areas within the shoreland zoning jurisdictional area except floodplain and wetland areas. Rezoning of floodplain or wetland areas are regulated under Sections 7.1302 & 7.1305 (see below).

Floodplain Rezoning

Section 7.1302 - Floodplain management regulations may only be removed by rezoning the area to remove it from the floodplain provided the property:

- (a) is filled to an elevation 2 feet above the regional flood elevation and is contiguous to lands outside the floodplain, or
- (b) was above the regional flood elevation at the time of the effective date of the floodplain zoning map (mapped floodplain error).

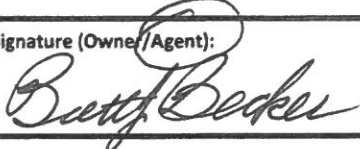
Shoreland-Wetland Rezoning

Section 7.1305 - A wetland, or portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity;
2. Preservation of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat;
7. Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

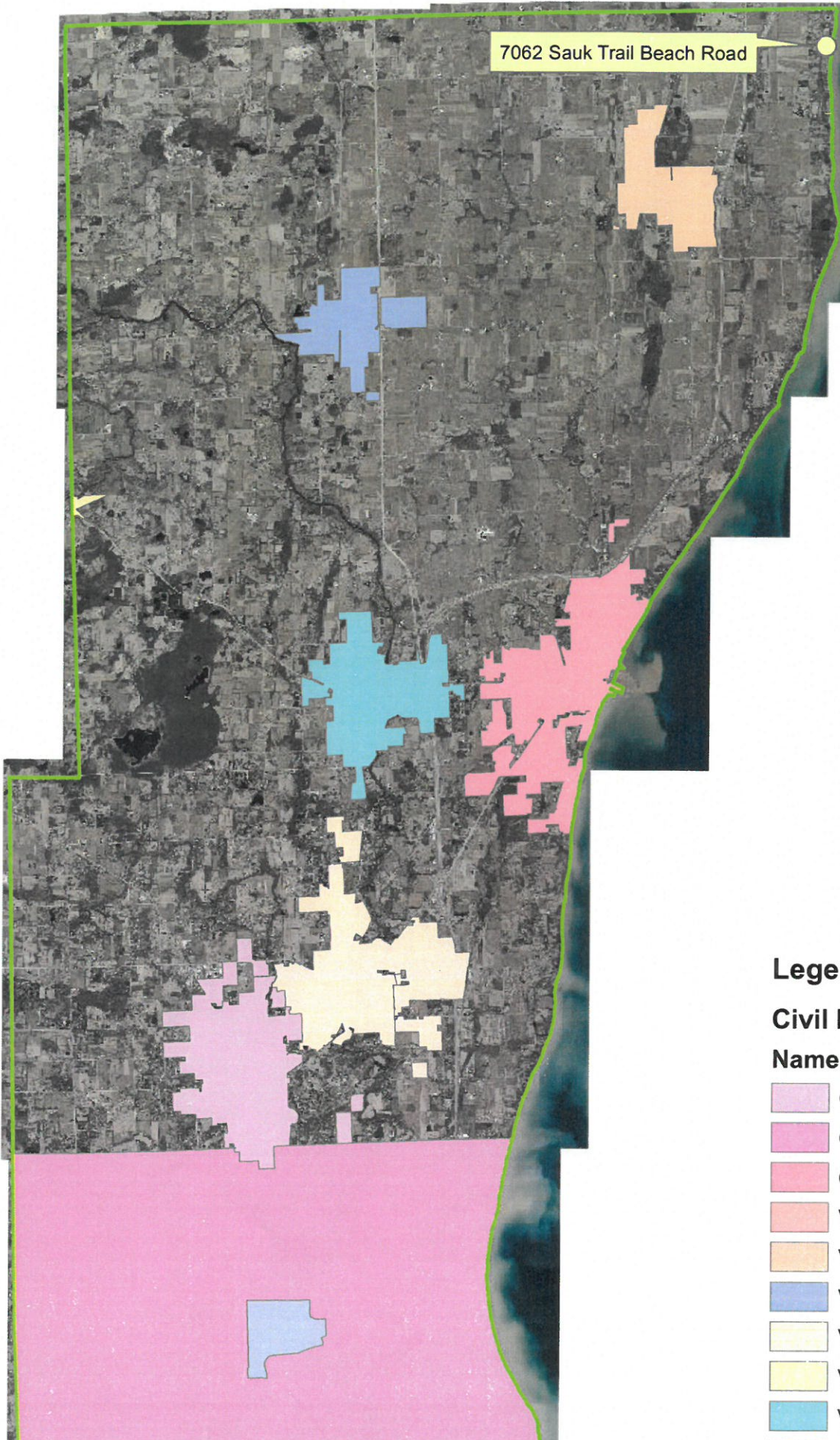
Section 7.1305(C) - If the Wisconsin Department of Natural Resources notifies the natural resources committee or county board that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed above, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board approval of this amendment is mailed to the DNR. During that 30-day period the department may notify the county board that it will adopt a superseding shoreland ordinance for the county under Section 59.692 (6), Wis. Stats. If the department does so notify the county board the effect of this amendment shall be stayed until the Section 59.692 (6) adoption procedure is completed or otherwise terminated."

