



AGENDA
OZAUKEE COUNTY BOARD
REGULAR MEETING
WEDNESDAY, JUNE 1, 2022 – 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

May 4 & 18, 2022

4. PUBLIC COMMENT

Legislative Update

Chairperson's Proclamation

5. COMMUNICATIONS

6. CLAIMS

7. REPORT OF COUNTY ADMINISTRATOR

- a. Lasata Campus Update
- b. 2023 Budget
- c. Employee Engagement
- d. Salary and Benefit Study
- e. County Marketing
- f. Strategic Planning with Standing Committees
- g. Ozaukee Transit Services Update

8. RESOLUTIONS

- RES.22-1: Increase of Revenue 2022 - Land & Water Management; Planning & Parks; Public Health
- RES.22-2: Supplemental Appropriation 2022 - Human Services
- RES.22-3: Transfer of Funds 2022 - General Fund to Special Revenue Fund for the Vehicle Lease Program
- RES.22-4: Amending Chapter 3.01(7) & (17) of the Ozaukee County Policy and Procedure Manual - Positions & Pay Grades: Public Health; Sheriff's Office
- RES.22-5: Amending the County Supervisory District Map - Districts 11 and 16

RES.22-6: Banning the Acceptance of Donations and Grants from any Non-Governmental Entity for the Administration of Ozaukee County Elections for the 2022-2024 County Board Term

9. ORDINANCES

ORD.22-1: Repealing and Replacing Sections 8.32 and 8.33 of the Ozaukee County Code of Ordinances pertaining to Cigarettes, Nicotine Products and Tobacco Products

10. COMMITTEE APPOINTMENTS/REAPPOINTMENTS

June 2022 Appointments/Reappointments

11. COMMITTEE REPORTS AND SUPERVISOR ANNOUNCEMENTS

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.

Ozaukee County Board

AGENDA INFORMATION SHEET

AGENDA DATE:	June 1, 2022
DEPARTMENT:	County Clerk
DIRECTOR:	Julie Winkelhorst
PREPARER:	Julie Winkelhorst

Agenda Summary May 4 & 18, 2022

May 4, 2022

[<https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_05042022-3072>](https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_05042022-3072)

May 18, 2022

[<https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_05182022-3080>](https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_05182022-3080)



County Administrator's Report

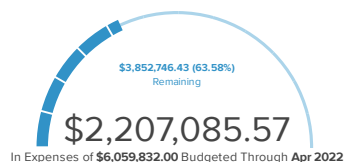
June 1, 2022

FINANCE

- Approved transfer of General Fund surplus of \$60,000 to fund the Vehicle Lease Program
- Employee Engagement Survey closed, results to be reported out in June - July
- Radio Project installations complete

Finance Committee

Data Updated 4 days ago | Prorated Budget

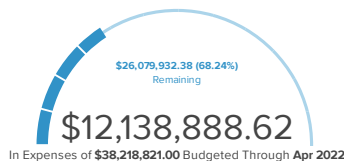


HUMAN SERVICES

- Reviewed and received update on county CBDG projects at Lasata Heights and HH Peter's Youth Camp
- Approved subgrantee agreement with Advocates for the CBDG grant for facility expansion
- Family Promise Shelter ground breaking in May

Human Services

Data Updated 4 days ago | Prorated Budget

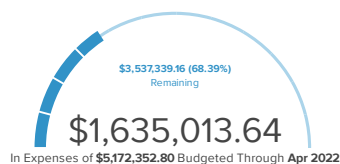


NATURAL RESOURCES

- Discussed Button Factory land donation, requested staff work with owner to find a comprehensive solution versus a partial donation of the parcel.

Natural Resources

Data Updated 4 days ago | Prorated Budget

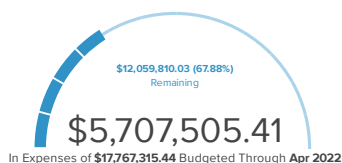


PUBLIC SAFETY - From March Meeting

- EMS Grant Program Supported application approved
- Supported creation of school safety officer position

Public Safety

Data Updated 4 days ago | Prorated Budget

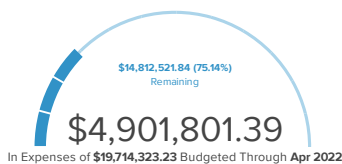


PUBLIC WORKS - From March Meeting

- Shared Ride Taxi Program Improving
- Express Bus Ridership lagging despite gas prices

Public Works

Data Updated 4 days ago | Prorated Budget



RESOLUTION NO. 22-1

INCREASE OF REVENUE 2022 - LAND & WATER MANAGEMENT; PLANNING & PARKS; PUBLIC HEALTH

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	117-2-01-58180-010	Fund For Lake Michigan - Clean Farm Families	\$50,000	
Revenue	117-2-01-49302-001	Fund For Lake Michigan		\$50,000
<i>Planning & Parks</i>				
Expense	221-1-01-51101-000	Regular Salaries and Wages	\$9,410	
Expense	221-1-01-53601-000	Other Material Supplies	134	
Expense	221-1-01-54310-000	Equipment Leases and Rentals	2,300	
Expense	221-1-01-54533-000	Contracted Outside Employment	3,000	
Revenue	221-1-01-42310-000	State Aid - WDNR UF 2022 - Coastal Parks		\$14,844
Expense	221-1-01-54533-000	Contracted Outside Employment	\$1,000	
Revenue	221-1-01-49501-000	Private Foundations - NRF Quiet Trails LDGNP		\$1,000
<i>Public Health</i>				
Expense	204-2-06-51101-000	Grants - Salaries & Wages	\$3,000	
Expense	204-2-06-52002-000	Grants - Travel/Mileage	500	
Expense	204-2-06-55101-000	Grants - Highway Vehicle Maintenance	1,500	
Expense	204-2-06-53101-000	Grants - Office Supplies	3,000	
Expense	204-2-06-59101-000	Grants - Other Expenses	7,000	
Revenue	204-2-06-42335-000	Grants - Beach Testing Grant		\$15,000

Dated at Port Washington, Wisconsin, this 1st day of June 2022.

SUMMARY: Fund For Lake Michigan - \$50,000; Wisconsin Department of Natural Resources Regular Urban Forestry Grant - \$14,844; Natural Resources Foundation Quiet Trails Grant - \$1,000; and Wisconsin Department of Natural Resources 2022 Wisconsin Beach Monitoring Program Grant - \$15,000.

VOTE REQUIRED: Two-Thirds of Members Elect

FINANCE COMMITTEE

05/26/22

Finance Committee APPROVED

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

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: May 5, 2022
DEPARTMENT: Land and Water Management
DIRECTOR: Andy Holschbach
PREPARER: Andy Holschbach

Agenda Summary Increase of Revenue Budget Amendment - Fund for Lake Michigan to Support the Clean Farm Families Soil Health Initiatives*

BACKGROUND INFORMATION: Grant received from the Fund for Lake Michigan to support the Clean Farm Families soil health initiatives.

ANALYSIS: Funds will be used to support field days, soil health workshops, demonstration plots, conservation practice incentives and other items to promote soil health. Ozaukee County serves as the collaborator for the Clean Farm Families and manages the grants and budget.

FISCAL IMPACT:

Balance Current Year: \$50,000

Next Year's Estimated Cost:

FUNDING SOURCE:

County Levy: \$0

Non-County Levy: \$50,000

Indicate source: Fund For Lake Michigan

RECOMMENDED MOTION: Approval of Increase of Revenue Budget Amendment for the \$50,000 provided by the Fund for Lake Michigan

NATURAL RESOURCES COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]**Next: 5/26/2022 8:30 AM

MOVER: T. Matera, Supervisor District 7

SECONDER: K. Schoessow, Supervisor District 23

AYES: Holyoke, Jobs, Ross, Matera, Schoessow

ABSENT: Mark Hilgendorf

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 7, 2022
DEPARTMENT: Planning and Parks
DIRECTOR: Andrew Struck
PREPARER: Andrew Struck

Agenda Summary Increase of Revenue Budget Amendment for a Wisconsin Department of Natural Resources Regular Urban Forestry Grant for Native Tree Planting and Inventory, Emerald Ash Borer Management and Education/Outreach Activities in the Ozaukee County Coastal Parks Project Area

BACKGROUND INFORMATION: The Planning and Parks Department was awarded a grant from the Wisconsin Department of Natural Resources (WDNR) Regular Urban Forestry (UF) Grant program to support forestry and ecological projects in the Ozaukee County Park System. This grant will fund improvements to the local ecology, aesthetics and native vegetation in the Ozaukee County Coastal Parks Project Area in the Town of Grafton and Cities of Port Washington and Mequon, which includes Virmond County Park, Lion's Den Gorge Nature Preserve and Clay Bluffs Cedar Gorge Nature Preserve by removing ash trees impacted by emerald ash borer (EAB), planting and inventorying native trees, and conducting education and outreach efforts to Ozaukee County residents to encourage native tree planting on private property. Specifically, this grant will provide funding for Department staff operations, contracting with conservation corps (e.g., AmeriCorps NCCC, Milwaukee Community Service Corps, Great Lakes Community Conservation Corps, Wisconsin Youth Conservation Corps) for assistance, purchase of native tree stock and education/outreach events and materials.

