



AGENDA
PUBLIC WORKS COMMITTEE
REGULAR MEETING
THURSDAY, JULY 21, 2022 – 8:00 AM
HIGHWAY DEPARTMENT - MEETING ROOM
410 SOUTH SPRING STREET, PORT WASHINGTON, WI 53074

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

[Public Works Committee Live Stream](#)

*The public can submit comments here: [Public Comment Form](#)
[Public Comment Policy](#) & [Instructions For Submitting Public Comments Online](#)*

1. CALL TO ORDER

Roll Call

2. PROPER NOTICE

3. PUBLIC COMMENTS/CORRESPONDENCE/COMMUNICATIONS

4. HIGHWAYS

a. Action Items

1. CTH D Angled Parking Request

5. DISCUSSION ITEM:

- a. Review of Open Meetings Law and Committee Responsibilities per Ozaukee County Policy and Procedure Manual – *Rhonda Gorden, Corporation Counsel*

6. APPROVAL OF MINUTES

- a. June 16, 2022

7. FACILITIES MANAGEMENT

a. Management/Financial/Informational Reports

1. Facilities Reports

8. TRANSIT SERVICES

a. Discussion Items:

1. Ozaukee County Express Bus 2023 Options
2. 2023 Budget Highlights
3. Transit Updates
 - a. Triennial Review
 - b. Community Transit Needs
 - c. Cross-County Shared Ride Taxi MOU

b. Management/Financial/Informational Reports

1. Transit Monthly Financial Report
2. Transit Ridership Report

9. HIGHWAYS (cont.)

a. Action Items:

1. CTH NN & CTH Y Relocation Order & Plat (REVISED)
2. CTH D Closure for Luxembourg Fest

b. Management/Financial/Informational Reports

1. Highway Financial Reports

10. NEXT MEETING DATE

August 22, 2022

11. ADJOURNMENT

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

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

Public Works Committee

AGENDA INFORMATION SHEET

AGENDA DATE: July 21, 2022
DEPARTMENT: Highway
DIRECTOR: Jon Edgren
PREPARER: Jon Edgren

Agenda Summary CTH D Angled Parking Request

BACKGROUND INFORMATION: The former Divine Savior Parish Church is in process of being converted into a single-family residential property. As part of the conversion, the church's parking lot is being removed and replaced with grass and a private driveway. (See attached GIS map.)

Historically, the church parking lot was used by customers at the Lake Church Inn restaurant and bar across the street. In Spring, Mr. Dave Maiman, owner of Lake Church Inn, requested placement of angled parking stalls along the southside of CTH D.

I told him I would consider it, but after reviewing Wisconsin Department of Transportation (WisDOT) design recommendations, I notified Mr. Maiman that I wouldn't approve angled parking due to the higher risk of accidents.

Mr. Maiman appeared at last month's Public Works Committee under Public Comment, and shared his basis for needing angled parking along the south side of CTH D. (See attached letter.)

About a week after June's PWC meeting, someone painted lines on CTH D pavement up to the edgeline. (See attached photos.) Therefore, we have placed orange barrels along CTH D to discourage angled parking in this location.

ANALYSIS: While I understand the impact of losing the Divine Savior Parish Church parking lot for his business, I believe that attempting to squeeze angled parking along CTH D isn't a safe solution.

I notified Mr. Maiman of our intent to remove asphalt along CTH D, but that I was willing to leave an extra wide shoulder (+/-8' asphalt shoulder) in place to mimic the highway further east of this location for drivers to parallel park. That would leave additional space along the highway for the bicycle or pedestrian traffic going to Harrington Beach State Park to the east.

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

RECOMMENDED MOTION: Deny request for angled parking along CTH D.

ATTACHMENTS:

- CTH D Angled Parking Ortho (PDF)
- Lake Church Inn - Angled Parking Request(PDF)
- CTH D - Angled Parking Photos (PDF)

CTH D Angled Parking



Attachment: CTH D Angled Parking Ortho (CTH D Angled Parking)

Legend

Tax Parcel	CSM	US Highway	Town/Public Road
Gap	Cemetery Plat	State Highway	Railroad Centerline
Overlap	Condominium Plat	County Road	
Historical Parcel Lines	Subdivision Plat	Ramp	
Assessor's Plat	Plat of Survey	Private Road	

Product of the LAND INFORMATION OFFICE
7/13/2022, 9:27:24 AM

7/13/2022, 9:27:24 AM

0 0.0045 0.009 0.018 0.027 0.036 mi

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled.

Lake Church Inn
 690 County Road D
 Belgium, WI 53004
 414-688-3782
 lakechurchinn@wi.rr.com

June 16, 2022

RE: Parking across the road from the Lake Church Inn.

The Lake Church Inn has been an active business since 1848, and my wife and I have owned for the past 19 years. As a small business, especially in our industry, it has been difficult to remain profitable the past few years. Changing the parking for no good reason at this time would put us at a further disadvantage.

We are requesting that angle parking, which has been in place for a very long time, remain in place.

1. Very low traffic count.
2. 25mph speed limit.
3. There has been angle parking here for over 50 years and we could not find evidence of a single accident.
4. There is angle parking in Port Washington (Port Hotel/Ozaukee Press) with a much higher traffic count and no apparent issues.
5. There is angle parking in Grafton (Bridge Inn) with a much higher traffic count and no apparent issues.
6. Parallel parking would reduce the number of parking spaces from 17 to 7.
7. Parallel parking is not even on the driving test any longer in many municipalities.
8. Parallel parking is more difficult for senior citizens.
9. A few months ago, ATVs were given the green light to be legally driven along County Road D. This means that the Town of Belgium, the Village of Belgium, and Ozaukee County must feel that the road is safe enough for people as young as 16 years old, with no driver's license, to be on the road in a small open vehicle at speeds of up to 25 mph.
10. The current owner of the building being converted from a church to a home has no objections to the angle parking.
11. There is plenty of room for the angle spaces 26ft long and 10ft wide (the current lines are already there and just need to be repainted which we are willing to do as originally discussed with Jon Edgren).

We are hoping that you will help us out in this matter

Hoping to be of service,

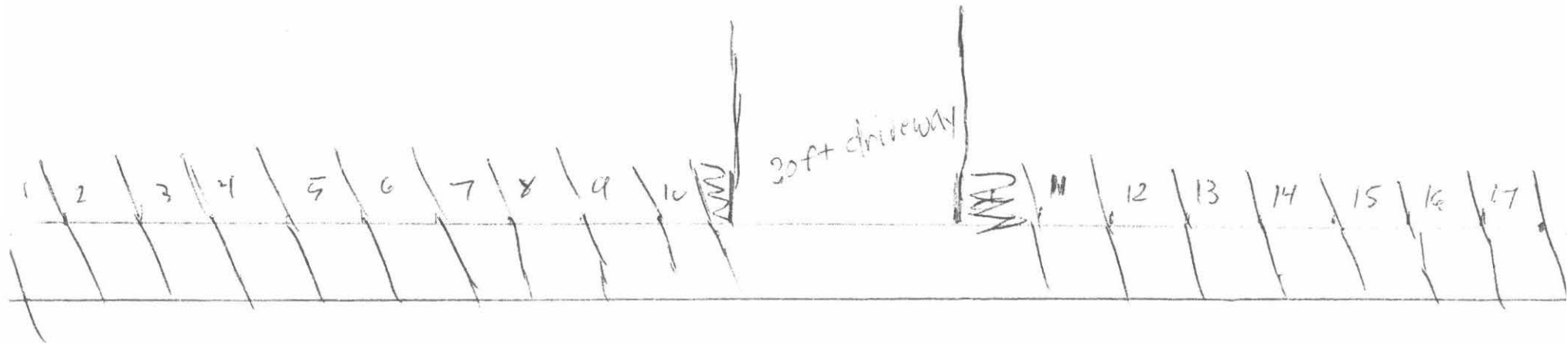


Dave & Annette Maiman
 Owners, Lake Church Inn

Attachment: Lake Church Inn - Angled Parking Request (CTH D Angled Parking)

S
↑

church house



E
←

W →

690 County Road D

Lake Church Inn

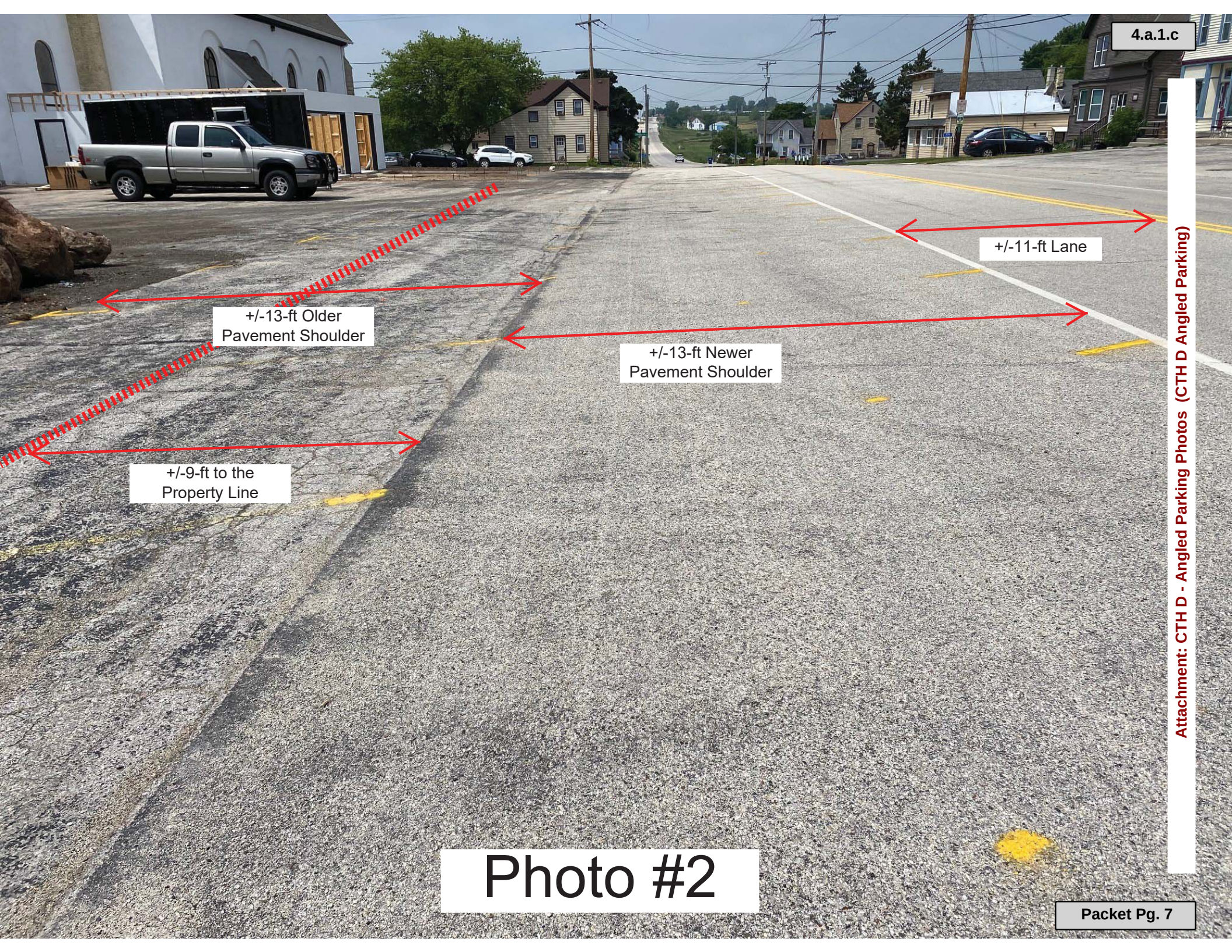
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N

Attachment: Lake Church Inn - Angled Parking Request (CTH D Angled Parking)