Signature (Owner/Agent): 		Date: 1-8-21	Petition Fee: 330.00
			Petition Date: 1/19/21
(For Department use only)			Check / Receipt Number: 1379 / 16818
Date of NR Committee Approval:		Date of County Board Approval:	
Comments:			



7062 Sauk Trail Beach Road



Legend

Civil Divisions

Name

-  City of Cedarburg
-  City of Mequon
-  City of Port Washington
-  Village of Bayside
-  Village of Belgium
-  Village of Fredonia
-  Village of Grafton
-  Village of Newburg
-  Village of Saukville
-  Village of Thiensville

Existing floodplain mapping and actual/proposed floodplain (from survey)

7062 Sauk Trail Beach Road
Cedar Grove, WI 53013

9.a



Attachment: Hoelter Floodplain Rezoning (ORD.20-5 : Zoning Map Amendment - LWM)

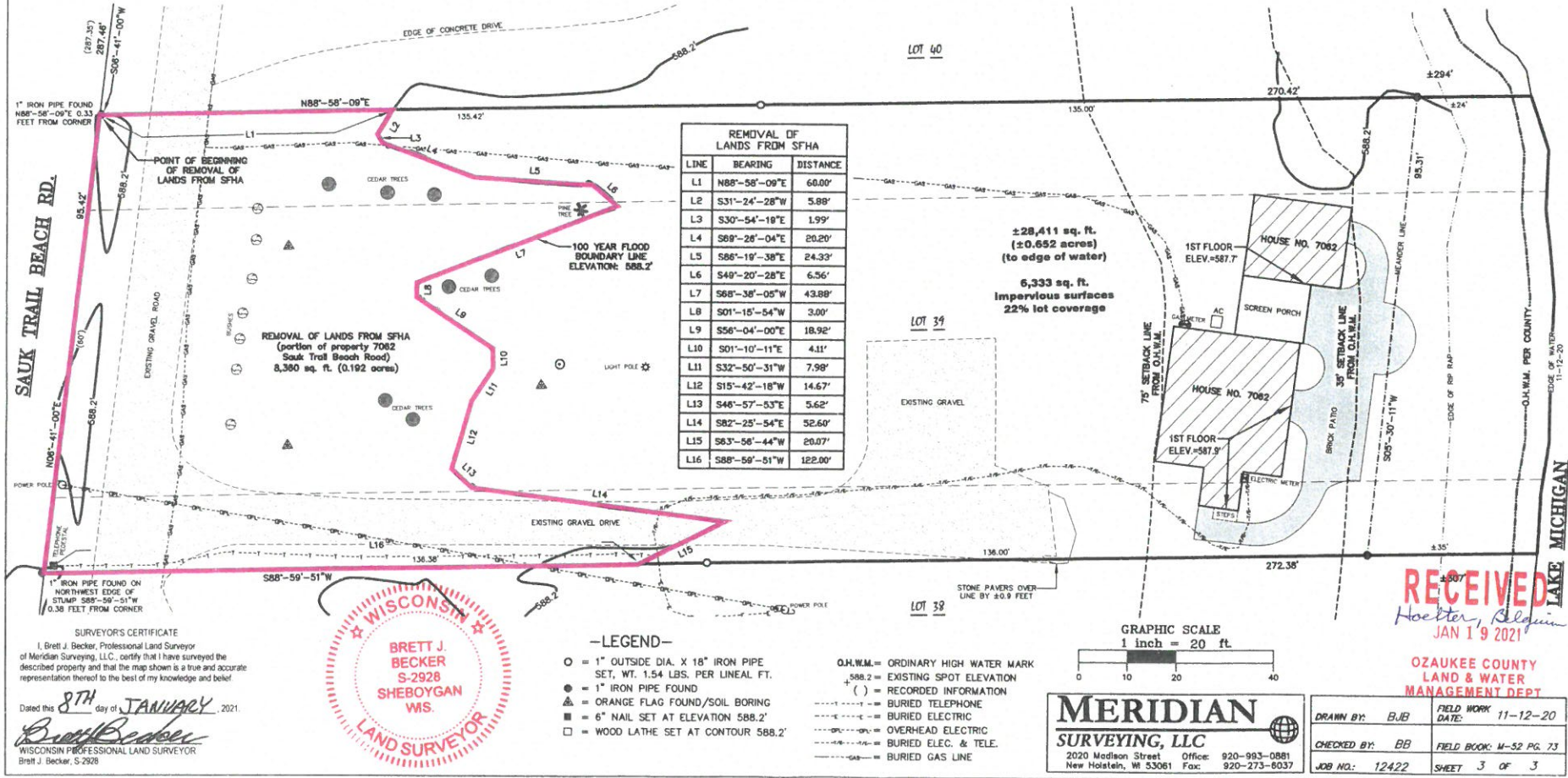
REMOVAL OF LANDS FROM SFHA
(portion of property 7062 Sauk Trail Beach Road)