ANALYSIS: The total grant award is \$14,844. The Ozaukee County Natural Resources Committee unanimously approved the submittal and acceptance of this grant application at its August 5, 2021 meeting (Ayes: Korinek, Jobs, Holyoke, Minkel-Dumit, Ross) and the Ozaukee County Board of Supervisors approved Resolution 21-25 at its September 1, 2021 meeting (Ayes - 23, Nays - 0, Absent - 3) for the submittal and acceptance of the WDNR UF grant. The grant requires a 50% local match, which will be provided by a Brookby Foundation Grant, in-kind County staff time, mileage, supplies, equipment and contractual (supported by vandalism restitution funds) and volunteer time for a total project cost of \$29,688. The award amount of \$14,844 is \$10,156 less (\$25,000 initial request) than originally requested and the project has been scaled in scope accordingly.

FISCAL IMPACT:

Balance Current Year: NONE (Additional Program Revenue of \$4,844)

Next Year's Estimated Cost: NONE (Additional Revenue of \$10,000)

FUNDING SOURCE:

County Levy:

Attachment: Planning & Parks (RES.22-1 : INC REV)

Indicate source: WDNR UF grant, Brookby Foundation grant, and in-kind County staff time, supplies, equipment and contractual (supported by restitution funds) and volunteer time

RECOMMENDED MOTION: Approve and recommend to the Ozaukee County Board of Supervisors the budget amendment for the Wisconsin Department of Natural Resources Regular Urban Forestry Grant program grant for Tree Planting and Inventory Activities, Emerald Ash Borer Management and Education/Outreach in the Ozaukee County Coastal Parks Project Area.

NATURAL RESOURCES COMMITTEE

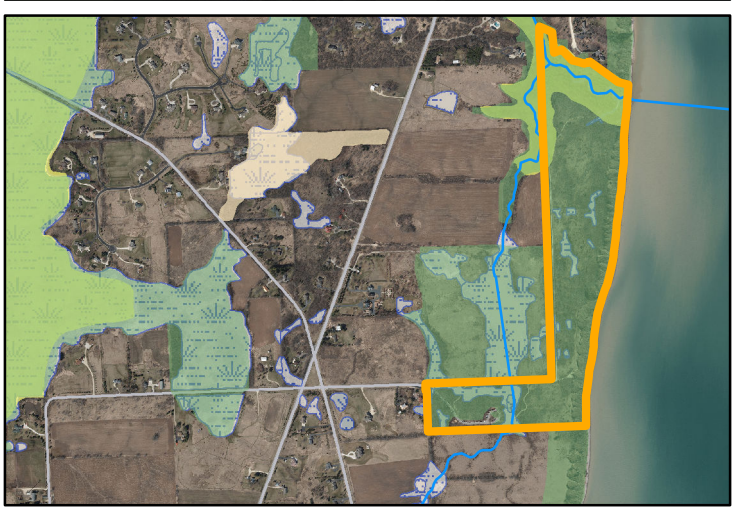
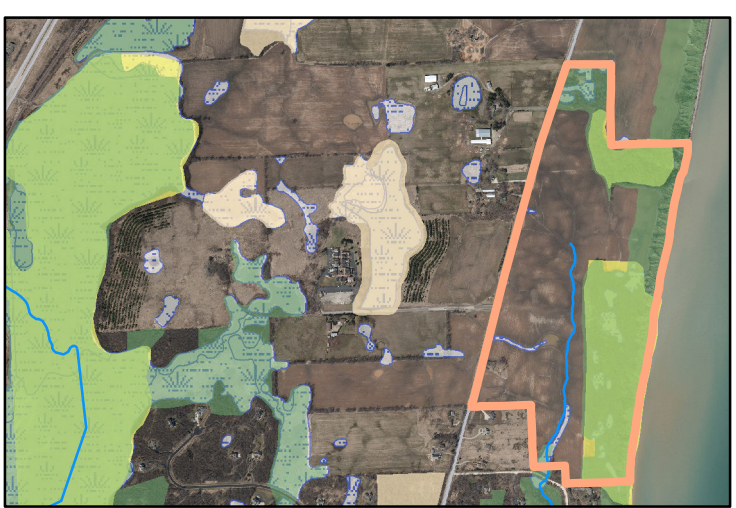
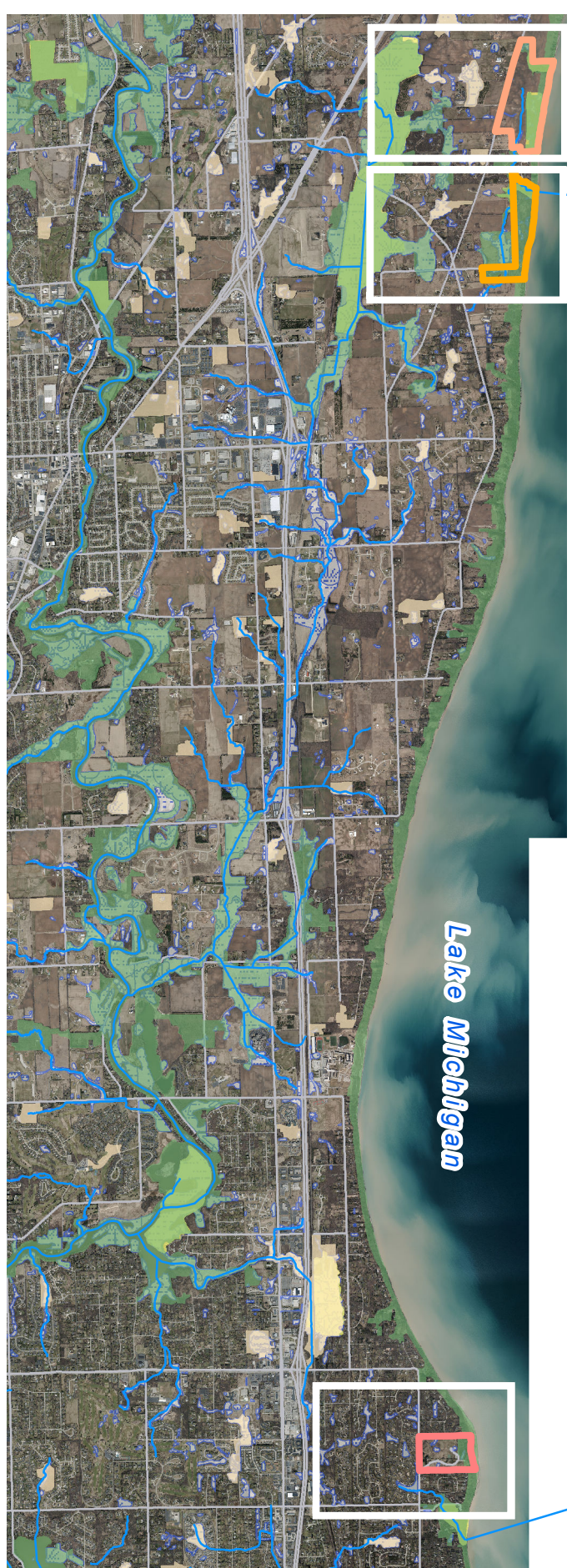
RESULT: **APPROVED AND FORWARDED [UNANIMOUS]**Next: 5/26/2022 8:30 AM

MOVER: B. Ross, Supervisor District 19

SECONDER: N. Minkel-Dumit, Supervisor District 26

AYES: B. Jobs, R. Holyoke, N. Minkel-Dumit, B. Ross

Ozaukee County Coastal Parks Project Area



Attachment: Planning & Parks (RES.22-1 : INC REV)

Natural Resources Committee

AGENDA INFORMATION SHEET

AGENDA DATE: April 7, 2022
DEPARTMENT: Planning and Parks
DIRECTOR: Andrew Struck
PREPARER: Andrew Struck

Agenda Summary Increase of Revenue Budget Amendment for a Natural Resources Foundation Quiet Trails Grant for Public Access Improvements at Lion's Den Gorge Nature Preserve

BACKGROUND INFORMATION: The Planning and Parks Department was awarded a grant from the Natural Resources Foundation (NRF) Quiet Trails grant program to fund County activities to construct a new ADA accessible walking/hiking trail (with culvert) that will lead to a new boardwalk and observation deck at Lion's Den Gorge Nature Preserve (LDGNP). The original, 14-year old boardwalk and observation deck was disassembled by a WisCorps conservation corps team in fall 2021, after it was showing signs of deterioration in the beams/joists due to the higher water levels, and was no longer ADA accessible due to the sinking and shifting of the piers. The Department will hire a conservation corps team (e.g. Milwaukee Community Service Corps, WisCorps, AmeriCorps NCCC or GLCCC) to construct a new ADA accessible walking/hiking trail leading to the new floating boardwalk and observation deck that will be completed by the Highway Department/Private Contractor in 2022 (funding through a WDNR Stewardship Grant and Ozaukee County Capital Project Grant). The Highway Department will also install a culvert for drainage under the trail at this location as part of the project.