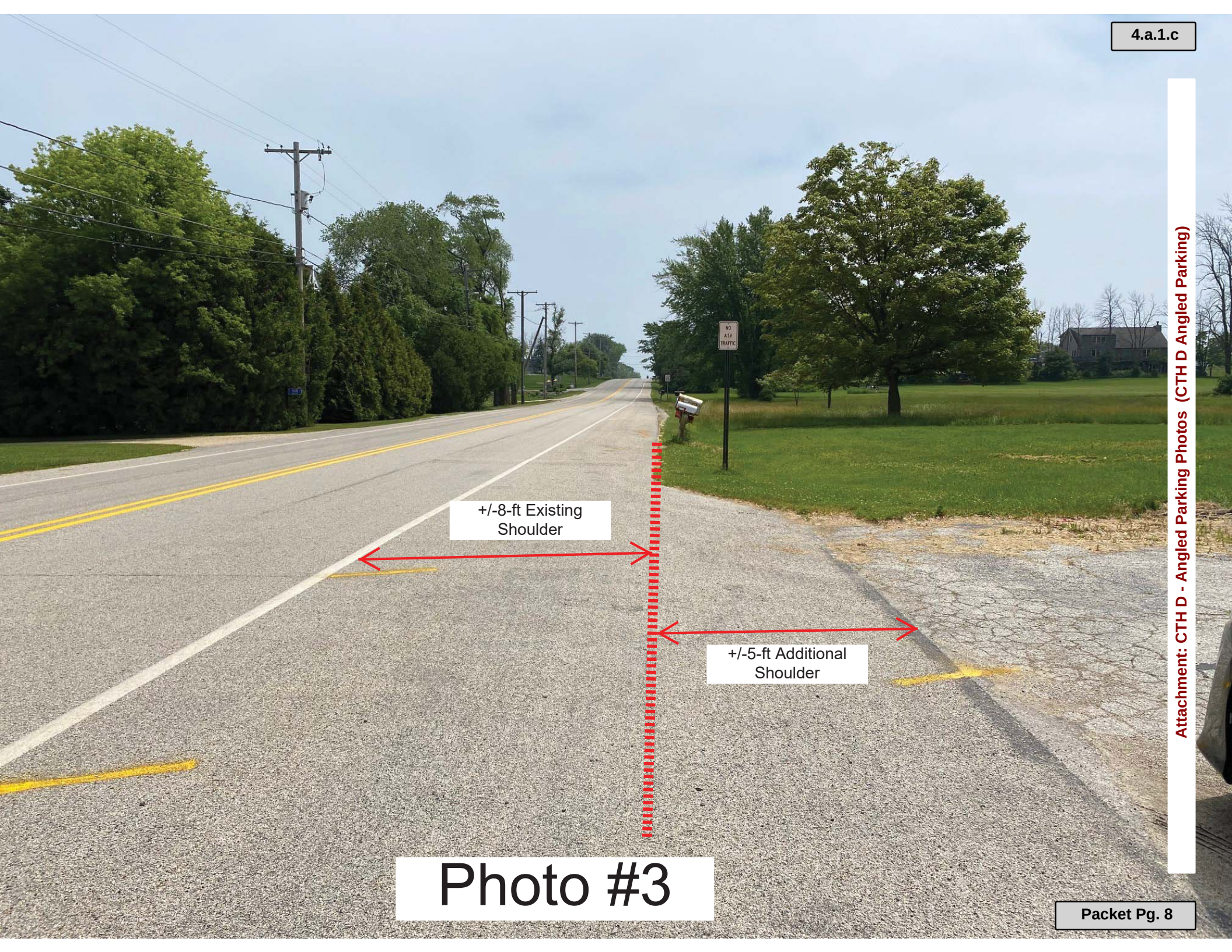
Attachment: CTH D - Angled Parking Photos (CTH D Angled Parking)

Photo #1



Attachment: CTH D - Angled Parking Photos (CTH D Angled Parking)

Photo #2



+/-8-ft Existing
Shoulder

+/-5-ft Additional
Shoulder

Photo #3

Attachment: CTH D - Angled Parking Photos (CTH D Angled Parking)

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	July 21, 2022
DEPARTMENT:	County Clerk
DIRECTOR:	Julie Winkelhorst
PREPARER:	Julie Winkelhorst

Agenda Summary Review of Open Meetings Law and Committee Responsibilities per Ozaukee County Policy and Procedure Manual

ATTACHMENTS:

- Public Works Committee (PDF)
- Fact-Sheet-1_-Open-Meetings-Law (PDF)
- ethFAQ3-08 (PDF)

2.03 STANDING COMMITTEES OF THE COUNTY BOARD

(1) General Powers and Duties:

- (a) Oversight of County Departments: Oversight shall include but is not limited to the following:
 - 1. Interview up to three candidates suggested by the County Administrator for appointment to the position of Director, Department Head, Administrator, and/or Commissioner of the County Departments within their oversight. The Standing Committee shall recommend an appointee to the full County Board for confirmation within the salary guidelines set by the Finance Committee
 - 2. Monthly review of a department-wide budget summary for each of the County Departments within the Committee's oversight highlighting variances from the adopted budget
 - 3. Direct and guide policy and enforce accountability of the Departments within their oversight
 - 4. Approve all action items including but not limited to:
 - a. Departmental budgets
 - b. Departmental policies and procedures
 - c. Staffing levels and hours
 - d. New positions
 - e. Capital purchases greater than \$5,000
 - f. Fund transfers of \$10,000 or more and any transfer involving funds budgeted for conferences and meetings
 - g. Grant applications and acceptances
 - h. Review departmental fee schedules
 - i. Departmental name changes
 - 5. Authorize, review, and approve intergovernmental agreements and contracts as necessary or as otherwise authorized by law:
- (b) Establish Ad Hoc and/or Study Groups: in keeping with the purposes and objectives of the Committee, to analyze committee policies or issues, and to encourage community involvement
- (c) Setting Agendas:
 - 1. The Committee Chairperson and County Administrator shall set the agendas of the Standing Committees in consultation with Constitutional Officers of the County and Department Heads within their oversight
 - 2. The Office of the County Clerk shall administer the agendas and minutes for all standing Committees
- (d) Standing Committees shall oversee all public work within their departmental oversight, including any contract for the construction, repair, remodeling or improvement of any public work or building
 - 1. Public notices or bids for all public work shall be released and published per Sec. 59.52(29)(a), Wis. Stats.
 - 2. Approve all contracts and change orders:

- a. Change orders up to \$5,000 require the approval of the Public Works Director.
- b. Emergency change orders up to \$25,000 may be approved by the Public Works Director after consultation with Committee Chairperson and County Administrator and the appropriate Department Head.
- c. Change orders over \$25,000 require approval of the Standing Committee.
- d. All change orders must be reported to the Standing Committee at the meeting following their approval.

(3) Public Works Committee:

(a) Serve as the oversight Committee for:

- 1. Facilities Department
- 2. Highways Department
- 3. Transit Department

(b) Facilities Maintenance:

- 1. Authorize purchase of materials used for, and be responsible for all the County Administration Center, Justice Center, fairgrounds and Highway facilities construction, purchases, acquisitions, development, improvements, extensions, remodeling, renovation, repairs, and equipping same. Responsible for all building and property repairs, maintenance and construction
- 2. Assign office and storage space in County facilities
- 3. Lease office space per Sec. 59.52(6),(d), Wis. Stats.

(c) Highways:

- 1. Designated as Highway Committee per Sec. 83.015, Wis. Stats.
- 2. Make orders providing for the laying out, relocation and improvement of public highways, streets, alleys, storm and sanitary sewers, water courses or airports per Sec. 32.05(1), Wis. Stats.
- 3. Enter into agreements with the State Department of Transportation providing for the construction, reconstruction, or improvement, with state or federal aid, of highways, streets, or bridges, which the County is authorized to construct, reconstruct, or improve, per Sec. 86.25(2), Wis. Stats.
- 4. Make necessary arrangements for the maintenance and regulation of parking lots that are used as an integral part of the highway system of the County

(d) Transit: Administer the county transit (bus), and shared ride taxi service program per Sec. 59.58(3), Wis. Stats.

(e) Serve as joint liaison to the County Board, in conjunction with the Public Safety Committee, for Traffic Safety Commission per Sec. 83.013, Wis. Stats.

(f) Serve as liaison between the County Board and the Eastern Wisconsin Railroad Consortium (08-7)

(7) Term Limits

(a) Supervisor Term Limits on Standing Committees

1. No County Board Supervisor shall serve more than four (4) consecutive terms on a Standing Committee.
 2. Only full two-year terms shall be counted for the purposes of calculating term limits.
 3. The calculation of Standing Committee term limits shall be calculated retroactively to the creation of the current committees per the County Board Reorganization implemented on April 6, 2005.
- (b) Term Limits on Standing Committee Chairpersons
1. No County Board Supervisor shall serve more than three (3) consecutive terms as the Chairperson of a Standing Committee.
 2. Only full two-year terms shall be counted for the purposes of calculating term limits.
- (8) Virtual Attendance at Standing Committee Meetings. (20-35), (20-37)
- (a) The Committee Chairperson may allow County Board Supervisors to attend standing committee meetings by teleconference when necessary to obtain quorum.
- (b) Access to Standing Committee Meetings.
1. When permission to attend a standing committee meeting by teleconference is granted, a phone number and unique access code will be provided to the County Board Supervisors attending telephonically.
 2. The information will be provided via email to County Board Supervisors through their County Board email address.
 3. County Board Supervisors shall connect to teleconferences five minutes prior to the start time of the standing committee meetings to ensure access.
 4. County Board Supervisors shall enter standing committee meetings on mute and unmute when addressing the committee to lessen disruptions.

2.04 COMMITTEE GENERAL PROCEDURES

(1) Parliamentary Procedure:

- (a) Except as modified by the following rules, the rules of the parliamentary practice in Robert's Rules of Order Newly Revised shall govern in all cases where they are applicable.
 - (b) The Statutory Boards and Commissions shall select their own Chairperson and Vice-Chairperson by election.
 - (c) No county employee, either full-time or part-time, may serve as a Committee, Board, or Commission, Chairperson or Vice-Chairperson that has any type of oversight responsibility involving that employee.
 - (d) Section 2.01(4)(j)2.b. of this manual shall apply to attendance of County Board and citizen members at meetings of Standing Committees except when permission is granted to County Board Supervisors to attend by teleconference pursuant to the provision in Section 2.03(8)(a) of this manual.
- (2) Quorum:
- (a) A quorum is defined as a majority of the authorized number of Committee members. All standing Committees shall consist of five Board members. The Natural Resources Committee shall also

contain a Farm Service Agency representative for agricultural soil and water conservation related issues only.

- (b) If any of the members of the Committee are not in attendance then any member of the Executive Committee or the Chairperson's designee may act as members of the Committee.
- (c) When a majority is not in attendance, all present shall be entitled to their per diem, if applicable, and mileage.
- (3) Closed Sessions:
 - (a) A meeting of a Committee, upon a motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in Sec. 19.85, Wis. Stats.
 - 1. The motion shall be carried by majority vote in such manner that the vote of each member is ascertained and recorded in the minutes.
 - 2. No motion to convene in closed session may be adopted unless the Committee Chairperson announces to those present at the meeting at which such motion is made:
 - a. The nature of the business to be considered in such closed session
 - b. The specific exemption or exemptions by which such closed session is claimed to be authorized
 - c. No business may be considered at any closed session except that which relates to matters contained in the Committee Chairperson's announcement of the closed session.
 - 3. A Committee may not commence a meeting, subsequently convene in closed session, and thereafter reconvene again in open session within 12 (twelve) hours after completion of the closed session unless the agenda for the meeting indicates that the Committee will return to open session at an approximate time to be indicated on the agenda.
 - a. If the agenda indicates that the Committee will return to open session, the motion to reconvene into open session shall be carried by majority vote in such a manner that the vote of each member is ascertained and recorded in the minutes.
- (4) Public Comment:
 - (a) Section 2.01(4)(g)1., 2., 4., 5.a., d., e., and 6. of this manual shall apply to public comment at committee meetings.
 - (b) County Board Supervisors that are non-members of the committee may participate as non-voting members of the committee on any item noticed on the agenda for discussion or action.
- (5) Motions and Voting:
 - (a) Any member of a Committee may make a motion.
 - (b) A motion that does not receive a second will be considered lost.
 - (c) All members of the Committee present shall vote on each motion unless excused for a valid reason.
 - (d) The Chairperson must always vote last in order to break a tie vote or to create a tie vote.
 - (e) A tie vote will cause the motion to be lost.
 - (f) A roll call vote will be taken if a Committee member requests such a vote. Such a vote must be taken on a motion to go into closed session.

- (6) Committee Agendas:
 - (a) Committee agendas are normally prepared by staff personnel in cooperation with the Committee Chairperson and County Administrator.
 - (b) Any member of a Committee shall have the right to have any particular item placed on the agenda for a specific meeting.
 - (c) Agendas are normally prepared and forwarded to the County Clerk's office one week before a meeting.
 - (d) That office will then post copies and forward copies to the news media to comply with Sec.19.84, Wis. Stats.
 - (e) If it becomes necessary to amend an agenda that has previously been distributed, a copy of such revised agenda must be received in the County Clerk's office at least 24 hours before the anticipated start of the meeting.
 - (f) A prescribed Committee attendance form must be completed for each meeting and is to be filed in the County Clerk's Office as soon as possible after each meeting.