Part of Lots Thirty-Eight (38), Thirty-Nine (39), and Forty (40), Sauk Trail Beach Subdivision, Section Six (6), Township Twelve (12) North, Range Twenty-Three (23) East, Town of Belgium, Ozaukee County, Wisconsin containing 8,360 square feet (0.192 acres) of land and being described by:

Commencing at the Northwest Corner of Lot Forty-Four (44) of said Sauk Trail Beach Subdivision; thence S06°-41'-00"W along the Westerly line of said Sauk Trail Beach Subdivision, a distance of 287.46 feet (recorded as 287.35 feet) to the point of beginning; thence N88°-58'-09"E 60.00 feet; thence S31°-24'-28"W 5.88 feet; thence S30°-54'-19"E 1.99 feet; thence S69°-26'-04"E 20.20 feet; thence S86°-19'-38"E 24.33 feet; thence S49°-20'-28"E 6.56 feet; thence S68°-38'-05"W 43.88 feet; thence S01°-15'-54"W 3.00 feet; thence S56°-04'-00"E 18.92 feet; thence S01°-10'-11"E 4.11 feet; thence S32°-50'-31"W 7.98 feet; thence S15°-42'-18"W 14.67 feet; thence S46°-57'-53"E 5.62 feet; thence S82°-25'-54"E 52.60 feet; thence S63°-56'-44"W 20.07 feet; thence S88°-59'-51"W 122.00 feet to the Westerly line of Sauk Trail Beach Subdivision; thence N06°-41'-00"E along said Westerly line, a distance of 95.42 feet to the point of beginning; being subject to any and all easements and restrictions of record.

PLAT OF SURVEY

THE SOUTH TWENTY (20) FEET OF LOT FORTY (40), ALL OF LOT THIRTY-NINE (39), AND THE NORTH FIFTEEN (15) FEET OF LOT THIRTY-EIGHT (38), SAUK TRAIL BEACH SUBDIVISION, SECTION SIX (6), T.12N., R.23E., TOWN OF BELGIUM, OZAUKEE COUNTY, WISCONSIN



Ozaukee County Board

AGENDA INFORMATION SHEET

AGENDA DATE: March 3, 2021
DEPARTMENT: Administrator
DIRECTOR: Jason Dzwinel
PREPARER: Julie Winkelhorst

Agenda Summary March 2021 Appointments/Reappointments

MONARCH LIBRARY SYSTEM BOARD OF TRUSTEES

Public Library Board Member

Appoint Wendy Sprenger to replace Alex Olson Term expires December 31, 2022

LOCAL EMERGENCY PLANNING COMMITTEE

Appoint Tyler Weber to replace Kirsten Johnson

VILLAGE OF FREDONIA JOINT REVIEW BOARD

Appoint Joshua Haas

ATTACHMENTS:

- Wendy Sprenger Resume (PDF)

Print**Citizen Involvement Application Form - Submission #7600****Date Submitted: 3/21/2019****Boards of Interest (Choose 3)***

- | | |
|--|--|
| ☐ Aging & Disability Resource Board | ☐ Vocal Emergency Planning Committee |
| ☐ Board of Adjustment | ☐ Veterans Service Commission |
| ☐ County Board Vacancy | ☐ Land Preservation Board |
| ☐ County Traffic Safety Commission | ☐ Library Board |
| ☒ Monarch Library System Board | ☐ W-O-W Consortium W-2 Community Steering Committee |
| ☐ Health & Human Services Board | ☐ W-O-W Workforce Development |

First Name*

Wendy

Last Name*

Sprenger

Address*

N82W6754 Fair Street

City*

Cedarburg

State*

WI

Zip*

53012

Background Information

As a High School English teacher, I believe being a part of a library board to facilitate the idea of libraries remaining relevant, accessible, and timely is an important service. Encouraging people, including young adults, to be educated consumers of information is imperative.

Why would you like to be appointed to the committee or board you are applying for?

Attachment: Wendy Sprenger Resume (6855 : March 2021 Appointments)

I am in my 30th year of teaching English and have taught at the secondary and post secondary level. Research is one of my areas of focus.

What related experience / education / interests do you have that would be beneficial for the board or committee that you would like to serve on?

I have served as the chairperson of the Cedarburg Pool Commission. I represent the Grafton School District on the Grafton Library Board, served on the Cedarburg Reads Committee, and have served on various committees at the University level.

List the community or other activities which you have participated in.

Job Information

Occupation*

High School English Teacher

Current Employer*

Grafton School District

Additional Information

File Upload

Choose File

No file chosen

Use this areas to upload additional files or information

Attachment: Wendy Sprenger Resume (6855 : March 2021 Appointments)