ANALYSIS: The total grant award is \$1,000. The Ozaukee County Natural Resources Committee unanimously approved the submittal and acceptance of this grant application at its February 3, 2022 meeting (Ayes: Jobs, Holyoke, Minkel-Dumit, Ross). No formal match is required, but the grant will leverage a pending US Fish and Wildlife Service (USFWS) cooperative grant, a portion of an Ozaukee County Capital Project grant and in-kind County staff (Planning and Parks Department) time, equipment use and supplies for a total project cost of \$15,000 for the trail portion of the project. There have been no changes to the project scope or budget since grant application submittal.

FISCAL IMPACT:

Balance Current Year: NONE (Additional Program Revenue - \$1,000)

Next Year's Estimated Cost: NONE

FUNDING SOURCE:

County Levy:

Non-County Levy: X

Attachment: Planning & Parks (RES.22-1 : INC REV)

Indicate source: NRF Quiet Trails Fund grant, a USFWS cooperative grant (pending), a portion of an Ozaukee County Capital Project Grant and in-kind County staff (Planning and Parks Department) time, equipment use and supplies.

RECOMMENDED MOTION: Approve and recommend to the Ozaukee County Board of Supervisors the budget amendment for the Natural Resources Foundation Quiet Trails grant to support construction of an ADA accessible trail (including culvert installation) leading to the new boardwalk and overlook at Lion's Den Gorge Nature Preserve.

NATURAL RESOURCES COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]**Next: 5/26/2022 8:30 AM

MOVER: B. Ross, Supervisor District 19

SECONDER: R. Holyoke, Vice-Chairperson

AYES: B. Jobs, R. Holyoke, N. Minkel-Dumit, B. Ross

Lion's Den Gorge Nature Preserve - Proposed Boardwalk/Overlook Location



Legend

- Trail Field GPS Points
- Lion's Den Gorge Nature Preserve
- WI Wetland Inventory (2019)
- Elevation Line

Proposed

- Boardwalk (Approx. 80 Feet)
- Overlook (Approx. 15 x 25 Feet)
- Trail (Approx. 260 Feet)

Attachment: Planning & Parks (RES.22-1 : INC REV)

Health and Human Services Committee

AGENDA INFORMATION SHEET

AGENDA DATE: May 24, 2022
DEPARTMENT: Public Health
DIRECTOR: Kim Buechler
PREPARER: Julie Winkelhorst

Agenda Summary Increase of Revenue Budget Amendment Wisconsin Department of Natural Resources 2022 Wisconsin Beach Monitoring Program Grant

BACKGROUND INFORMATION: The Health Department was granted \$15,000 from the Department of Natural Resources to implement the 2022 Wisconsin Beach Monitoring Program, with expenses to be incurred throughout the beach season between Memorial Day and Labor Day of 2022 and being reimbursed by the DNR at the end of the season. The department plans to use these funds for necessary beach testing supplies, maintenance on vehicles used for driving between beaches, and staff time to complete testing, to ensure that water quality determinations are conducted promptly and according to DNR standards. The department also plans to purchase equipment with this year's funds to bring the beach testing program fully in-house, in place of relying on outside vendors to test water samples. This will allow for better quality control and improved scheduling for testing by department staff, in addition to long-term cost savings.

ANALYSIS: The dollars were allocated to assure health departments have the infrastructure to support Environmental Health work. The WOPHD intends to spend the dollars to support infrastructure improvements and sustainability.

FISCAL IMPACT:

Balance Current Year: \$15,000 Next Year's Estimated Cost: \$0

FUNDING SOURCE:

County Levy: \$0 Non-County Levy: \$15,000

Indicate source: Wisconsin Department of Natural Resources

RECOMMENDED MOTION: Approve

HEALTH & HUMAN SERVICES COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]** Next: 5/26/2022 8:30 AM

MOVER: D. Clark, Vice-Chairperson

SECONDER: A. Watts, Supervisor District 25

AYES: D. Irish, D. Clark, A. Watts

EXCUSED: S. Rishel, S. Whitworth

Attachment: Public Health (RES.22-1 : INC REV)

RESOLUTION NO. 22-2

SUPPLEMENTAL APPROPRIATION 2022 - HUMAN SERVICES

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>
Human Services				
Expense	202-1-01-62512-000	Building Improvements	\$35,815	
Revenue	202-0-00-33690-000	Human Services - Committed Budget Adjustment		\$35,815

Dated at Port Washington, Wisconsin, this 1st day of June 2022.

SUMMARY: Use of Fund Balance to purchase carpeting.

VOTE REQUIRED: Two-Thirds of Members Elect

FINANCE COMMITTEE

05/26/22

Finance Committee APPROVED

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

Health and Human Services Committee

AGENDA INFORMATION SHEET

AGENDA DATE: May 24, 2022
DEPARTMENT: Human Services
DIRECTOR: Liza Drake
PREPARER: Brad Mueller

Agenda Summary Supplemental Appropriation Budget Amendment to Purchase Carpeting

BACKGROUND INFORMATION: The Human Services Department is requesting use of its fund balance to replace the carpeting on the 3rd floor. The carpeting in question has not been replaced since the early 2000's. Project was supposed to take place in 2020, but was delayed due to the pandemic.

ANALYSIS: Proposal from JL Business Interiors will be signed once approved by HHS Committee and County Board.

FISCAL IMPACT:

Balance Current Year: \$35,815.00 Next Year's Estimated Cost:

FUNDING SOURCE:

County Levy: Non-County Levy: \$35,815.00 Indicate source: Fund Balance

RECOMMENDED MOTION: The department respectfully requests the approval of the use of its fund balance to purchase carpeting for the 3rd floor.

HEALTH & HUMAN SERVICES COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]** Next: 5/26/2022 8:30 AM

MOVER: D. Irish, Chairperson

SECONDER: D. Clark, Vice-Chairperson

AYES: D. Irish, D. Clark, A. Watts

EXCUSED: S. Rishel, S. Whitworth

RESOLUTION NO. 22-3

TRANSFER OF FUNDS 2022 - GENERAL FUND TO SPECIAL REVENUE FUND FOR
THE VEHICLE LEASE PROGRAM

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>
Finance				
Expense	101-0-00-81100-224	Operating Transfer to Fleet Lease Program Fund	\$60,000	
Revenue	224-1-01-71100-101	Operating Transfer from General Fund		\$60,000

Dated at Port Washington, Wisconsin, this 1st day of June 2022.

SUMMARY: Transfer from General Fund to Special Revenue Fund for Vehicle Lease Program start-up.

VOTE REQUIRED: Two-Thirds of Members Elect

FINANCE COMMITTEE

05/26/22 **Finance Committee APPROVED**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	D. Larson, Vice-Chairperson
SECONDER:	J. Hagen, Supervisor District 13
AYES:	Melotik, Larson, Winker, Stelter, Hagen

Finance Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	June 1, 2022
DEPARTMENT:	Finance
DIRECTOR:	Jay McMahon
PREPARER:	Tyler Quaas

Agenda Summary Transfer of Funds 2022 - General Fund to Special Revenue Fund for the Vehicle Lease Program

BACKGROUND INFORMATION: The Vehicle Fleet Lease Program was approved in 2021 with the expectation of beginning the program in 2022 when the first vehicles were delivered. The funding for the program is projected to come from the sale of the existing vehicles and start-up funding that was estimated to be \$60,000. The first three leased vehicles have been delivered and the program now needs the start-up funding to make the lease payments while we are in the process of preparing to sell the existing vehicles.

ANALYSIS: The Special Revenue fund for the Vehicle Lease Program is new and has no current funding or revenue until the replaced vehicles are sold. Even when they are sold, we started the program by replacing some of the County's oldest vehicles that will not bring in much revenue when they are sold. Thus, the fund will need start-up funding until the program gets 1 to 2 years in.

FISCAL IMPACT: \$60,000

Balance Current Year: \$0 in the Vehicle Fleet Lease Fund and \$9,639,886 available in the General Fund

Next Year's Estimated Cost: Unknown - The availability of vehicles is unknown it has been difficult to get new vehicles built with chip supply shortages.

FUNDING SOURCE: General Fund Unassigned Fund Balance

County Levy: Non-County Levy: Indicate source: \$60,000 from the General Fund Balance

RECOMMENDED MOTION: Approve the transfer for start-up funding in the Vehicle Fleet Lease Fund.