REFERENCED ABOVE

2.01 RULES OF THE COUNTY BOARD OF SUPERVISORS

- (4) Meetings
- (g) Public Attendance and Comment at County Board Meetings:
 - 1. A period for public comment will be provided at every meeting. The purpose of public comment is to provide non-County Board members that reside in the County an opportunity to comment on matters over which the County Board has authority.
 - 2. The rules of decorum followed by County Board members apply to non-members in attendance at County Board Meetings. The use of signs is prohibited. Applause or heckling in response to a speaker's remarks and other conduct that disrupts the meeting or is disrespectful of others is prohibited.
 - 4. Public comment is not permitted on personnel matters, matters that have previously been the subject of a public hearing or are the subject of quasi-judicial hearings. Candidates for office may not use public comment for campaign purposes but may introduce themselves and state what office they are seeking.
 - 5. Public Commenters:
 - a. Must be present in person.
 - d. May not speak until they have been recognized by the Chairperson.
 - e. Must verbally state their name and address.
 - 6. The Chairperson may limit comment that is redundant.
- (j) Voting Procedures:
 - 2. Voting:
 - b. County Board Supervisors must be physically present to attend, participate and vote.



Wisconsin Open Meetings Law

Fact Sheet No. 1

Local Government Education Program

*Revised by Philip J. Freeburg, J.D., Local Government Educator, University of Wisconsin-Extension
Local Government Center*

April 2020

Policy (Wis. Stat. § 19.81)

The Open Meetings Law begins by recognizing that a representative government depends on an informed electorate. An informed electorate needs access to information. The Wisconsin State Legislature declares that the policy of the Open Meetings Law is to:

- Enable the public to have “the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business;”
- Ensure that meetings of governmental bodies are held in places reasonably accessible to the public; and
- Ensure that such meetings are open to the public unless otherwise expressly provided by law.

The Open Meetings Law is to be “liberally construed” (i.e. broadly interpreted) to achieve the purpose of open government.¹ The law ensures that there is public access and open decision making. Open decision making includes the information gathering stages, discussions, and voting.²

The policy provisions of the Open Meetings Law are not idle rhetoric. Almost all court decisions enforcing the law begin by invoking the explicit policies stated in Wis. Stat. § 19.81.³ To implement these policies, the law requires advance notice of meetings and that those meetings be open and accessible to the public. Closed sessions are limited to exceptions specifically provided by statute.⁴

Coverage

“Governmental Bodies” subject to the Open Meetings Law

The definitions in the Open Meetings Law not only explain terms used in the statute, but they also determine which bodies are covered and what gatherings constitute a “meeting” under the law. A “governmental body” under the Open Meetings Law includes any state or local agency, board, commission, committee and council created by law, ordinance, rule or order.⁵ “Rule or order” includes motions, resolutions, formal and informal directives by a governmental body or officer that sets up a body and assigns it duties.⁶ At the local level, bodies covered include county, village, and town boards, city councils,

school boards, as well as all their committees, commissions, and boards. It is how the body is created, not its members or authority that is the determining factor. Thus, a citizen study or advisory committee created by a county board is considered a governmental body.⁷

A committee, including one set up by administrative staff, could be a governmental body under the Open Meetings Law even if it is not a typical sub-unit of the city council, town or county board. If the committee takes the form of a body with defined membership, is created by "rule," and has the power to take collective action, then it is considered a governmental body under the Open Meetings Law.⁸ The key element is whether it is created by "rule." A rule can be a statute, ordinance, resolution, or policy, including handbooks or by-laws, that creates or authorizes the committee. The Wisconsin Counties Association and the League of Wisconsin Municipalities recommend reviewing ordinances, by-laws, policies, and handbooks that are approved by the county or village board or city council to determine which committees are created by rule.⁹

In addition, the term "governmental body" under the law includes governmental and quasigovernmental corporations, as well as other specified entities.¹⁰ A governmental or quasigovernmental corporation includes corporations created by the legislature or by other governmental bodies under statutory authorization. Quasi-governmental corporations are not just those created by a governmental body, but also may be corporations that resemble governmental corporations.¹¹ Determining if an entity resembles a governmental corporation depends on the total facts and circumstance about the entity and is determined on a case-by-case basis.¹² Thus no single factor is determinative, but courts consider several factors: (1) whether the entity performs or serves a public function, as opposed to a purely private function, even if the public function is merely recommending action to a governmental body;¹³ (2) the degree of public funding;¹⁴ (3) government access to the entity's records;¹⁵ (4) express or implied representations that the entity is affiliated with government;¹⁶ and (5) the extent government controls the entity's operation, such as appointing directors, officers or employees, or officials serving in those positions.¹⁷

If a citizen body creates itself by its own authority (independent of any governmental unit or statute, ordinance, rule or order) and sets its own charter, bylaws, membership requirements, or rules, most likely it is not a quasi-governmental corporation. To constitute a governmental corporation or quasi-governmental corporation, the organization must in fact be incorporated, and not another type of entity such as a nonprofit association.¹⁸

The Open Meetings Law still provides that a local governmental body conducting collective bargaining is not subject to the law. However, this is not as significant a provision of the law as it was before the Act 10 public union reforms. Nonetheless, notice of reopening a collective bargaining agreement must be given under the Open Meetings Law and final ratification of the agreement must be done in open session under such law.¹⁹

"Meetings" under the Open Meetings Law

A meeting is defined as a gathering of members of a governmental body for the purpose of exercising responsibilities and authority vested in the body.²⁰ The courts apply a purpose test and a numbers test to determine if a meeting occurred. The law applies to a meeting when both the numbers and purpose tests are met.²¹

Purpose and Numbers Tests

The purpose test is met when there is information gathering, discussion, or decision-making on matters over which the governmental body has authority. Social or chance gatherings where there is no discussion

on the topics over which the body has jurisdiction are excluded. The numbers test asks if there are enough members to determine the outcome of an action. The statute presumes that a gathering of one-half of the membership is a meeting, because one-half could determine the outcome of a vote by preventing a majority in favor of a proposal. Thus, less than a majority could determine the outcome of an issue. This is called a "negative quorum," and can meet the numbers test. Use caution when gathering with other members, because less than half can also be a negative quorum. There could be less than half a city council, or county board gathered together, but a quorum or a negative quorum of a committee may exist. Votes requiring a two-thirds majority, like a budget amendment, can meet the numbers test if one-third plus one of the members are together discussing the amendment.²²

There are other special cases where a meeting exists for the purposes of the law. A series of conversations, phone calls, or emails to "line up votes" or conduct other business is known as a "walking quorum," and violates the law.²³ Such conduct addresses the business of the governmental body without public notice, information, or participation. Telephone conference calls among members are also considered a meeting when the two tests are met and therefore, must be conducted in such a manner as to be accessible to the public.²⁴

Emails, instant messages, blogs, social media sites, and other electronic message forms could also create a meeting. While no court decision has clarified the Open Meetings Law on this issue, the state attorney general's office advises that if the communications are like an in-person discussion with a prompt exchange of viewpoints by members, then it raises the possibility of an Open Meetings Law violation. If the communication is more like written a communication on paper, which is not an Open Meetings Law violation, then the communication is less likely a violation. To avoid the risk of excluding the public and violating the law, the attorney general's office discourages the use of electronic messages between members to discuss issues within the authority of the body. Certainly, avoid the "reply" or "reply all" email functions.²⁵

If enough members of one government body to satisfy the numbers test and attend the meeting of another government body in an effort to gather information on a subject over which the body has authority, a meeting under the law may occur. Unless the gathering is by chance, it should be treated as a meeting of both bodies and notice must be given.²⁶ The attorney general's office recommends giving notice of when a body is attending the meeting of another body and to be as specific in the notice as possible. It is further recommended to avoid stock or boilerplate language such as that "a possible quorum may attend." Instead, be specific as to which bodies will attend the other's meeting and include when it is scheduled to occur.²⁷

Not all gatherings of members become a meeting under the law. As previously mentioned, the Open Meetings Law does not require notice for social gatherings, gatherings by chance, or at a conference if there is no business conducted (that is, the purpose test is not met).

The place of meeting must be reasonably accessible to the public, including persons with disabilities.²⁸ Accordingly, the facility chosen for a meeting must be sufficient for the number of people reasonably expected to attend.²⁹

Public Notice Requirements

If the public did not know the subjects of a governmental meeting or were not made aware of its location, date, and the time of the meeting, a meeting open to the public would be almost meaningless. Thus, public notice is required before every governmental meeting.³⁰ Further, separate notices must be given for each meeting.³¹

Effective March 2020, the Legislature changed the Open Meetings Law to require that Open Meetings Law notice to the public shall use one of three specific methods.

1. Posting a notice in at least 3 public places,
2. Posting in a least one public place and placing a notice electronically on the governmental body's Internet site, or
3. By paid publication in a news medium.³²

It is further required that each posting place or publication be "likely to give notice to person's affected."³³ The Open Meetings Law provides that paid published news medium notice is one method notice methods, but other statutes may require a published notice. If a paid newspaper publication is used to give notice, confirmation that it was in fact published in a timely fashion should be secured before the meeting convenes.³⁴

The Open Meetings Law also requires providing notice to the news media.³⁵ Notice may be in writing, by telephone, voice mail, fax or email. Written methods are best for accuracy and because doing so creates a record of the notice that can later be used as proof of compliance with the notice to news media requirement. Notice must be given to any news media that has made a written request, as well as to the official newspaper for the governmental unit. If there is no official newspaper, then notice must be sent to the news medium that is likely to give notice in the area. The newspaper does not have to print the notice and you do not have to pay to publish the notice, but you must send the notice to the newspaper whether they publish it or not.³⁶

The notice must state the time, date, and place of the meeting. If a closed session is anticipated, the notice must include the item to be considered and a citation to the particular statute justifying the closed session (see "Permitted Exemptions for Holding Closed Sessions," below).³⁷

The notice must also state the subject matter of the meeting. Discussion on any action or matter is limited to the topics specified in the notice (there is a limited exception for a public comment period, which is discussed below). The content of the notice must be "reasonably likely to apprise the public" of what will be addressed at the meeting.³⁸ In other words, the subject matter must be specific enough to let people interested in a subject matter know that it will be addressed at the meeting.

Courts reviewing and enforcing compliance with the Open Meetings Law will determine if the notice is specific enough on a case-by-case basis. That means what may be adequate subject matter notice in one instance may not be adequate in a different instance. For example, a notice stating, "employee contracts" could be adequate, but if it includes the contract of a controversial employee, then "employee contracts" would not be specific enough to satisfy the Open Meetings Law.³⁹

The Wisconsin Supreme Court gave three factors to consider when determining if notice of subject of a meeting is reasonably specific:

1. The burden of providing more detailed notice. This factor balances specificity with the efficient conduct of public business.
2. Whether the subject matter is of particular interest to the public. This factor considers the number of people interested and the intensity of interest.

3. Whether the subject involves a non-routine action that the public would be unlikely to anticipate. This factor recognizes there may be less need for specificity with routine matters and more need for specificity where novel issues are involved.⁴⁰

The attorney general's office advises that any generic notice that contains expected reports or comments by a member, official, or presiding officer should state the topics that will be addressed in the report. The attorney general's office further advises that generic subjects, such as "old business," "new business," "agenda revisions," or "such other matters as authorized by law," and fail to include further subject matter identification are inherently insufficient notice.⁴¹

A separate notice is required before each meeting of the governmental body. A general notice that is meant to cover a period of time (i.e., a week, a month) is not allowed. Notice must be given at least 24 hours prior to the meeting. The Open Meetings Law says that for "good cause" a shorter time for notice may be given; however, it must be at least two hours in advance of the meeting. Forgetting the notice or negligence is not good cause. Remember that the purpose of the law is a well-informed public, so any doubts about good cause should be resolved in favor of the public.

The presiding officer of the governmental body is responsible to give notices under the Open Meetings Law, or someone he or she designates.⁴² Because including the meeting agenda into the notice is the most common means of providing notice of the subject matter of the meeting, this part of law can be misunderstood to state that the presiding officer "controls" the agenda. That is neither the language nor the intent of the statute. The statute only assigns responsibility and accountability for meeting notices to the presiding officer, but agenda setting process more properly the subject to the body's local procedural rules.

The Open Meetings Law does not require public participation in a meeting. A governmental body may, but is not obligated to, provide for a period of "public comment" during a meeting. During that period, the governmental body may receive information from members of the public, but only limited responses or discussion is permitted if comments are on a subject matter not included in the notice.⁴³

Meetings must be open to all persons, except when closed for a specific permitted purpose (see below). An open meeting means that it is reasonably accessible to members of the public.⁴⁴ Accessible also means "reasonable effort" to accommodate persons who want to record, video, or photograph the meeting, provided that those activities do not interfere with the meeting or rights of other participants.⁴⁵

Permitted Exemptions for Holding Closed Sessions

Some subjects if discussed in an open meeting could actually be adverse to the public interest. Consider if the meeting subject is purchasing a parcel of real estate the municipality needs, and the board wants to consider acceptable terms to authorize for negotiation. Typically, an administrator or staff person is given an acceptable range of prices to use in negotiation, but if the possible terms and prices are discussed in open session, bargaining power will be compromised as the seller will know the highest price the municipality has authorized. To avoid possible harm to the public interest, the Open Meetings Law sets forth specific exceptions that permit conducting business on limited subject matter in a closed session.

Remember that the purpose of the Open Meetings Law is providing the public with "the fullest and most complete information regarding the affairs of government as is compatible with conduct of government business," and the Open Meetings Law is to be construed liberally in favor of achieving that purpose.⁴⁶ Another general requirement of the Open Meetings Law is that all governmental business shall be conducted in open session.⁴⁷ Considering these requirements of the statutes, the exemptions in Wis. Stat. §

19.85 must be construed strictly and narrowly.⁴⁸ If there is any doubt of whether a closed session exemption applies to the meeting subject matter in question, whether to close the meeting should be resolved in favor of openness.⁴⁹

A closed session may be held for one or more of 11 specified exemptions in the statutes. The following exemptions are of interest to local government bodies.

- **"Case" deliberations - Wis. Stat. § 19.85(1)(a).** This narrow exemption considers a "case" to be the subject of a quasi-judicial hearing that has many aspects of a court case: adversaries, witnesses, direct, and cross examination of witnesses.⁵⁰
- **Employee discipline, licensing, tenure, and employee evaluation- Wis. Stat. § 19.85 (1)(b) & (c).** Two open meeting exemptions involve one or more public employees. Closed sessions are permitted under Wis. Stat. § 19.85 (1)(b), when the subject is the dismissal, demotion, licensing, tenure, or discipline of a public employee. Wis. Stat. § 19.85 (1)(c), permits closed session when considering employment, promotion, compensation, or performance evaluation. These two exemptions do not include all employee related subjects, but facts and information about a specific employee(s). It does not grant an exemption when discussing policies involving a department or all employees in general.⁵¹ Neither can consideration of action to fill a vacancy on the governmental body or appointments to committees be in closed session.⁵²

If a closed session is to consider employee dismissal, demotion, or discipline and there is an evidentiary hearing or final action is contemplated, then the employee may demand that the hearing or meeting be in open session. Employees must be given notice of such closed hearings or sessions and be advised of their right to have it take place in open session. However, the employee does not have the right to demand the meeting be in closed session.⁵³

- **Criminal matters - Wis. Stat. §19.85(1)(d).** This exemption allows closed sessions to consider strategies for crime prevention or detection. It also allows closed session to consider probation or parole, but this is not a local government function.
- **Purchases and competitive bargaining - Wis. Stat. §19.85(1)(e).** This is the exemption mentioned in the introduction to this segment of this chapter. Closed sessions are allowed when deliberating or negotiating the purchase of public property, investment of public funds, or other specified public business, when competitive or bargaining reasons require a closed session. The competitive or bargaining reasons must relate to reasons benefiting the governmental body, not a private party's desire for confidentiality.⁵⁴
- **Burial sites - Wis. Stat. § 19.85(1)(em).** Deliberating on a burial site if discussing it in public would likely result in disturbance of the site.
- **Damaging personal information - Wis. Stat. § 19.85(1)(f).** Closed session is permitted when considering financial, medical, social or personal histories, or disciplinary data of specific persons. It also includes preliminary consideration of specific personnel problems or investigation of charges against a specific person, except when that person's right to an open meeting applies (see "Employee discipline, licensing, tenure" above). This exception can only be used if discussion in an open meeting would have a substantial adverse effect on the reputation of the person involved. This exemption applies to "specific persons" as compared to a small classification of public employees (see "Employee discipline, licensing, tenure" above.)

- **Legal consultation - Wis. Stat. § 19.85(g).** Conferring with legal counsel who is giving written or oral advice about strategy to be adopted in litigation in which the governmental body is or is likely to be involved.
- **Confidential ethics opinion - Wis. Stat. § 19.85(1)(h).** Used to consider a request for confidential written advice from a local ethics board.

Conducting Permitted Closed Session

The Open Meetings Law spells out a specific process to meet in closed session. Notice must be given of a contemplated closed session. The notice must describe the subject matter and specify the specific statutory exemption(s) allowing the closed session.⁵⁵ The notice of the subject matter of a closed session must be specific enough to allow the members voting on a motion for closed session and the public to discern whether the subject is authorized for closed session under Wis. Stat. §19.85(1).

To go into a closed session, the meeting must begin in open session. The body's presiding officer must announce the authority and subject of the proposed closed session. The announcement must be included in the meeting minutes or record. A motion to go into closed session must be made and seconded, followed by a vote so that each member's vote can be determined. The motion, the second, and the vote must be part of the meeting record.⁵⁶ Once a body goes into closed session it cannot reconvene in open session for 12 hours, unless public notice was given in the original notice of its intent to return to open session.⁵⁷

If the need arises, the body can go into closed session on an item specified in the public notice.⁵⁸ In such a case, the closed session item should be placed at the end of the agenda because the body cannot reconvene in open session when there was not a notice of the closed session. This is a very narrow provision, and whenever time allows, 24-hour notice must be given, or if there is good cause, at least two-hour notice could be used to give an amended notice that includes an indication that a closed session was not originally contemplated.

As with open sessions, motions and votes in closed session must be recorded. Whenever feasible, votes should be taken in open session, unless voting is an integral part of the closed session and the reason for going into closed session would be defeated or compromised by votes in open session.⁵⁹

Only matters for which the session was closed may be considered in closed session.⁶⁰ All governmental body members may participate in closed session, including those that voted against closed session. This includes a committee meeting in closed session, even if members are not on that committee, unless the governing body has a formal rule or ordinance allowing for the exclusion of members who are not serving on the committee.⁶¹ The body has discretion to admit anyone to a closed session that they deem necessary to conduct the business of the closed session.⁶²

Voting & Records

Generally, motions, seconds, and any roll call votes must be recorded, preserved, and made available to the extent prescribed by the Public Records Law.⁶³ (See the "Wisconsin Public Records" chapter of this handbook.). Certain statutes require each member's vote to be recorded; for example, Wis. Stat. § 19.85, discussed above, requires each member's vote to be recorded to convene in closed session. Wis. Stat. § 59.23(2)(a), requires county clerks to keep a record of the board proceeding, including the vote of each

supervisor. The Open Meetings Law provides that any member of a governmental body may require a roll call vote.⁶⁴

Penalties & Enforcement (Wis. Stats. §§ 19.96 & 19.97)

Violations of the Open Meetings Law are punishable by a court imposing a civil forfeiture penalty or a fine of \$25 to \$300 against members who attended a meeting in violation of the law, or a presiding officer who violated the notice requirement. These amounts are the base penalty, and, with mandatory court costs and assessments, a \$300 forfeiture can reach over \$500. Any forfeiture imposed must be paid by the members themselves and cannot be reimbursed by the governmental unit.⁶⁵ If the enforcement involves an improper closed session, members who voted against convening in closed session have a defense to the charge.⁶⁶

In addition, a court enforcing the Open Meetings Law has the power to void any action taken at a meeting in violation of the Open Meetings Law. There may be other remedies, such as an injunction, that the court may order.⁶⁷ A court also can order that the reasonable costs of prosecuting the violation can be recovered.

To start an enforcement action, any person may file a complaint under oath, known as a "verified complaint," with the county district attorney (DA). If the DA does not bring an enforcement action within 20 days, the person may bring his or her own enforcement action in the name of the state. If successful, violators can be required to pay the actual costs and reasonable attorney fees of bringing the court action. In some cases, the attorney general's office may bring an enforcement action.

These penalties are serious, but even allegations of Open Meetings Law violations often have a devastating effect on public trust in the governmental body and its members. There is also the personal embarrassment to the members and political consequences. On the other hand, being mindful of the purpose and requirements of the Open Meeting Law is a means to build public trust.

Reference & Advice

Refer to Wis. Stat. §§ 19.81-19.98 for the specific wording of the law. The Wisconsin Department of Justice has created the Office of Open Government, which has a website where you will find Open Meetings Law statutes, Wisconsin Open Meetings Law, A Compliance Guide (2018), and other resources: <https://www.doj.state.wi.us/office-open-government/office-open-governmentresources>. Advice on the Open Meetings Law is available from the county corporation counsel, a municipal attorney, or the Wisconsin Department of Justice. The UW-Extension Local Government Center (LGC) has resources available including a video on the law, which is available through the LGC's website, <http://lgc.uwex.edu>.

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Endnotes

- ¹ Wis. Stat. § 19.81 (3).
- ² State ex rel. Newspapers, Inc. v. Showers, 135 Wis.2d 77, 79 (1987); State ex rel. Badke v. Village Board of the Village of Greendale, 173 Wis.2d 553, 571 (1993).
- ³ For example: Badke, 173 Wis.2d 553 at 570 (1993); Journal Times v. City of Racine Bd. of Police and Fire Comm'rs, 2015 WI 56 ¶ 46.
- ⁴ Citizens for Responsible Development v. City of Milton, 2007 WI App 114, ¶16.
- ⁵ Wis. Stat. § 19.82(1).
- ⁶ 78 Op. Att'y Gen. 67
- ⁷ Open Meeting Law Compliance Guide, p. 4 - 5 (2018).
- ⁸ Krueger v. Appleton Area Scholl District, 2017 WI 70, ¶¶24-26.
- ⁹ Wisconsin Counties, September 2017, p.12; The Municipality, October 2017, p.23 (Governing Bodies 398 & 399).
- ¹⁰ Wis. Stat. §19.82(1).
- ¹¹ State v. Beaver Dam Area Development Corp., 2008 WI 90, ¶44.
- ¹² Beaver Dam, ¶45.
- ¹³ Beaver Dam, ¶72.
- ¹⁴ Beaver Dam, ¶66.
- ¹⁵ Beaver Dam, ¶78.
- ¹⁶ Beaver Dam, ¶¶73,74.
- ¹⁷ Beaver Dam, ¶75.
- ¹⁸ Wis. Prof'l Police Ass'n, Inc. v. Wis. Counties Ass'n, 2014 WI App 106.
- ¹⁹ Wis. Stat. §§19.82(1) & 19.86.
- ²⁰ Wis. Stat. §19.82(2).
- ²¹ See note 2, above.
- ²² This was the situation in the Showers case, above.
- ²³ Showers, 135 Wis.2d at 92, 100 (quoting State ex. rel. Lynch v. Conta, 71 Wis.2d 662, 687 (1976)).
- ²⁴ 69 Op. Att'y Gen. 143 (1980).
- ²⁵ Open Meeting Law Compliance Guide, p. 11 (2018).
- ²⁶ Badke, 173 Wis.2d 553, 571.
- ²⁷ July 26, 2016, correspondence from Assistant Attorney General Paul Ferguson to John Bodnar, Winnebago County Corporation Counsel, and Scott Ceman, Winnebago County District Attorney.
- ²⁸ Wis. Stat. § 19.82(3).
- ²⁹ Badke, 173 Wis.2d 553, 580-81.
- ³⁰ Wis. Stat. §§ 19.83 & 19.85.
- ³¹ Wis. Stat. § 19.84(4).
- ³² Wis. Stat. §19.84(1)(b)1,2 &3(2020)
- ³³ Note: Wis. Stat. §19.84(1)(b)2), does not say that the Internet site notice has to be in a manner “likely to give notice to the public,” but given policies of the Open Meetings Law, the notice should be placed in a manner to facilitate access by the public.
- ³⁴ Open Meeting Law Compliance Guide, p. 14 (2018).
- ³⁵ Wis. Stat. § 19.84(1)(b).
- ³⁶ Wis. Stat. § 19.84(1)(b).
- ³⁷ Wis. Stat. § 19.85(2).
- ³⁸ Wis. Stat. §19.84(2).
- ³⁹ State ex rel Buswell v. Tomah, 2007 WI 71.
- ⁴⁰ State ex rel Buswell v. Tomah, 2007 WI 71, ¶¶29-31.
- ⁴¹ Compliance Guide, p. 17 (2018); AG-Thompson Informal Correspondence, September 3, 2004.; AG-Ericson Informal Correspondence, April 22, 2009.
- ⁴² Wis. Stat. §19.84(1)(b).
- ⁴³ Wis. Stat. § 19.84(2).
- ⁴⁴ Wis. Stat. § 19.82(3).
- ⁴⁵ Wis. Stat. § 19.90.
- ⁴⁶ Wis. Stat. § 19.81(1) & (4).
- ⁴⁷ Wis. Stat. §19.83(1).

⁴⁸ State ex rel. Hodge v. Town of Turtle Lake, 180 Wis.2d 62, 70 (1993).

⁴⁹ See 74 Op. Att'y Gen. 70, 73 (1985).

⁵⁰ See Hodge, above.

⁵¹ Oshkosh NW. Co. v. Oshkosh Library Bd., 125 Wis. 2d 480, 486 (Ct. App. 1985).

⁵² 76 Op. Att'y Gen 276 (1987) and 74 Op. Att'y Gen 70, 72 (1985).