RESOLUTION NO. 22-4

AMENDING CHAPTER 3.01(7) & (17) OF THE OZAUKEE COUNTY POLICY AND
PROCEDURE MANUAL - POSITIONS & PAY GRADES: PUBLIC HEALTH; SHERIFF'S
OFFICE

RESOLVED, by the Ozaukee County Board of Supervisors, that Section 3.01 (7) and (17) of the Ozaukee County Policy and Procedure Manual be amended to read:

3.01	POSITIONS AND PAY GRADES				
	POSITION	GRADE	UNION	HOURS	#
7	<u>PUBLIC HEALTH</u>				
	<u>Deputy Health Officer</u>	<u>112</u>	<u>NON REP</u>	<u>40.00</u>	<u>1</u>
	Community Health Director	110	NON REP	40.00	1
	Health Strategy Director	110	NON REP	40.00	1
17	<u>SHERIFF</u>				
	<u>School Resource Officer</u>	<u>NA</u>	<u>LAW 1-07</u>	<u>40.00</u>	<u>1</u>
	Dispatcher*	8	OPEIU	40	20

*Any Dispatcher acting as shift leader shall receive an additional one dollar (\$1.00) per hour more.

* 3rd shift Dispatchers shall receive an additional one dollar (\$1.00) per hour more.

FURTHER RESOLVED, that these changes shall take effect June 1, 2022; and

FURTHER RESOLVED, that Chapter 3.01(7) & (17) of the Policy & Procedure Manual be amended to reflect the personnel changes and department totals to be adjusted accordingly.

Dated at Port Washington, Wisconsin this 1st day of June 2022.

SUMMARY: Section 3.01(7) & (17) of the Ozaukee County Policy and Procedure Manual pertaining to Public Health and Sheriff's Office positions is amended.

VOTE REQUIRED: Majority

FINANCE COMMITTEE

05/26/22

Finance Committee APPROVED

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

Health and Human Services Committee

AGENDA INFORMATION SHEET

AGENDA DATE: May 24, 2022
DEPARTMENT: Public Health
DIRECTOR: Kim Buechler
PREPARER: Julie Winkelhorst

Agenda Summary Creation of Deputy Director Eliminating the Health Strategy Director and the Community Health Director Positions

BACKGROUND INFORMATION: The Public Health Department organizational chart currently includes a Director of Health Strategy (PG 110) and Community Health Director (PG 110). Health strategy work and Community Health work requires a significant amount of collaboration, which is difficult to achieve with two separate managers leading each team. The department has also experienced a need for an Interim Director/Health Officer to step in on more than one occasion in recent years, with no one on staff prepared to take on the role. This request eliminates the Director of Health Strategy (currently vacant) and Community Health Director positions and would reallocate those levy funds to create a new Deputy Director position, who will act as second in command in absence of the Director/Health Officer and lead the Public Health Strategists and Community Health staff.

ANALYSIS: Replacing the Director of Health Strategy and Community Health Director positions with a Deputy Director will improve internal program collaboration and communication, provide a backup plan for emergencies and allow for improved succession planning, and reduce the amount of levy dollars the department spends on management staff.

FISCAL IMPACT: Reduce levied 2022 salaries by approximately \$75,000 + fringe benefits

Balance Current Year:

Next Year's Estimated Cost: \$88,000 + fringe

FUNDING SOURCE:

County Levy: \$88,000 Non-County Levy: \$0

RECOMMENDED MOTION: Approve

HEALTH & HUMAN SERVICES COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]** Next: 5/26/2022 8:30 AM

MOVER: D. Irish, Chairperson

SECONDER: D. Clark, Vice-Chairperson

AYES: D. Irish, D. Clark, A. Watts

EXCUSED: S. Rishel, S. Whitworth

Public Safety Committee

AGENDA INFORMATION SHEET

AGENDA DATE:	May 17, 2022
DEPARTMENT:	Sheriff
DIRECTOR:	Christy Knowles
PREPARER:	Timothy Nelson

Agenda Summary Additional Deputy Sheriff Position for School Resource Officer (SRO) Implementation

BACKGROUND INFORMATION: A School Resource Officer (SRO) plays an integral role in a school system as they ensure the physical safety of a school building, as well as teach, mentor and counsel students. An SRO helps school staff, students, parents and community members feel welcome and safe when they enter a school. The duties of an SRO are similar to community policing, using partnerships to bring more resources to assist with school safety.

ANALYSIS: An SRO is different from a security guard. An SRO is a law enforcement officer who is selected and specially trained to work in a school system. They are there to protect and serve the education environment. All Ozaukee schools have a school safety team. An SRO will contribute to this team on a daily basis by ensuring a safe campus, educating students about law-related topics and informally mentoring students. An SRO is a positive role model for students and can assist school officials by making referrals for students to social services, the public health office and legal aid.

The primary responsibility for the SRO is safety. However, many other duties are assigned to an SRO. SROs can provide education and assistance to students experiencing bullying, violence, drugs & alcohol, and more.

It is the school's responsibility to discipline students if necessary, SROs are not part of this process. However, if there is a violation of criminal law or an ordinance, the SRO will assist in determining the best option for the student. In addition to safety, another goal is community engagement; getting to our youth at an early age to combat addictions and mental health stigma. The presence of SROs can be key to declines in violent incidents in school, such as physical attacks.

In Ozaukee County, all school districts have SROs except Northern Ozaukee School District and St. Francis Borgia Catholic School. We currently assign a Court Services Officer to "walk through" the schools two -three times a week, when time permits. We have experienced an increase in positive working relationship as a result of these visits.

There is a need for a regular law enforcement presence in our schools, as safety and relationship building are key for our youth. The schools have noticed this positive relationship and have proposed a cost share of an SRO.

The Sheriff's Office is requesting an additional deputy position to fill the SRO assignment beginning in August of 2022. The cost for an SRO for the remainder of 2022 will be approximately \$32,820. It is anticipated that through a modified staffing plan that the SRO

program will be budget neutral. For fiscal year 2023 the schools will begin reimbursing the Sheriff's Office approximately \$40,639 for SRO services on yearly basis.

8.b

FISCAL IMPACT:

Balance Current Year: \$32,820 Next Year's Estimated Cost: \$78,753

FUNDING SOURCE:

County Levy: \$78,753 Non-County Levy: \$40,639

Indicate source: Schools SRO Cost Share

RECOMMENDED MOTION: Approve Sheriff's Office adding an additional deputy sheriff position for implementation of the School Resource Officer (SRO) program.

PUBLIC SAFETY COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]**Next: 5/26/2022 8:30 AM

MOVER: J. Haas, Vice-Chairperson

SECONDER: P. Foy, Supervisor District 26

AYES: Nelson, Haas, Foy, Maguire, Krane

Ozaukee County Sheriff's Office
School Resource Officer Estimated Cost Sharing - 2023

Hourly Rate	\$30.87	\$33.08	\$33.42	\$35.11	\$36.85	\$37.11	\$38.66
Salary	\$64,210	\$68,806	\$69,514	\$73,029	\$76,648	\$77,189	\$80,413
Social Security	\$4,912	\$5,264	\$5,318	\$5,587	\$5,864	\$5,905	\$6,152
WRS	\$7,384	\$7,913	\$7,994	\$8,398	\$8,815	\$8,877	\$9,247
Health Insurance	\$23,172	\$23,172	\$23,172	\$23,172	\$23,172	\$23,172	\$23,172
Life & Disability Insur	\$295	\$317	\$320	\$336	\$353	\$355	\$370
Total Wage & Benefit	\$100,004	\$105,504	\$106,351	\$110,557	\$114,888	\$115,535	\$119,392
Work Days	260	260	260	260	260	260	260
School Days	177	177	177	177	177	177	177
School Days Percent	68%	68%	68%	68%	68%	68%	68%
School Days Cost	\$68,080	\$71,824	\$72,400	\$75,264	\$78,212	\$78,652	\$81,279
Schools Cost Share Total	\$34,040	\$35,912	\$36,200	\$37,632	\$39,106	\$39,326	\$40,639
Sheriff's Office Cost Share	\$34,040	\$35,912	\$36,200	\$37,632	\$39,106	\$39,326	\$40,639
<u><i>Schools Cost Share Allocation Detail</i></u>							
Northern Ozaukee	\$27,232	\$28,730	\$28,960	\$30,105	\$31,285	\$31,461	\$32,511
St. Francis Borgia	\$3,404	\$3,591	\$3,620	\$3,763	\$3,911	\$3,933	\$4,064
Divine Savior	\$2,587	\$2,729	\$2,751	\$2,860	\$2,972	\$2,989	\$3,089
Riveredge	\$817	\$862	\$869	\$903	\$939	\$944	\$975
Total	\$34,040	\$35,912	\$36,200	\$37,632	\$39,106	\$39,326	\$40,639

Public Safety Committee

AGENDA INFORMATION SHEET

AGENDA DATE: May 17, 2022
DEPARTMENT: Human Resources
DIRECTOR: Chris McDonell
PREPARER: Chris McDonell

Agenda Summary Shift Differential for 3rd Shift Dispatchers

BACKGROUND INFORMATION: When 3rd shift dispatchers are given extra responsibilities with dispatching for other municipalities we would like to give them a shift differential of an extra \$1 per hour. The Sheriff's Office cannot afford to lose a dispatcher as we are struggling to maintain adequate staffing levels. Dispatcher shortages are not uncommon and with the municipalities facing the same problem, we are the go-to agency to help everyone out. We need to be able to continue to offer this service to the municipalities and we cannot do this unless we keep up our staffing. The staff should be compensated for this.