⁵³ State ex rel. Schaeve v. Van Lare, 125 Wis. 2d 40, Ct. App. 1985).

⁵⁴ State ex rel. Citizens v. City of Milton, 2007 WI App 114, ¶15-14 ¶

⁵⁵ Wis. Stat. §§ 19.84(2) & 19.85(1).

⁵⁶ Wis. Stat. § 19.85(1).

⁵⁷ Wis. Stat. § 19.85(2).

⁵⁸ 66 Op. Att'y Gen. 106 (1973).

⁵⁹ Open Meeting Law Compliance Guide, p. 29-30 (2018).

⁶⁰ Wis. Stat. § 19.85(1).

⁶¹ Wis. Stat. § 19.89).

⁶² Informal correspondence to Shuh, December 15, 1988.

⁶³ Wis. Stat. §§ 19.88 & 985.01(6).

⁶⁴ Wis. Stat. §19.88(2).

⁶⁵ 66 Op Att'y Gen. 226 (1977).

⁶⁶ Wis. Stat. § 19.96.

⁶⁷ Wis. Stat. § 19.97(3).



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Ethics & Conflicts of Interest—FAQs (frequently asked questions)

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April 2008*

This paper is directed particularly at local governing body members because they are the primary decision-makers in a local governmental unit and therefore the ones most subject to conflicts. (A “local governmental unit” includes a county, city, village or town, special purpose district or subunit of any of the foregoing. Sec. 19.42(7u), *Wis. Stats.*) Nevertheless, other local officials and employees may face such questions when they make decisions on matters in which they have a personal interest or a close connection with a person or organization with an interest in the matter. The paper is divided into the following headings:

- ◆ Background & General Matters (##1-5)
- ◆ Making Fair Decisions: Developing Policy; Applying the Law (##6-8)
- ◆ Code of Ethics for Local Officials (##9-11)
- ◆ Gifts, Food & Drink, Conferences, Political Contributions, etc. (##12-17)
- ◆ Contracts (##18-20)
- ◆ Compatibility Issues: Conflicts in Holding More than One Local Office or Position & in Job Creation & Selection (##21-24)
- ◆ Other provisions (#25)

Background & General Matters

1. *What is the purpose of ethics and conflicts of interest laws?* The purpose of these laws is to prevent self-dealing, undue influence and bias, and to preserve public confidence in local government by avoiding the appearance of impropriety. In general, these laws, with the open meetings and public records laws, while occasionally cumbersome, provide an important part of the foundation for our democratic government.

2. *Where can I find the laws that apply to ethics and conflicts of interest?* These laws are found in various locations. First, check your local unit’s ordinances and rules to see what provisions may apply to you. Perhaps the most basic source of ethics is the local official’s oath of office in which he or she swears to “faithfully discharge the duties” of the office; these official duties include the “performance to the best of his or her ability” and the nonperformance of

forbidden acts. Sec. 19.01(1) and (3). The Code of Ethics for Local Government Officials (also referred to as the “Code of Ethics” in this paper) is found in ch. 19, *Wis. Stats.* See statutory sections 19.42 (definitions), 19.58 (criminal penalties) and 19.59 (prohibitions, procedures and civil penalties). Another important statute is sec. 946.13, which prohibits certain private interests of public officers and employees in public contracts. At a more general level, concepts of fairness and due process are covered by court decisions interpreting the Wisconsin and Federal constitutions (see #6). Finally, the “common law” developed by the courts is another source of law (see #7).

3. *The existence of so many laws is confusing. How can I find answers to my questions?* As a local official, you should familiarize yourself with any local ordinances or rules you may have and with the statutory Code of Ethics for Local Government Officials. A good place to find information is on the Wisconsin Government Accountability Board (GAB) Ethics Division website <http://ethics.state.wi.us/>. (Note: The GAB now includes the former Elections Board and Ethics Board as divisions; the provisions of the laws affecting local officials remain the same.) Two Ethics Division publications, available on the website, are particularly useful: Eth 219 (Local officials’ receipt of food, drink, favors, services, etc.) and 240 (Mitigating Conflicting Interests: Private Interest vs. Public Responsibility); see also Eth 235 (Disposition and reporting of gifts). The website has a link to the statutory Code of Ethics for Local Government Officials. In addition, the publications of the Wisconsin local government associations include explanatory materials on these topics. Also, the Local Government Center offers a yearly WisLine program on this topic. At the LGC website, <http://lgc.uwex.edu/>, click on the WisLine link for the “Open Government” series. To find any statute on-line, from the LGC website, click on “Web Links,” next on “Internet Resources” and finally on the “Wisconsin Statutes” link to access any statute.

In addition to checking existing information, a local official may wish to obtain advice from an attorney or ethics board. Under the Code of Ethics for Local Officials, an individual may request a confidential advisory ethics opinion from the unit’s ethics board, or if there is none, from the unit’s attorney. Sec. 19.59(5). Following this advice provides the local official with a legal defense if later prosecuted for a violation. The unit’s attorney or local government association may request an advisory opinion from the state GAB’s Ethics Division. Sec. 19.59(6).

4. *How should ethics and conflicts of interest questions be approached?* Carefully and ahead of time. It’s a good idea to learn to spot potential conflict situations. You can ask yourself these questions:

--*What is the nature of the decision?* If the decision involves applying the law to specific fact situations affecting individuals, such as an application for or revocation of a permit before a body, or disciplinary actions before a body, more stringent laws apply. See #7, below.

--*Does the matter involve a public contract in which I have a direct or indirect financial interest?* These questions demand careful consideration. See ##18-20.

--*Does the action affect myself, a member of my family, or an organization with which my family member or I are associated?*

--*How would I like to read about my actions on this matter in the newspaper?*

--*Would taking part in an official capacity seem fishy?*

If the answer to any of the last 4 questions is “yes,” you should look into the matter further.

5. What should I do if I decide to abstain? It should be understood that abstention goes beyond merely not voting on the matter. You must remove yourself from the decision-making body's table and refrain from involving yourself in any way in discussions or other information exchanges in your *official* capacity. Your abstention or absence should be noted in the record. Also, abstentions should be used only when warranted, rather than to avoid taking part in difficult or controversial matters. However, it should be noted that a member of a local legislative body has a First amendment right to abstain, *Wrzeski v. City of Madison, Wisconsin*, 558 F. Supp. 664 (1983).

Making Fair Decisions: Developing Policy; Applying Policy

6. The statutes have gaps in their coverage. Are there other limits on my ability to vote on policy or administrative matters? Yes. The *common law* (i.e., the law developed by the courts) may prohibit a vote by a member of a body, such as a local governing body or board or commission member, even if statutory law does not, on matters such as adopting or amending ordinances, entering into contracts, hiring employees and deciding whether to litigate. The Wisconsin Ethics Board (now GAB Ethics Division) has noted in recent opinions that common law principles may disqualify a member of a body from voting on a matter where the member has a direct pecuniary interest not shared by others similarly situated. See, e.g., *Wis Eth Bd* opinions 2003-09 and 2003-17 (citing *Board of Supervisors of Oconto County v. Hall*, 47 Wis. 208 (1879) and 36 *Op. Att'y Gen.* 45, 46 (1947)). The Ethics Division interprets the Code of Ethics for Local Officials in a similar fashion when local officials who make policy decisions that affect themselves, "immediate family" members or "organizations" with which they are "associated" (as these terms are statutorily defined). In such cases, the official may vote or take action if the interest affects a class of similarly-situated interests, and the impact of the action on the official, family member or organization is not significantly different from the impact on the others affected. See the Ethics Division guidelines in "Eth 240."

In addition, the common law restriction is similarly stated in *Robert's Rules of Order Newly Revised (10th Edition)*, sec. 45, which states that, "No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization." Many communities have adopted *Robert's* to apply in situations not covered by their ordinances or the statutes. See, e.g., *Ballenger v. Door County*, 131 Wis.2d 422, 431 (fn. 6) (Ct. App. 1986).

7. What limitations apply to my actions when applying the law? You act in a "quasi-judicial" capacity when you apply the general law (i.e., statutes and ordinances) to specific fact situations. Examples include granting a zoning variance or conditional use permit or revoking an alcohol beverage license. In such cases constitutional law and the common law apply in addition to the statutory ethics and conflicts laws. In quasi-judicial proceedings, you must provide due process (a constitutional concept) and be fair and unbiased. This means that you will have to abstain in more situations than you would have to when making policy, such as voting on an ordinance, or when acting in an administrative capacity, such as in hiring or awarding a contract.

In quasi-judicial proceedings you should consider whether you could be seen as biased regarding either the person or the issue involved, although having opinions on local matters is not improper. For example, while it would be permissible to publicly hold the view that an

ordinance should be amended, it would be improper to disparage the ordinance at a proceeding on an application. Similarly, it is improper to show bias regarding the applicant. In one case, the chair of a zoning board of appeals (BOA) called the applicable standard for a permit a loophole in need of closing and made critical personal comments about the applicant. Not surprisingly, an appeal to court resulted in the matter being returned to the BOA for a new hearing without the participation of the BOA chair. *Marris v. City of Cedarburg*, 176 Wis. 2d 14 (1993). Similarly, in a recent case, the court ruled that a conditional use permit application had to be reheard because of the improper participation on the decision-making body of a member whose letter in support of the applicant was a part of the record. *Keen v. Dane County*, 269 Wis. 2d 488 (Ct. App. 2003). Officials in these proceedings must be careful to base their decisions on the arguments and evidence presented in the record, including the hearing, and should avoid outside sources and contacts, such as discussions with the parties or neighbors outside of the meeting or hearing room.

Violations of these principles of due process and fairness, if challenged in court, may result in having the matter sent back to the body to do over again properly. Enforcement typically does not involve damages or other penalties, although it could in certain egregious situations, involving, for example, deliberate wrongdoing and civil rights violations.

8. *How does the above reasoning apply when I, as a governing body member, am faced with a vote on a rezoning of property?* Rezoning is in a grey area of the law. In some states they are treated as quasi-judicial, but in Wisconsin they are viewed as legislative. How you proceed depends upon the nature of the rezoning. Applying the concept (#6 above) of whether you are a member of a class of similarly-affected persons is helpful. So if it's your next-door neighbor who's asking for the rezoning, you should abstain from any official involvement. But if the rezoning is for a major project that affects, for example, the entire area where you live, and you are not affected more than others, it seems legitimate for you to take part in the vote. Close situations like this should be investigated prior to becoming involved in an official capacity.

Code of Ethics for Local Officials

9. *Briefly, what is prohibited by the Code of Ethics for Local Officials?* The Code generally prohibits a "local public official" from using his/her office or position to obtain gain for the private benefit of himself/herself, an "immediate family" member or for an "organization" with which the official is "associated" (as these terms are defined in the law; item #10, following). Secs. 19.42 & 19.59, *Wis. Stats.* In addition, a recent provision prohibits a local public official from engaging in "pay to play" political agreements. See #17 below.

The language of sec. 19.59(1) contains the specific, lengthy wording of the prohibitions, which may be categorized as prohibitions on private gain, illegal influence or rewards, and involvement when the local official, a member of the official's immediate family, or an organization with which the official is associated has a substantial interest in the matter (see the following definitions).

10. *Who is covered by the Code of Ethics for Local Officials?* The local ethics code applies to local public officials who hold "local public office." Sec. 19.42(7w) and (7x), *Wis. Stats.*

"Local public office" includes: elected officers of a local governmental unit; a county administrator or coordinator, or city or village manager; appointed local officers and employees

who serve for a specified term; and officers and employees appointed by the local governing body or executive or administrative head, who serve at the pleasure of the appointing authority.

“Local public office” *does not* include: independent contractors; persons who perform only ministerial (i.e., non-discretionary) tasks, such as clerical workers; or persons appointed for indefinite terms, who are removable for cause. Finally, the term “local public office” does not include a municipal judge; this office is considered a state office. Sec. 19.42(13)(h).

Note: Persons who are appointed for indefinite terms and are removable for cause, such as police officers and firefighters, as well as their chiefs, are omitted from coverage because the definition of “local public office” covers only those appointed officials who serve for a specified term or who serve at the pleasure of the local governing body or executive or administrative head (above). The reason for this omission is not clear. A town, village, city or county, may, however, use a local ethics ordinance to fill gaps in the statute's coverage.

Other key terms in the Code of Ethics for Local Officials are: “immediate family,” “organization” and “associated.” Sec. 19.42(2), (7) and (11). The “**immediate family**” of a local public official means the official’s spouse, and a “relative by marriage, lineal descent or adoption” who receives from the official or provides to the official more than one-half of his or her support. Note that, with the exception of a spouse, the coverage of the term is based on a support test. An official’s parent or child, for example, is not covered unless the support test is met.

“Organization” is broadly defined to cover “any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.” Note that nonprofits are included and governmental units are excluded. Finally, **“associated,”** in reference to an organization, refers to the situation in which the public official or a member of his or her immediate family is a director, officer, trustee, authorized representative or agent of the organization; or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity of the organization. Note that employees as such are not covered.

11. *Must a local governmental unit adopt an ethics ordinance and establish its own ethics board? How are ethics laws enforced?* Having a local ethics ordinance and establishing a local ethics board are optional. A local unit might wish to have its own ordinance to fill in some gaps in the law and have local enforcement. Sec. 19.59(1m)-(3). (If an ordinance is established, the ordinance is enforced by the unit’s attorney rather than by the district attorney.) Similarly, a unit might wish to establish an ethics board to provide guidance on ethics matters. Sec. 19.59(3)(d). Neither is required. However, the Code of Ethics for Local Government Officials, in subch. III of ch. 19, *Wis. Stats.*, applies to all “local public officials” (as defined). Enforcement of this state law is by the district attorney, as is enforcement of the law concerning private interests in public contracts (##18-20, below). Civil remedies, including forfeitures and injunctions, and criminal penalties may apply. Secs. 19.58 and 19.59(7)-(8).

Gifts, Food & Drink, Conferences, Political Contributions, etc.

12. *May I accept gifts? What limits exist regarding the acceptance of gifts?* You may not accept a gift given to you because you are a public official, unless it is of insubstantial value. This means that you may, of course, receive gifts from friends and relatives who make the gifts for personal reasons, unrelated to seeking your favor as a public official. As a public official, it is best to politely refuse gifts and explain the policy in not accepting them. If the item cannot be returned to the donor the Wisconsin Ethics Division suggests turning the item over to the governmental unit, another public institution, or a charitable organization (other than one with which you or an immediate family member are associated). See Eth 235 (Disposition and reporting of gifts.) Gifts with an insubstantial value may be accepted, although it is always safest not to. So a small desk calendar or inexpensive pen with a logo, for example, may be accepted. The statutes do not define the terms “insubstantial value” or “substantial value.” Your local unit may do so by ordinance.

13. *What about accepting a meal from a contractor who does business with our local unit?* You should not accept such free meals. If the meal is for public business, you should pay for it yourself and seek reimbursement from your local governmental unit, preferably subject to pre-established guidelines on expense reimbursement.

14. *How about accepting refreshments and entertainment at a conference?* If you are attending the conference in your capacity as a local government official, you may accept such items if they are part of the conference and approved by the conference sponsor. So if you attend, say, the annual conference given by your statewide local government association you may certainly accept free refreshments supplied by vendors at the conference and attend entertainment provided at the conference. However, it is not proper to accept refreshments or entertainment or gifts at hospitality suites that are offered to you as a local official but are not an approved part of the conference.

15. *Are there limits on accepting transportation and services?* Yes, the Code of Ethics prohibits receiving services, of more than nominal value, that are offered to you because of your public office. Also, you may not, under a felony statute, accept free or discounted transportation, traveling accommodation or communication services for which the supplier would normally charge. Sec. 946.11, *Wis. Stats.*

16. *Do considerations of public benefit outweigh those of private benefit in some cases?* Perhaps, but be careful. When you get reimbursement for a meal during which you were on public business, you obviously received a private benefit, but your local governmental unit has decided that it is a legitimate expense—that the public benefit predominates. However, if the expense were paid by a third party, such as a potential contractor, for something which provided a private benefit, then the question would arise of whether the benefit was intended to influence your judgment. For this reason, it’s better for local officials to pay their own way and seek reimbursement from their local unit.

There may be some cases, though, where the cost is high and is incurred primarily for a public benefit. For example, if an official travels to see an expensive piece of equipment or a facility and incurs airplane, lodging, meal and entertainment costs, it seems that the local unit

might legitimately accept payment from the prospective vendor for the travel and lodging expenses. While this may be justified in some cases, it nevertheless seems better for the local unit to cover its officials' reasonable costs and seek savings from the vendor instead in the cost of the equipment being sold. Regarding the meal and entertainment expenses incurred in such a trip, the safest course is for these expenses to be paid by the official, subject to reimbursement under the local unit's guidelines.

17. What is the recent “pay-to-play” prohibition in the Code of Ethics for Local Officials?

No “local public official” or “candidate for local public office” may, directly or by an agent, use his/her office or influence regarding a proposed or pending matter in exchange for another person providing or refraining from providing a political contribution or providing or refraining from providing any service or other thing of value for the benefit of a “candidate,” a political party, any other person who must register under the campaign finance law, or to any person who makes a “communication” that refers to a “clearly identified” local public official holding an elective office or to a candidate for such office. Sec. 19.59(1)(br, *Wis. Stats.* (The terms in quotes are defined in sec. 19.42.) The pay-to-play prohibitions are enforced by a district attorney (or the attorney general) and violators are subject to forfeitures, court orders and criminal penalties. Secs. 19.58 and 19.59(7)-(8). However, a complaint alleging a violation of the law may not be brought within a specified period prior to the election for the local office.

Note that it is not a violation of the provision prohibiting a local official from using his/her office to obtain private gain, sec. 19.59(1)(a), when the official uses “the title or prestige of his or her office to obtain campaign contributions that are permitted and reported” under the campaign finance law. Sec. 19.59(1)(a).

Contracts

18. May I contract with my local unit to sell goods or equipment or land? Yes, subject to limits. Of course, you may not, under the Code of Ethics, vote to award yourself the contract or act in any official capacity regarding the contract, such as performing inspections or authorizing payments. This same prohibition on *official* action in regard to a contract is also found in a felony statute, sec. 946.13(1)(b), *Wis. Stats.* In general, as long as you abstain from all official involvement, you do not violate the law, except as follows.

You must keep in mind that the felony statute, sec. 946.13(1)(a), prohibits a public officer or employee from acting in a *private* capacity to negotiate, bid or enter into a contract where the officer is *authorized* or required by law to participate in an official capacity in making the contract or exercising discretion under the contract, unless an exception applies. This means that it is possible to abstain and still violate the law—you may have to choose between doing business with your unit and keeping your public office or job. The most commonly used exception is the one that allows a public officer or employee to avoid violating the law by abstaining completely from official action when he or she has a direct or indirect financial interest in contracts with the local unit as long as the total receipts or disbursements under the contracts in which the individual has an interest do not exceed \$15,000 in a calendar year. (*Note:* Your salary as a public official is not counted in figuring the \$15,000 limit.) If the contracts in which you have an interest exceed (or would exceed) that amount in a year, you may have committed a felony, even if you abstained, by, in your private capacity, negotiating, bidding or entering into the contract. Furthermore, you can violate the felony statute merely by bidding on

the contract, even if you do not receive it. Finally, note that it is the annual total of the payments under the contracts that is subject to the \$15,000 ceiling and triggers a violation, rather than your personal financial interest (e.g., a commission), which may be less than \$15,000.

Note: Violation of sec. 946.13 is a serious matter, a Class I felony, which means that it is punishable by a fine not to exceed \$10,000, 3 ½ years in prison, or both. Violations are prosecuted by the district attorney, and the law provides that a contract entered into in violation of the statute is void.

19. *May I provide services on contract with my local unit?* Yes, the above considerations apply when you are an independent contractor. An independent contractor is one who provides his/her own tools and equipment in performing the job and exercises responsibility over how the work is done. This is in contrast to a part-time employee (see ##22 & 23 below). If you are an independent contractor, you must abstain from any involvement in your official capacity in approving or administering the contract. By abstaining, you are protected unless the contracts in which you have an interest exceed the \$15,000 amount for the receipts and disbursements in a year (see #18, above).

20. *What about contracts involving my immediate family, an organization that I am associated with or my employer?* As with the above examples concerning contracts in which you have a personal interest (##18 and 19), the Code of Ethics prohibits you from voting or acting in an official capacity in a contract involving your immediate family or an organization with which you are associated, subject to the definitions in that Code. However, because the definitions do not cover many situations, the Code may not apply. For example, you could vote to award a contract to your brother, because he would not be an “immediate family” member as that term is defined. (See item #10). This illustrates that even though a matter may not be prohibited by the Code of Ethics, other statutes or your ordinance, *you may nevertheless decide to abstain based on appearances*. Exercise great caution, however, regarding the \$15,000 ceiling on total annual contract payments if you may be deemed to have a direct or indirect personal financial interest in the contracts (see ##18, above).

In addition, under the definitions in the Code of Ethics, although you are not “associated” with your employer merely by being an employee, because of your personal interest in employment, you must abstain from voting on contracts involving your employer.

Compatibility Issues: Conflicts in Holding More Than One Local Office or Position & in Job Creation & Selection

21. *As a local official, may I serve in other local offices?* The general rule is that the same person cannot hold two public offices, or an office and a position (see ##22 & 23, below), where one post is superior to another, or where, from a public policy perspective, it is improper for the same person to hold both. *Otradovec v. City of Green Bay*, 118 Wis.2d 293 (Ct. App. 1984). Therefore, a local governing body member cannot hold two local offices within the same unit of government, unless there is specific authorization. (A county officer is specifically prohibited from being on the county board by sec. 59.10(4), as mentioned in the following item.) For example, town, village, city and county governing body members may generally serve on local boards and commissions. Secs. 59.10(4)(counties) & 66.0501(2)(cities, villages & towns), *Wis. Stats.* Also, specific statutes allow governing body members to serve on various boards and

commissions, as is the case with town, village and city governing body members serving on the board of review and the plan commission. Secs. 70.46(1) & 62.23(1).

With regard to serving in offices for two different units, it is necessary to look at the particular offices involved to see if there is a conflict. Specific statutes may apply. For example, a county board supervisor may also serve as a town, village or city governing body member. Sec. 59.10(4). Also, the office of county board supervisor may be consolidated under a village or city charter ordinance with the office of village president or alderperson, if the boundaries of the county supervisory district are the same as those of the village or the aldermanic district. Sec. 66.0503.

What about officers other than governing body members? Again, it's necessary to look at specific situations. Generally, there are fewer conflicts when non-governing body officers are involved. Also, the statutes may cover various situations. For example, town officers are generally prohibited from receiving payment for acting in more than one town office at the same time. Sec. 60.323. However, certain local offices may be combined: e.g., the offices of town clerk-treasurer and town clerk-assessor are allowed. Sec. 60.305. Similarly, city and village offices, other than governing body offices, may generally be combined by charter ordinance. Secs. 61.195 & 62.09(3)(c).

22. As a governing body member, may I work as an employee for the local unit? No, not unless there is specific statutory authorization, such as the one recently created for town officers (see #23, below). In general, as mentioned above, under the case law on compatibility of offices and positions, a governing body member cannot also be an employee of his/her local unit. The case establishing this prohibition, *Otradovec* (above at #21), ruled that an appraiser in the city assessor's office could not also serve on the city common council.

A specific compatibility provision for counties provides that no county officer or employee may be a county board supervisor. Sec. 59.10(4), *Wis. Stats.* However, an elected or appointed county official may serve as the administrative coordinator in a county without a county executive or county administrator. Sec. 59.19.

For cities, villages and towns, the statutory law creates an exception to the general compatibility doctrine. It allows a city, village or town elected official to serve as a **volunteer fire fighter, emergency medical technician or first responder** for his or her local unit, as long as the annual compensation, including fringe benefits, does not exceed \$15,000 for the public safety position. (The limit was raised by the 2001 budget act, 2001 Wisconsin Act 16, from \$2,500 to \$15,000.) Sec. 66.0501.

A recent enactment addresses the question of the eligibility of county, city, village and town employees to run for elective office. Sec. 66.0501(5), created by 2003 Wisconsin Act 79. These employees may generally run for elective public office, and they may not be required to take a leave of absence during their candidacy, although the new provision does not affect the authority of a public employer to regulate the conduct of a public employee while acting in an official capacity. Public employees who wish to run for elective office should determine whether an incompatibility would exist if they were elected. It should be noted, however, as explained in the Wisconsin Legislative Council Act Memo on Act 79, that the new law does not apply to an individual if the federal Hatch Act applies. That federal act generally prohibits federally funded state and local officers from running for elective office unless they take a leave of absence.

23. As an elected town officer, may I do part-time work such as keeping roadways clear and plowing snow? Yes, subject to limits. The 2001 budget act created an exception to the compatibility doctrine for elected town officers, in addition to the above exception (#22) for the specified public safety positions. Sec. 66.0501(4), *Wis. Stats.*

This recent language provides that it is compatible for an elected town officer to receive wages for work he or she performs for the town as a part-time employee. Sec. 66.0501(4). An elected town officer who also serves as a part-time town employee may receive an hourly wage not exceeding a total of \$5,000 per year. Sec. 60.37(4). (For elected town officers who are a clerk, treasurer or clerk-treasurer this \$5,000 figure was raised to \$15,000 by 2007 Wisconsin Act 20). These wages are *in addition* to the amounts that may be received in the above public safety positions (#22) and for the person's elected office. However, the \$5,000 maximum *includes* amounts paid to a town board supervisor acting as superintendent of highways under sec. 82.03(1).