ANALYSIS: The cost to the county will be approximately \$1000 if we allow the \$1/hour raise for the 3rd shift dispatchers.

FUNDING SOURCE: This cost will be covered within the current cost center of the Sheriff's Office.

RECOMMENDED MOTION: Approve the shift differential of an extra \$1 per hour for 3rd shift dispatchers.

PUBLIC SAFETY COMMITTEE

RESULT: **APPROVED AND FORWARDED [UNANIMOUS]**Next: 5/26/2022 8:30 AM

MOVER: T. Maguire, Supervisor District 15

SECONDER: P. Foy, Supervisor District 26

AYES: Nelson, Haas, Foy, Maguire, Krane

RESOLUTION NO. 22-5

AMENDING THE COUNTY SUPERVISORY DISTRICT MAP - DISTRICTS 11 AND 16

RESOLVED, by the Ozaukee County Board of Supervisors that the County Board Supervisory District Map be amended transferring the parcel in the Petition for Direct Annexation pursuant to Sec. 66.0217(2) Wis. Stats. from Supervisory District 11 to Supervisory District 16, Ward 7, Aldermanic District 7 per the request of the City of Cedarburg; and

FURTHER RESOLVED, that the parcel is described as follows:

COMMENCING at the East 1/4 Corner of Section 22, said Township and Range; thence S.87°12'56"W., 1330.23 feet along the South line of the Northeast 1/4 of said Section 22 to the POINT OF BEGINNING, being the Southeast Corner of the Southwest 1/4 of the Northeast 1/4 of Section 22 and the Northwest Corner of Lot 1, Certified Survey Map No. 3797; thence S.02°07'38"E., 509.11 feet to Southwest Corner of said Lot 1; thence S.02°11'37"E., 152.42 feet to the Southeast Corner of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 22 and the Northeast Corner of Lot 2, Certified Survey Map No. 341; thence S.87°04'54"W., 150.33 feet to the Northeast Corner of Lot 5, Hidden Grove Subdivision; thence S.87°19'19"W., 481.39 feet to the Northwest Corner of Lot 3, Hidden Grove Subdivision; thence S.02°15' 59"E., 341.01 feet to the Southwest Corner of Lot 1, Hidden Grove Subdivision; thence S.87°17'44"W. along the North Right of Way line of Susan Lane, 210.98 feet; thence N.02°47'59"W., 340.80 feet; thence S.87°14'27"W., 473.76 feet to a point, from which the Southwest corner of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 said Section 22 bears S.87°14'27"W., 10.00 feet; thence N.02°11'35"W. parallel to the West line of the said Southeast 1/4, 660.57 feet to a point, from which the Center 1/4 Corner of Section 22 bears S.87°50'49"W., 10.00 feet; thence N.02°06'48"W. parallel to the West line of the said Northeast 1/4, 638.31 feet to a point, from which the Southwest corner of Lot 3, Certified Survey Map No. 4117, bears N.47°26'59"W., 14.06 feet; thence N.87°12'50"E., parallel to the south line of said Lot 3, 1319.46 feet to a point, from which the Southeast Corner of said Lot 3 bears N.02°10'57"W., 10.00 feet; thence S.02°10'57"E., 638.22 feet to the POINT OF BEGINNING, and containing 41.03 acres (1,787,330 square feet), more or less.

FURTHER RESOLVED, that the County Board Supervisory District Map amendment be placed on file in the Ozaukee County Land Information Office and State of Wisconsin Elections Commission.

FURTHER RESOLVED, The Land Information Department is directed to adjust the supervisory district maps accordingly. The Land Information Department shall provide the County Clerk with adjusted supervisory district maps resulting from the annexation.

Dated at Port Washington, Wisconsin, this 1st day of June 2022.

SUMMARY: Amending the County Supervisory District Map - Districts 11 and 16.

VOTE REQUIRED: Majority

EXECUTIVE COMMITTEE

05/23/22

Executive Committee

APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	R. Nelson, Supervisor District 6
SECONDER:	R. Holyoke, Supervisor District 22
AYES:	Schlenvogl, Melotik, Wolf, Nelson, Holyoke, Irish

Executive Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	June 1, 2022
DEPARTMENT:	Administrator
DIRECTOR:	Jason Dzwinel
PREPARER:	Jason Dzwinel

Agenda Summary Amending the County Supervisory District Map - Districts 11 and 16

BACKGROUND INFORMATION: The resolution will amend the 16th and 11th Supervisory Districts at the request of the City of Cedarburg to accommodate an annexation.

FISCAL IMPACT: None

RECOMMENDED MOTION: Approve

ATTACHMENTS:

- Oz cty redraw request (PDF)
- District 16 Oz Cty map (PDF)
- Ward map with Stone Lake annexation (PDF)
- Ord 2022-10 An Ordinance Annexing Territory to the City of Cedarburg (002) (PDF)



April 12, 2022

Julie Winkelhorst, County Clerk
P O Box 994
121 W Main St. Rm 128
Port Washington, WI 53074

Dear Julie,

This letter is in reference to three parcels of land originally located in the Town of Cedarburg, recently annexed to the City of Cedarburg (tax key 13-022-14-003.00 = 1.14 acres, tax key 03-022-14-006.00 = 0.52 acres, and tax key 03-022-03-001.00 = 40 acres). The current address of the property is 6660 Susan Lane, Cedarburg, WI. I respectfully request the County Board consider redrawing the County Supervisory line around these parcels. These parcels are currently located in County Supervisory District 11. My request is for this parcel to be included as part of County Supervisory District 16.

Redrawing the County Supervisory lines would allow the City to place this parcel in Ward 7, Aldermanic District 7, rather than having to create a separate Ward with a small number of voters. Creating a new ward will result in a separate ballot for this parcel only every two years when County Supervisors are up for election. Only the County has the authority to move the annexed territory into the same supervisory district as the Ward to which it is annexed.

The population of this parcel is currently zero, however, the property owner plans to redevelop the property in the near future.

I have included a Ward map for the City highlighting this parcel recently annexed as well as a legal description of the parcel and annexation map. Please feel free to contact me if you have further questions. I wish to thank the County Board in advance for its consideration.