The town meeting of electors sets the hourly wage for an elected town officer serving as a town employee. Sec. 60.10(1)(g). The town meeting may delegate to the town board the authority to set this wage, except that the town meeting cannot delegate the authority to set the wage for a town board supervisor serving as a town employee. Sec. 60.10(2)(L).

Note: Even though a town officer may receive wages as a town employee, the town officer, under the Code of Ethics for Local Officials (#9, above), may not use his/her official capacity for his/her own financial gain, and would therefore have to abstain from official involvement as a town officer in this hiring decision and should likewise abstain from approving payment to himself or herself for such work. Also, remember that being a part-time employee is different from being an independent contractor; for the latter abstention and the \$15,000 limit on contracts apply, as discussed in ##18-20, above.

24. As a governing body member, may I take another office or a job with my local unit? What if I resign from the governing body? The answer depends upon the circumstances. First, as discussed in items ##21-23, the law of compatibility prohibits a governing body member from holding another office or position with the unit, unless a statutory exception applies. A specific statute addresses the eligibility of governing body members for election or appointment to offices and positions. Sec. 66.0501(2), *Wis. Stats.* This statute provides generally that no member of a city council or of a town, village or county board may, during the term for which the member is elected, be eligible for an office or position created during the term by the governing body or for an existing office or position where the selection is vested in the governing body.

This general prohibition, however, is subject to exceptions. It does not apply to being eligible for an elected office, or if a statute provides an exception. Also, the statute provides that the prohibition on a governing body member taking an *existing* office or job, where selection is vested in the governing body, does not apply if the member *resigns* prior to appointment. If the job or office was created during your term on the governing body, you may not resign and take the office or position during your current term of office, unless there is specific statutory authorization to do so. Sec. 66.0501(2). Of course, you could be elected to office. For example, you may as a governing body member run for and be elected to the newly created or existing office of municipal judge. However, taking the office of municipal judge would, under the compatibility of offices doctrine, #21 above, create a vacancy in your office on the governing body.

If the job or office is new and appointed, you would have to wait until after your current term has expired, and you are no longer on the governing body, to take the job or office (unless a statutory exception applies). The position of administrator serves as a good example. If you serve on a city, village or town governing body and that body creates the position of administrator, you could not resign and be appointed to fill that new post during your current term. However, if the position of administrator was in existence prior to your term of office, you could resign from the governing body and then be appointed to the position.

In contrast to the prohibition on appointment as administrator of a sitting city, village or town governing body member, it appears that a sitting county board member may be eligible for appointment as county administrator. The law provides that, "If any member of the (county) board is appointed as county administrator, his or her status as a board member is thereby terminated," except in the case of filling a vacancy in the position of administrator for up to 15 days. Sec. 59.18(1). If this situation arises, it is advisable to seek the opinion of corporate counsel on the interplay of the prohibitions in sec. 66.0501(2) and the applicability of the apparent exception in sec. 59.18(1).

The question may also arise as to whether the general prohibition in sec. 66.0501(2) prevents a governing body member from serving in one of the designated part-time public safety positions (#22, above) or prevents a town board supervisor from working on a part-time town job (#23, above) if the position was created during the governing body member's current term of office, or the selection is vested with the governing body. It appears that these provisions allowing elected officials to hold certain part-time positions (##22 & 23) are intended as exceptions to the general prohibition on governing body members taking jobs created during their current term of office or where selection is vested in the governing body.

Finally, it should be emphasized that you, as a governing body member, must not use the power of your office to obtain a new position, or to obtain financial gain for yourself. This could violate the Code of Ethics for Local Officials (sec. 19.59, #9 above) and could constitute misconduct in office (sec. 946.12)(#25j below). In addition, the felony statute prohibiting private interests in public contracts (##18-20) could also be involved if you, as a governing body member, submitted a job application for a job with a yearly payment over \$15,000 (unless a statutory exception applies).

Other Provisions

25. *What other ethics provisions are in the Wisconsin Statutes?* This FAQs paper has primarily covered the Code of Ethics for Local Officials, found in subch. III of ch. 19, *Wis. Stats.*, and the related criminal provision on public interests in private contracts, sec. 946.13. These are the most commonly-referenced Wisconsin statutory provisions. However, there are a number of other provisions relating to ethics and conflicts of interest in the law. Some of them, such as the prohibition on certain sales to local employees, are very narrow. Following is a listing of Wisconsin ethics and conflicts-of-interest provisions, including the statutes covered in this paper (which are indicated by an asterisk). (For information on how to access the statutes, see #3 above.)

a. Bribery. Secs. 12.11 and 946.10. The scope of prohibitions covered by sec. 12.11 includes promising an official appointment or anything of value to secure votes. Section 946.10 prohibits public officials from taking bribes.

b. Discounts at certain stadiums. Sec. 19.451. Local officials may not accept discounts on prices charged to the general public for parking and seating at the stadiums of professional teams that are exempt from the property tax under sec. 70.11(36).

*c. *Code of Ethics for Local Officials (## 9-11).* Secs. 19.42, 19.58 and 19.59. These statutes provide ethical standards for local officials, and authorize a local ethics ordinance and establishment of a local ethics board.

*d. *Eligibility for office (##21-24).* Sec. 66.0501. This provision addresses limits on a local officer holding or taking another local office or position.

e. Compensation of governing body members. Sec. 66.0505 (formerly sec. 66.196). County, city, village and town governing body members may not give themselves mid-term salary increases. A new sub. (3), created by 2007 Wisconsin Act 49, creates a procedure for an elected official to refuse his or her salary. Salary and benefit changes are also covered by various specific provisions in the county, city, village, town and municipal law chapters of the statutes.

f. Fraud by board of review member. Sec. 70.502. Such member may not intentionally violate the law or fail to perform duties.

g. Sales to liquor (and wine) licensees or applicants. Sec. 125.51(1)(b). A member of a municipal governing body may not sell or offer to sell a bond, material or product to be used in the licensee's business.

h. Sales to local employees. Sec. 175.10. Local units of government, governing body members and purchasing agents in general may not sell things to their own employees. The prohibition does not cover meals, public services and items required for the safety or health of employees. The prohibition also does not apply to recreational, health, welfare, relief, safety or educational activities furnished by the governmental unit.

*i. *Special privilege (travel, transportation, utilities)(#15).* Sec. 946.11; Art. 13, sec. 11, *Wis. Const.* Public officers may not be given, or receive, free or discounted traveling accommodation, transportation for persons or property, or transmission of messages or communications not available to the general public.

j. Misconduct in office. Sec. 946.12. A public official or employee may not intentionally: fail to do a mandatory, nondiscretionary, ministerial duty; act in excess of his or her authority; abuse his or her discretion with the intent to obtain a dishonest advantage for the officer, employee or another; falsify records; or under- or over-value any duty or service whose cost is fixed by law.

*k. *Private interests in public contracts (##18-20).* Sec. 946.13. This statute places limits or prohibits local officials and employees with authority over contracts from bidding or entering into such contracts (subject to exceptions).

l. Purchasing claims at less than full value. Sec. 946.14. Public officers and employees may not, in their private capacity, intentionally purchase for less than full value any claim against the state or a political subdivision of the state.

m. Public construction contracts at less than full value. Sec. 946.15. Compensation due to persons employed under these contracts may not be given up, waived, returned or reduced.

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	July 21, 2022
DEPARTMENT:	County Clerk
DIRECTOR:	Julie Winkelhorst
PREPARER:	Julie Winkelhorst

Agenda Summary June 16, 2022

[<https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/ 06162022-3099>](https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/06162022-3099)

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	July 21, 2022
DEPARTMENT:	Facilities Management
DIRECTOR:	Jon Edgren
PREPARER:	Jon Edgren

Agenda Summary Facilities Reports

ATTACHMENTS:

- Facilities Financials - July 2022 (PDF)
- Fairgrounds Financials - July 2022 (PDF)

Ozaukee County Committee Report
General Fund Facilities Management
 For the Six Months Ending Thursday, June 30, 2022
 Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2022 YTD Actual	2022 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Interdepartmental Charges	\$4,624	\$27,743	\$56,986	\$29,243	48.68%
Other Revenue	\$48	\$48	-	(\$48)	0.00%
Total Revenues	\$4,672	\$27,791	\$56,986	\$29,195	48.77%
Expenditures					
Salaries	\$43,387	\$270,212	\$581,355	\$311,143	46.48%
Fringe Benefits	\$14,982	\$102,642	\$181,362	\$78,720	56.60%
Travel/Training	-	-	\$100	\$100	0.00%
Supplies	\$6,439	\$36,394	\$101,795	\$65,401	35.75%
Purchased Services	\$30,305	\$179,669	\$427,124	\$247,455	42.06%
Interdepartment Charges	\$1,703	\$14,784	\$42,946	\$28,162	34.42%
Other Expenses	-	\$741	\$3,020	\$2,279	24.54%
Total Operating Expenditures	\$96,816	\$604,442	\$1,337,702	\$733,260	45.19%
Capital Outlay					
Total Expenditures	\$96,816	\$604,442	\$1,337,702	\$733,260	45.19%
Net Increase (Decrease)	(\$92,144)	(\$576,651)	(\$1,280,716)	(\$704,065)	45.03%

Equity:

Attachment: Facilities Financials - July 2022 (Facilities Financials - July 2022)

Ozaukee County Committee Report
Special Revenue Fund Fair Grounds
 For the Six Months Ending Thursday, June 30, 2022
 Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2022 YTD Actual	2022 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Taxes	\$9,918	\$59,508	\$119,017	\$59,509	50.00%
Public Charges for Services	\$47,742	\$70,872	\$206,150	\$135,278	34.38%
Other Revenue	-	-	\$3,000	\$3,000	0.00%
Total Revenues	\$57,660	\$130,380	\$328,167	\$197,787	39.73%
Expenditures					
Salaries	\$1,898	\$7,633	\$69,096	\$61,463	11.05%
Fringe Benefits	\$158	\$662	\$23,745	\$23,083	2.79%
Travel/Training	-	\$240	\$500	\$260	48.00%
Supplies	\$277	\$7,302	\$24,375	\$17,073	29.96%
Purchased Services	\$11,349	\$99,413	\$196,299	\$96,886	50.64%
Interdepartment Charges	\$284	\$7,170	\$7,900	\$730	90.76%
Other Expenses	-	\$460	\$6,250	\$5,790	7.36%
Total Operating Expenditures	\$13,966	\$122,880	\$328,165	\$205,285	37.44%
Capital Outlay					
Total Expenditures	\$13,966	\$122,880	\$328,165	\$205,285	37.44%
Net Increase (Decrease)	\$43,694	\$7,500	\$2	(\$7,498)	375000. 00%
<i>Equity:</i>					
Governmental Fund Balance	-	(\$178,308)	-	\$178,308	0.00%

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE: July 21, 2022
DEPARTMENT: Transit
DIRECTOR: Jon Edgren
PREPARER: Joy Neilson

Agenda Summary Ozaukee County Express Bus 2023 Options

Report, schedule, and current service contract are attached.

ATTACHMENTS:

- 07_Ozaukee County Commuter Express (PDF)
- 07_143 Map and Schedule (PDF)
- 07_2022 CB Milwaukee Transport Services - 1 yr renewal_SIGNED (PDF)

Ozaukee County Commuter Express – Continuation in 2023

Overview:

The Ozaukee County Commuter Express provides fixed-route service between Ozaukee County and downtown Milwaukee during peak commute hours. The contracted operator is Milwaukee Transport Service, and the bus operates as MCTS 143. The current schedule has 7 runs in the morning from Ozaukee County to Milwaukee, and 7 runs in the afternoon/evening from Milwaukee to Ozaukee County. Riders can pick up the bus at three locations in Ozaukee County. The Ozaukee Express allows for a 30-minute commute from the Cedarburg Park & Ride lot to Wisconsin and Cass street.

Ridership on the 143 has been steadily declining since a peak in 2008. 2019 had been the worst year since the beginning of the service in 1998. This follows a national trend in declining ridership for commuter bus services. Ridership dropped 80% during the pandemic, and has not recovered. Ridership is averaging 3.3 people per bus, with a net cost per ride of \$87.67 (June).

The primary driver in the recent decline in ridership has been the change to blended and online work for professionals. Washington County's commuter bus, which has been running continuously through the pandemic, shows a clear pattern of hybrid work schedules with ridership significantly lower on Thursday and Friday of each week. It's unknown why national trends for commuter bus service were in decline for the 10-years prior to the pandemic.

Service on the 143 was suspended from May 2020-August 2021. Ozaukee County restarted the 143 in 2021 with the hope that it would be established by the time businesses brought workers back. Service was streamlined to reduce overall costs with expected low ridership. The number of runs was reduced and the route changed to eliminate service on Port Washington Road, reducing overall ride time. Reverse commute service was also eliminated.