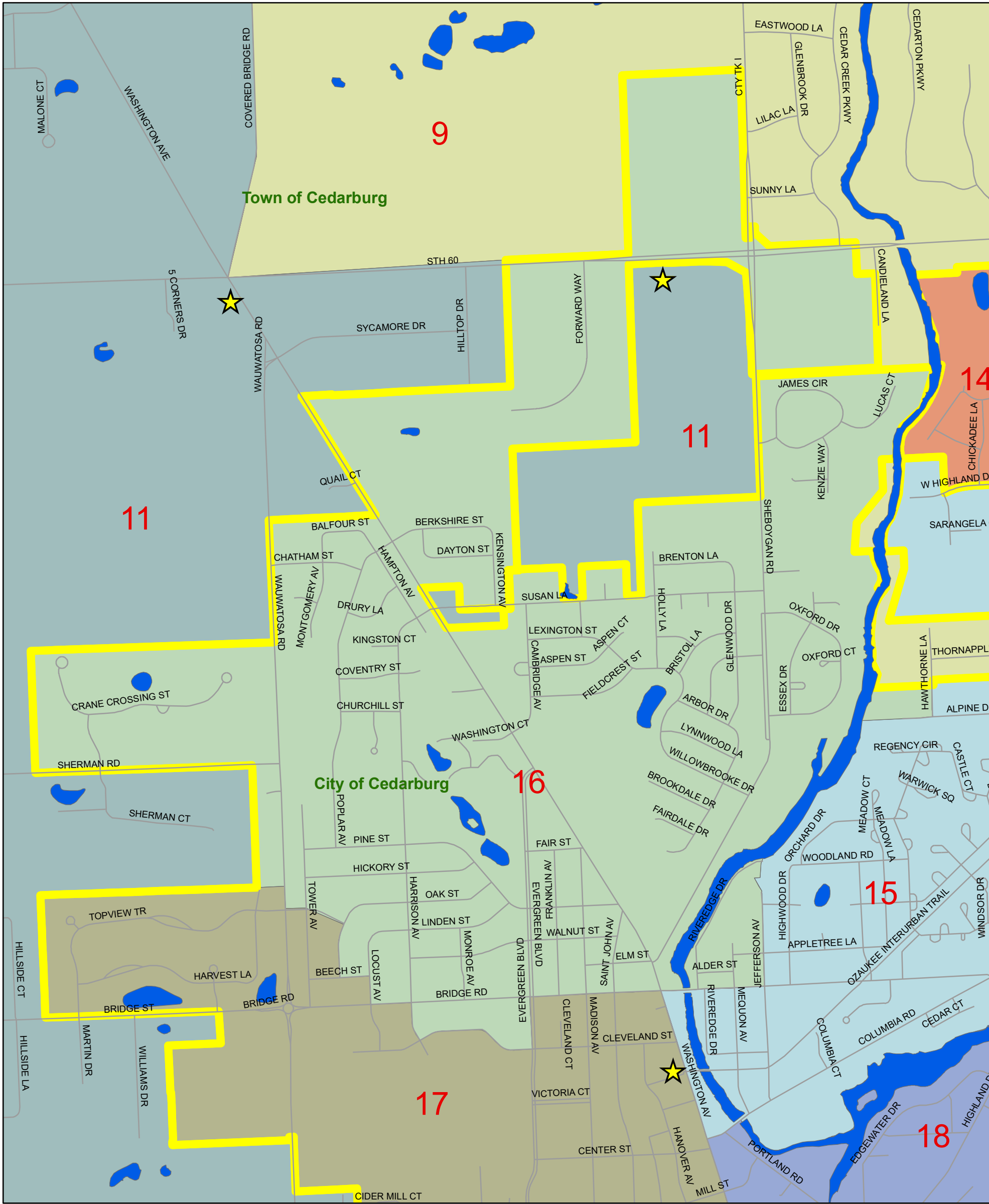
Sincerely,

Tracie Sette
City Clerk

Cc: Mikko Hilvo, City Administrator
Michael O'Keefe, Mayor

Attachment: Oz cty redraw request (RES.22-5 : AMENDING THE COUNTY SUPERVISORY DISTRICT MAP - DISTRICTS 11 AND 16)

Supervisory District 16



Attachment: District 16 Oz Cty map (RES.22-5 : AMENDING THE COUNTY SUPERVISORY DISTRICT MAP - DISTRICTS 11 AND 16)



District 16
Vacant

Date: 12/9/2021

Legend

★ Polling Locations

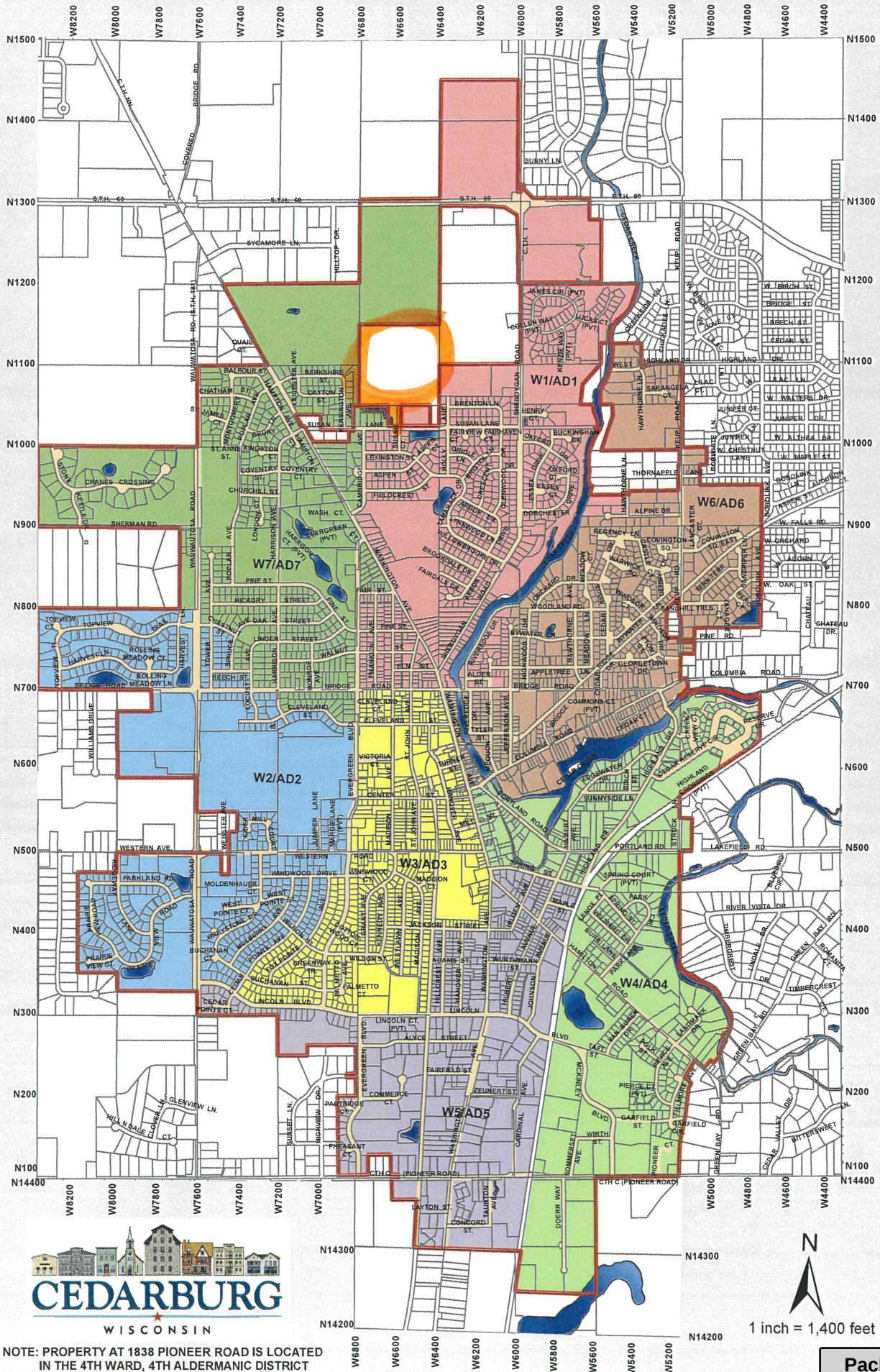
□ Civil Divisions

Proposed Supervisory District

1	13	18	22	3	8
10	14	19	23	4	9
11	15	2	24	5	
12	16	20	25	6	
	17	21	26	7	



NEW CITY OF CEDARBURG ALDERMANIC DISTRICT/WARD MAP



Attachment: Ward map with Stone Lake annexation (RES.22-5 : AMENDING THE COUNTY SUPERVISORY DISTRICT MAP - DISTRICTS 11 AND

ORDINANCE NO. 2022-10

**An Ordinance Annexing Territory to the City of Cedarburg
6660 Susan Lane
Stone Lake Development, Inc.**

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Territory Annexed. In accordance with Section 66.0217(2) of the Wisconsin Statutes and the Petition for Direct Annexation filed with the City Clerk of the City of Cedarburg, Wisconsin, signed by all owners of all the real property in the territory and all electors residing in the territory, the following described territory in the Town of Cedarburg, Ozaukee County, Wisconsin, is annexed to the City of Cedarburg, Wisconsin.

COMMENCING at the East 1/4 Corner of Section 22, said Township and Range; thence S.87°12'56"W., 1330.23 feet along the South line of the Northeast 1/4 of said Section 22 to the POINT OF BEGINNING, being the Southeast Corner of the Southwest 1/4 of the Northeast 1/4 of Section 22 and the Northwest Corner of Lot 1, Certified Survey Map No. 3797; thence S.02°07'38"E., 509.11 feet to Southwest Corner of said Lot 1; thence S.02°11'37"E., 152.42 feet to the Southeast Corner of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 22 and the Northeast Corner of Lot 2, Certified Survey Map No. 341; thence S.87°04'54"W., 150.33 feet to the Northeast Corner of Lot 5, Hidden Grove Subdivision; thence S.87°19'19"W., 481.39 feet to the Northwest Corner of Lot 3, Hidden Grove Subdivision; thence S.02°15' 59"E., 341.01 feet to the Southwest Corner of Lot 1, Hidden Grove Subdivision; thence S.87°17'44"W. along the North Right of Way line of Susan Lane, 210.98 feet; thence N.02°47'59"W., 340.80 feet; thence S.87°14'27"W., 473.76 feet to a point, from which the Southwest corner of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 said Section 22 bears S.87°14'27"W., 10.00 feet; thence N.02°11'35"W. parallel to the West line of the said Southeast 1/4, 660.57 feet to a point, from which the Center 1/4 Corner of Section 22 bears S.87°50'49"W., 10.00 feet; thence N.02°06'48"W. parallel to the West line of the said Northeast 1/4, 638.31 feet to a point, from which the Southwest corner of Lot 3, Certified Survey Map No. 4117, bears N.47°26'59"W., 14.06 feet; thence N.87°12'50"E., parallel to the south line of said Lot 3, 1319.46 feet to a point, from which the Southeast Corner of said Lot 3 bears N.02°10'57"W., 10.00 feet; thence S.02°10'57"E., 638.22 feet to the POINT OF BEGINNING, and containing 41.03 acres (1,787,330 square feet), more or less.

OWNERS: Stone Lake Development, Inc.

TAX KEY NUMBER: 03-022-03-001.00, 03-022-14-003.00, 03-022-14-006.00

ADDRESS: 6660 SUSAN LANE

CEDARBURG, WI 53012

The current population of the territory is zero.

SECTION 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Cedarburg for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Cedarburg.

SECTION 3. Temporary Zoning Classification. (a) The territory annexed to the City of

ORDINANCE NO. 2022-10

Cedarburg by this ordinance is temporarily zoned as follows, pursuant to Sec. 66.0217(8) of the Wisconsin Statutes: RS- I Single Family Residential District; (b) The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area.

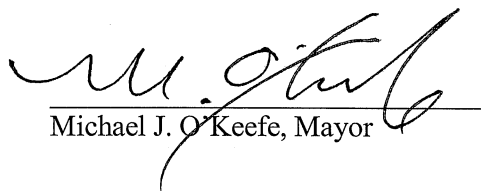
SECTION 4. Aldermanic District Designation. Section 2-1-3 of the Code of Ordinances of the City of Cedarburg is hereby amended to incorporate this annexation. The territory described in Section 1 of this ordinance is hereby made a part of Ward 7, Aldermanic District 7 of the City of Cedarburg, as described in Section 2-1-3 of the City of Cedarburg Code of Ordinances, subject to the ordinances, rules and regulations of the City governing aldermanic districts, and subject to the County Board amending the supervisory district map to move this parcel from County Supervisory District 11 representing the Town of Cedarburg to County Supervisory District 16 representing the City of Cedarburg.

SECTION 5. Town Taxes. The City agrees to pay annually to the Town of Cedarburg, for five years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll, in the year in which the annexation is final.

SECTION 6. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6. Effective Date. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted by the Common Council of the City of Cedarburg, this 11th day of April 2022.

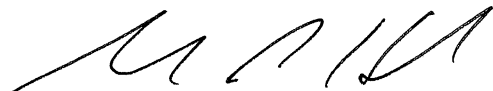


Michael J. O'Keefe, Mayor

Countersigned:



Tracie Sette, City Clerk



Michael P Herbrand, City Attorney

RESOLUTION NO. 22-6

BANNING THE ACCEPTANCE OF DONATIONS AND GRANTS FROM ANY NON-GOVERNMENTAL ENTITY FOR THE ADMINISTRATION OF OZAUKEE COUNTY ELECTIONS FOR THE 2022-2024 COUNTY BOARD TERM

WHEREAS, free and fair elections are requisite for American democracy; and

WHEREAS, Wisconsin counties are entrusted with the administration of elections at the local level; and

WHEREAS, Governor Evers' veto of 2021 Senate Bill 935 eliminated a legislative ban on the use of private resources for election administration; and

WHEREAS, because of Governor Evers' veto of 2021 Senate Bill 935 it is incumbent on individual counties to protect the administration of elections from private resources.

NOW, THEREFORE, BE IT RESOLVED, by the Ozaukee County Board of Supervisors that during the 2022-2024 County Board term, no donation from any person or non-governmental entity shall be accepted by the County Board for the purpose of elections administration; and

FURTHER RESOLVED, that during the 2022-2024 County Board term, no grant from any person or non-governmental entity shall be accepted by the County Board for the purpose of elections administration.

Dated at Port Washington, Wisconsin, this 1st day of June 2022.

SUMMARY: Banning the Acceptance of Donations and Grants from Any Non-Governmental Entity for The Administration of Ozaukee County Elections for the 2022-2024 County Board Term.

VOTE REQUIRED: Majority

Resolution brought forth by Supervisor Dave Irish to the Executive Committee.

EXECUTIVE COMMITTEE

05/23/22

Executive Committee

APPROVED

RESULT:	APPROVED [4 TO 2]
MOVER:	D. Irish, Supervisor District 17
SECONDER:	P. Melotik, Vice-Chairperson
AYES:	L. Schlenvogt, P. Melotik, M. Wolf, D. Irish
NAYS:	R. Nelson, R. Holyoke

Executive Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	June 1, 2022
DEPARTMENT:	Administrator
DIRECTOR:	Jason Dzwinel
PREPARER:	Jason Dzwinel

Agenda Summary Banning the Acceptance of Donations and Grants from any Non-Governmental Entity for the Administration of Ozaukee County Elections for the 2022-2024 County Board Term

BACKGROUND INFORMATION: The resolution bans donation or grants from any person or non-governmental entity shall be accepted by the County Board for the purpose of elections administration, including but not limited to collection of ballots or voter registration.

FISCAL IMPACT: No fiscal impact

ORDINANCE NO. 22-1

REPEALING AND REPLACING SECTIONS 8.32 AND 8.33 OF THE OZAUKEE COUNTY
CODE OF ORDINANCES PERTAINING TO CIGARETTES, NICOTINE PRODUCTS AND
TOBACCO PRODUCTS

An Ordinance repealing and replacing Sections 8.32 and 8.33 of the Ozaukee County Code of Ordinances pertaining to Cigarettes, Nicotine Products and Tobacco Products.

The County Board of Supervisors of the County of Ozaukee does ordain that Sections 8.32 and 8.33 of the Ozaukee County Code of Ordinances be repealed and restated as follows:

8.32 PROVISION TO AND PURCHASE OR POSSESSION OF CIGARETTES, NICOTINE PRODUCTS, AND TOBACCO PRODUCTS BY MINORS.

(1) It shall be unlawful to provide cigarettes, nicotine products, or tobacco products to any person under 18 years of age and for any person under 18 years of age to purchase, attempt to purchase, or possess cigarettes, nicotine products, or tobacco products as provided in this ordinance.

(2) In this section, the terms "cigarette," "nicotine product," "retailer," and "tobacco products" have the meanings given in Section 134.66 (a), (f), (g) and (j), Wisconsin Statutes. "Law enforcement officer" has the meaning given in Section 165.85 (2) (c), Wisconsin Statutes.

(3) Except as provided in subsection (4), no person under 18 years of age may do any of the following:

(a) Purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product.

(b) Falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product.

(4)

(a) A person under 18 years of age may purchase, attempt to purchase, and possess cigarettes, nicotine products, or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.

(b) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase, and possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under Section 254.916, Wisconsin Statutes, that is conducted in accordance with Subsection 254.916 (3).

(5) No person may purchase cigarettes, nicotine products, or tobacco products on behalf of, or to provide to, any person who is under 18 years of age.

(6) A court may impose the following forfeitures for violation of this ordinance:

(a) A forfeiture of not more than \$50 against any person under 18 years of age violating Subsections (3) or (5) of this ordinance.

(b) A forfeiture against any person 18 years of age or older violating Subsection (5) of this ordinance as follows:

1. Not more than \$100 if the person has not committed a previous violation within 30 months of the violation.
2. Not more than \$500 if the person has committed a previous violation within 30 months of the violation.
3. Not more than \$1,000 if the person has committed 2 previous violations within 30 months of the violation.
4. Not more than \$10,000 if the person has committed 3 or more previous violations within 30 months of the violation.

(7) A law enforcement officer shall seize any cigarette, nicotine product, or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

(8) This ordinance is adopted under the authority granted by Section 254.92 (4), Wisconsin Statutes.

(9) This ordinance is not applicable in any town, village, or city that has enacted or enacts an ordinance regulating the conduct regulated by Section 254.92, Wisconsin Statutes, if such ordinance strictly conforms to Section 254.92.

8.33 RESTRICTIONS ON RETAIL SALE OR PROVISION OF CIGARETTES, NICOTINE PRODUCTS, OR TOBACCO PRODUCTS TO MINORS.

(1) It shall be unlawful to sell or provide cigarettes, nicotine products, or tobacco products to any person under 18 years of age as provided in this ordinance.

(2) In this section, the terms “cigarette,” “direct marketer,” “distributor,” “identification card,” “jobber,” “manufacturer,” “nicotine product,” “retailer,” “school,” “stamp,” “subjobber,” “tobacco products,” “vending machine,” and “vending machine operator” have the meaning given in Section 134.66 (1) (a) through (L), Wisconsin Statutes.

(3) Restrictions.

(a) No retailer, direct marketer, manufacturer, distributor, jobber or subjobber, no agent, employee or independent contractor of the foregoing persons, or agent or employee of an independent contractor, may:

1. Sell, or provide for nominal or no consideration, cigarettes, nicotine products, or tobacco products to any person under 18 years of age, except as provided in Section 254.92 (2) (a), Wisconsin Statutes and Section 8.32 (4) (a), Ozaukee County Code of Ordinances. A vending machine operator is not liable under this paragraph for the purchase of cigarettes, nicotine products, or tobacco products from his or her vending machine by a person under 18 years of age if the vending machine operator was unaware of the purchase.

2. Provide for nominal or no consideration cigarettes, nicotine products, or tobacco products to any person except in a place where no person under 18 years of age is present or permitted to enter unless the person who is under 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained 18 years of age.

(b)

1. A retailer shall post a sign in areas within his or her premises, where

cigarettes or tobacco products are sold to consumers, stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under Sections 134.66 and 254.92, Wisconsin Statutes, and Sections 8.32 and 8.33, Ozaukee County Code of Ordinances.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Section 254.92, Wisconsin Statutes and Section 8.32, Ozaukee County Code of Ordinances and that the purchaser is subject to a forfeiture of not to exceed \$50.

(c)

1. No retailer or vending machine operator may sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person under 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained 18 years of age.

2. Notwithstanding 1., no retailer may place a vending machine within 500 feet of a school.

(d) No retailer or direct marketer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Section 139.32 (1), Wisconsin Statutes.

(4) DEFENSES. Proof of all of the following facts by a retailer, manufacturer, distributor, jobber or subjobber, an agent, employee, or independent contractor of the foregoing, or agent or employee of an independent contractor who sells cigarettes or tobacco products to a person under 18 years of age is a defense to any prosecution for a violation of (3) (a) 1. of this ordinance.

(a) That the purchaser falsely represented that he or she had attained 18 years of age and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained 18 years of age.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained 18 years of age.

(5) PENALTIES.

(a) Violations of 8.33 (3) (a), (c) and (d) of this ordinance shall be subject to the following forfeitures:

1. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or

2. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.

(b) A court shall suspend any license or permit issued under Sections 134.65, 139.34 or 139.79, Wisconsin Statutes, to a person for:

1. Not more than 3 days, if the court finds that the person committed a

violation within 12 months after committing one previous violation; or

2. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations, or

3. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.

(c) The court shall promptly mail notice of a suspension under subsection (b) to the State Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.

(d) Whoever violates Subsection (3)(b) shall forfeit not more than \$25.

(6) This ordinance is adopted under the authority of Section 134.66 (5), Wisconsin Statutes.

(7) This ordinance is not applicable in any town, village, or city that has enacted or enacts an ordinance regulating the conduct regulated by Section 134.66, Wisconsin Statutes, if such ordinance strictly conforms to Section 134.66.

This Ordinance shall take effect upon enactment and publication.

Dated at Port Washington, Wisconsin, this 1st day of June 2022.

SUMMARY: Updating Sections 8.32 and 8.33 of the Ozaukee County Code of Ordinances pertaining to Cigarettes, Nicotine Products and Tobacco Products.

VOTE REQUIRED: Majority

PUBLIC SAFETY COMMITTEE

05/17/22

Public Safety Committee

APPROVED

RESULT:	APPROVED [UNANIMOUS]
MOVER:	P. Foy, Supervisor District 26
SECONDER:	J. Krane, Supervisor District 24
AYES:	Nelson, Haas, Foy, Maguire, Krane

Public Safety Committee
AGENDA INFORMATION SHEET

AGENDA DATE:	June 1, 2022
DEPARTMENT:	Sheriff
DIRECTOR:	Christy Knowles
PREPARER:	Julie Winkelhorst

Agenda Summary Repealing and Replacing Sections 8.32 and 8.33 of the Ozaukee County Code of Ordinances pertaining to Cigarettes, Nicotine Products and Tobacco Products

BACKGROUND INFORMATION: Amending County Ordinance Sections 8.32 and 8.33 to include nicotine products in the ordinance.

ANALYSIS: There has been a rise in juvenile possession of vaping devices, which contain nicotine and/or THC. The current tobacco ordinance does not address the possession of nicotine or possession of the vaping device. The changes made to County Ordinance 8.32 and 8.33 will address the possession of nicotine and enforcement action then can be taken when a deputy encounters a juvenile in possession of a vaping device with nicotine and when an establishment sells nicotine to a juvenile. Jurisdictions within and surrounding Ozaukee County have ordinances for the possession and sale of nicotine. The change to this ordinance will allow the Ozaukee County Sheriff's Office to be consistent with enforcement with the surrounding jurisdictions.

FISCAL IMPACT: N/A

FUNDING SOURCE: N/A

RECOMMENDED MOTION: Approve the ordinance repealing and restating Sections 8.32 and 8.33 as presented.

ATTACHMENTS:

- CURRENT - Sections 8.32 & 8.33 (PDF)

CURRENT – SECTIONS 8.32 AND 8.33 OF THE OZAUKEE COUNTY CODE OF ORDINANCES

8.32 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS

- (1) In this section:
 - (a) "Cigarette" has the meaning given in Section 139.30 (1), Wisconsin Statutes.
 - (b) "Law enforcement officer" has the meaning given in Section 30.50 (4s), Wisconsin Statutes.
 - (c) "Tobacco products" has the meaning given in Section 139.75 (12), Wisconsin Statutes.
- (2) Except as provided in subsection (3), no person under 18 years of age may do any of the following: (09-13)
 - (a) Buy or attempt to buy any cigarette or tobacco product.
 - (b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
 - (c) Possess any cigarette or tobacco product.
- (3) A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65 (1), Wisconsin Statutes. (09-13)
- (4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of subsection (2) committed in his or her presence.
- (5) A court may impose a forfeiture of not to exceed \$25 against any child violating this section.
- (6) This ordinance is adopted under the authority granted by Section 254.92 (4), Wisconsin Statutes. (09-13)

8.33 SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS

- (1) It shall be unlawful to sell or give cigarettes or tobacco products to any person under the age of 18 years pursuant to this ordinance. (09-13)
- (2) This ordinance is adopted pursuant to the authority of Section 134.66 (5), Wisconsin Statutes
- (3) The definitions that apply to this ordinance are those set forth in Section 134.66 (1), Wisconsin Statutes.
- (4) Restrictions.
 - (a) No retailer, manufacturer or distributor may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in Section 254.92 (2),

Wisconsin Statutes and Section 8.32, Ozaukee County Code of Ordinances. A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

(b)

1. A retailer shall post a sign in areas within his or her premises, where cigarettes or tobacco products are sold to consumers, stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under Section 254.92, Wisconsin Statutes and Section 8.32, Ozaukee County Code of Ordinances. (09-13)

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Section 254.92, Wisconsin Statutes and Section 8.32, Ozaukee County Code of Ordinances and that the purchaser is subject to a forfeiture of not to exceed \$25. (09-13)

(c)

1. Under no circumstances may a retailer place a vending machine within 500 feet of a school.

2. No retailer may keep a vending machine in any public place that is open to persons under the age of 18 unless all of the following apply:

a. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee.

b. The vending machine is in a place where it is inaccessible to the public when the premises are closed.

3. The person who ultimately controls, governs or directs the activities within the premises where the vending machine is located shall ensure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.

4. A vending machine operator shall remove all of his or her vending machines which are located in any place prohibited by this ordinance.

(d) No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of 18.

(e) No retailer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Section 139.32 (1), Wisconsin Statutes.

(5) DEFENSE OF RETAILER, MANUFACTURER AND DISTRIBUTOR. Proof of all of the following facts by a retailer, manufacturer or distributor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of this ordinance.

(a) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(6) PENALTIES.

(a) Violations of Sections (4)(a), (4)(c)1., (4)(c)2., (4)(d) and (4)(e) of this section shall be subject to the following forfeitures:

1. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or
2. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.

(b) A court shall suspend any license or permit issued under Sections 134.65, 139.34 or 139.79, Wisconsin Statutes to a person for:

1. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
2. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations, or
3. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.

(c) The court shall promptly mail notice of a suspension under subsection (b) to the State Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.

(d) Whoever violates subsection (4)(b) shall forfeit not more than \$25.

Ozaukee County Board

AGENDA INFORMATION SHEET

AGENDA DATE: June 1, 2022
DEPARTMENT: Administrator
DIRECTOR: Jason Dzwinel
PREPARER: Julie Winkelhorst

Agenda Summary June 2022 Appointments/Reappointments

BOARD OF ADJUSTMENT

Reappoint Robert Hubing	Term expires June 30, 2025
Reappoint William Koeppen	Term expires June 30, 2025
Reappoint Thomas Winker (Alternate)	Term expires June 30, 2025

RADIO SYSTEM USER GROUP

Appoint *Police Department Representative* - Sergeant Lindsay Graycarek, Mequon PD to replace Administrative Sergeant Mark Kastens