Market research in 2021 found a lack of awareness about the bus in Ozaukee County and in downtown businesses. Ozaukee County responded through an aggressive marketing campaign, including new commercials, billboards, social media promotion, and offering a free week of rides at the restart of service.

Ridership has increased with the I-43 construction and high gas prices – a typical cause of increased transit use. Ridership has increased by 363 rider per month since March. However, overall ridership is still 80% lower than 2019. If the ridership continues at this rate of growth through the end of the year, the monthly ridership will reach 62% of pre-pandemic numbers with an estimated net cost per ride of \$39.47.

2022 Express Bus Report							
	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>YTD</i>
Days in Service							
Total	5	0	19	21	22	22	89
Ridership							
Monthly Total	89	0	552	811	907	1,028	3,387
Daily Average	18	n/a	29	39	41	47	38
Average per Run	1.3		2.1	2.8	2.9	3.3	2.7
Cost of Operation							
Administrative Cost	\$1,824	\$1,614	\$1,611	\$1,809	\$1,509	\$1,509	\$9,874
Marketing	\$0	\$0	\$3,529	\$0	\$20,958	\$3,596	\$28,083
Operating Cost	\$19,875		\$75,525	\$83,475	\$83,475	\$87,450	\$349,799
Total Cost for Month	\$21,699	\$0	\$80,665	\$85,283	\$105,941	\$92,555	\$386,143
Farebox Revenue	\$213	\$0	\$1,300	\$1,938	\$2,168	\$2,457	\$8,076
Net Cost	\$21,486	\$0	\$79,365	\$83,345	\$103,773	\$90,098	\$378,067
Cost Per Trip	\$243.81	n/a	\$146.13	\$105.16	\$116.80	\$90.03	\$114.01
Net Cost per Trip	\$241.42	n/a	\$143.78	\$102.77	\$114.41	\$87.64	\$111.62
Farebox Recovery Rate	1%	n/a	2%	2%	3%	3%	2%

Ozaukee County will need to decide if the commuter express service should be continued in 2023. The current service contract ends on 12/31/2022 with no renewals available. Ozaukee County can choose to issue an RFP for a new contract beginning 01/01/2023, suspend the service, or eliminate the service. The contract allows for termination for convenience with a 90-day termination notice.

Eliminating the commuter express bus program is a major service change, and subject to Ozaukee County Transit's service change and Title VI policies. The County is required hold a public hearing. Final determination to end the service will require a resolution passed by the Ozaukee County Board.

Analysis:

Ozaukee County has funding through COVID relief funds to run the bus without County Levy through the end of 2023. Continuing the commuter bus service will have no impact on the County Levy in 2023. Eliminating the service will increase Shared Ride Taxi operations costs by \$26,500. COVID relief funds can be used for either program, so there is no overall levy change for Taxi operations in 2023 if the bus is eliminated.

Eliminating fixed route service will make Ozaukee County ineligible for 5339 funding for bus and bus facilities; this is the main revenue source for Shared Ride Taxi vehicle replacements. Ozaukee Shared Ride Taxi will lose approximately \$127,000 in capital purchase funds with the loss of this grant. There are other grants available for vehicle purchases, which Ozaukee Transit will pursue. The long-term impact could be reduced ability to replace service vehicles before the end of their useful life and/or an increase of county levy to cover the revenue loss for vehicle replacements. Ozaukee Transit will not see this impact until 2025 or later due to existing unused allocations and capital grant balances.

Alternative Options for Commuters

Wisconsin RIDESHARE – Connects commuters with carpool or Bike Buddy. Most commuter bus users have access to a car. This program connects commuters to share the costs. This is the only alternative that provides service to downtown Milwaukee employment sites without a transfer.

Shared Ride Taxi to Milwaukee County –Ozaukee Shared Ride connects to the Milwaukee County Transit system at three locations along Brown Deer Road. Multiple transfers may be needed to get to downtown Milwaukee.

Proposed Flex Route - The proposed flex route would connect to the MCTS Green Line at Bayshore Mall. The Green Line goes downtown.

FISCAL IMPACT:

2023 budget proposal includes the continuation of service at an estimated 5% cost increase.

Balance Current Year: None at this time

Next Year's Estimated Cost: None at this time

FUNDING SOURCE:

County Levy:

Non-County Levy:

RECOMMENDED MOTION:

Direct staff to hold public hearings on the continuation or elimination of the commuter bus service in 2023.

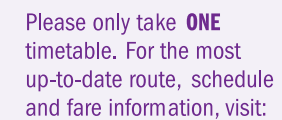


SERVING:

- Downtown Milwaukee
- Cedarburg
- Grafton
- Mequon
- Saukville

Service Funded by
Ozaukee County

Service Operated by
Milwaukee County
Transit System



EFFECTIVE
August 30, 2021

SERVICE HOURS

Weekdays
AM & PM Rush
Hours Only

**Weekday
Service Only**

*This route has no bus service on the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving & Christmas.

RideMCTS.com • Packet Pg. 45

Information subject to change without notice.  Please recycle

- 1 Open the schedule and locate the direction of travel and day of the week you wish to travel. Find the intersection closest to where you want to catch the bus.
- 2 Look down the column of this intersection and timepoint for your departure time for that stop. Regular print means AM times and bold print means PM times.
- 3 Read horizontally along the line that lists your departure time to determine when you will arrive at your destination.
- 4 To plan your return trip, look at the reverse direction of travel on your schedule and follow these same steps. Please note that on most routes, the stop for your return trip will be located across the street from the stop where you boarded the bus.
- 5 When you see a bus approaching, look at the electronic destination sign above the front windshield to verify the route number and final destination match those given in your route guide.

**FOR MORE SCHEDULE AND MAP
INFORMATION OR DETOUR UPDATES:**

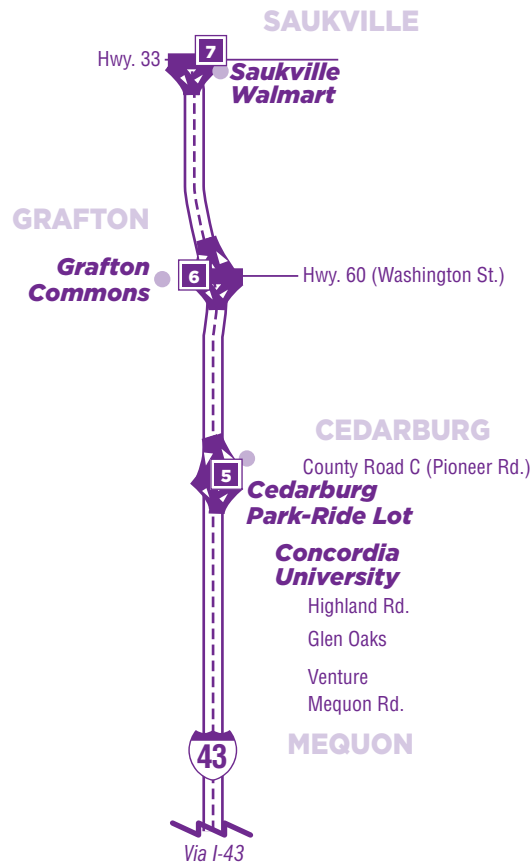
Visit us on the web at:
RideMCTS.com

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[facebook.com/RideMCTS](https://www.facebook.com/RideMCTS)



Guía fácil para tomar autobús ahora disponibles.
Busque su copia en los racks de visualización a lo
largo de Milwaukee o visite RideMCTS.com



Map of Downtown Madison, Wisconsin

The map shows the route of the Madison Marathon, marked with a thick red line and numbered 1 through 4. Key streets and landmarks are labeled:

- Streets:** I-43, Walnut, King, Galena, Rivercenter, McKinley, Highland, State, Juneau, Kilbourn, Wells, Wisconsin, 6th, 5th, 2nd, Plankinton, Water, Broadway, Jefferson, Jackson, Van Buren, Cass, Prospect.
- Landmarks:** Capitol, State Capitol, Rivercenter.
- Route Markers:** 1, 2, 3, 4.
- Other Labels:** 19, 57, 57, GREEN.



MAP NOT TO SCALE

SOUTHBOUND WEEKDAYS

Saukville Wal-Mart	Grafton Commons	Cedarburg Park-Ride Lot	6th @ Highland	Wisconsin @ Cass	Cherry @ Rivercenter	Walnut @ 6th
2796	2756	2752	623	7805	3055	5527
7	6	5	4	3	2	1
5:53	6:07	6:14	6:34	6:43	6:50	6:52
	6:21	6:29	6:49	6:58	7:05	7:07
	6:40	6:48	7:13	7:22	7:29	7:31
6:38	6:52	6:59	7:24	7:33	7:40	7:42
	7:19	7:27	8:04	8:13	8:20	8:22
	7:47	7:55	8:25	8:34	8:41	8:43
	8:19	8:27	8:57	9:06	9:13	9:15

NOTES: **Boldface** times are PM

NORTHBOUND WEEKDAYS

8.a.1.b

Walnut @ 5th	Cherry @ Rivercenter	Wisconsin @ Cass	6th @ Highland	Cedarburg Park-Ride Lot	Grafton Commons	Saukville Wal-Mart
381	3057	764	744	2752	2756	2796
1	2	3	4	5	6	7
3:28	3:31	3:39	3:48	4:11	4:16	
3:48	3:51	3:59	4:08	4:34	4:39	4:48
4:08	4:11	4:19	4:28	5:01	5:06	
4:28	4:31	4:39	4:48	5:21	5:26	5:35
4:47	4:50	4:58	5:08	5:38	5:43	
5:07	5:10	5:18	5:28	5:58	6:03	
5:30	5:33	5:41	5:51	6:21	6:26	6:35

NOTES: **Boldface** times are PM

Making a Title VI Complaint

Any person who believes he/she has been subjected to discrimination in the delivery of or access to public transportation services on the basis of race, color or national origin, may file a complaint with Milwaukee County Transit System (MCTS). Such complaint must be filed in writing with MCTS no later than 180 days after the alleged discrimination. For information on how to file a complaint, contact MCTS as listed below:

MCTS Human Resources Department
1942 North 17th Street, Milwaukee, WI 53205
414-344-4550

OZAUKEE COUNTY SHARED RIDE TAXI SERVICE

The Green Bay Road & Schroeder Drive stop on Route 12 provides a connection to the Ozaukee County Shared Ride Taxi. The Ozaukee County Transit System's Shared Ride Taxi provides service to the general public, and door to door transportation for the elderly and disabled within Ozaukee County. Visit OzaukeeTransit.com for additional information.

FARES Effective 1/02/2018

CASH/MCTS M•CARD Exact Fare Required

Sold at more than 90 locations throughout Milwaukee County

Adult Cash	\$3.50
Senior Citizens (age 65 and over), valid Medicare cardholders, Persons with Disabilities, and Children	\$1.60
Freeway Flyer/Premium M • CARD, Commuter Value Pass & UPASS	Accepted as Full Fare
Freeway Flyer/Premium Reduced M • CARD	add 50¢
Adult 1, 7 or 31 Day M • Card Pass as Transfer	add \$0.50
Reduced Fare 1, 7 or 31 Day M • Card Pass as Transfer	add 50¢

Attachment: 07_143 Map and Schedule (Ozaukee County Commuter Express 2023 Continuation)

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-  RideMCTS
-  Milwaukee Transport Services

**2022 TRANSIT SERVICES CONTRACT BETWEEN OZAUKEE COUNTY AND
MILWAUKEE TRANSPORT SERVICES, INC.**

This Agreement made as of the first day of January 2022, by and between Ozaukee County, hereinafter called County, and Milwaukee Transport Services, Inc., hereinafter called Contractor.

WHEREAS, the County wishes to provide for continued Transit Service in selected portions of Ozaukee County; and

WHEREAS, the County has solicited proposals for the standard terms, conditions, specifications, and Addenda #1 & #2 in the Mass Transit Service Request for Proposals issued on August 10, 2017 which are incorporated by reference into and shall become part of this contract for the Mass Transit Service; and

WHEREAS, the County has selected the Contractor as best able to meet the needs of providing the service based on Technical and Cost Evaluation submitted by the Contractor on September 7, 2017, which is incorporated herein by reference into and shall become part of this contract for Mass Transit Service.

WHEREAS, public funds are available to the County to support the operation of Ozaukee County Express, pursuant to s.85.20 of the Wisconsin Statutes, 49 U.S.C. s. 5307 of the federal code, the CARES Act of 2020, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan Act (ARPA) of 2021.

NOW, THEREFORE, in consideration of the mutual promises hereinafter given, it is agreed by and between the County and the Contractor as follows:

Purpose: For and in consideration of the contract compensation hereinafter set forth, Contractor shall provide the services in accordance with the terms and provisions of the contract, the RFP issued by the County and the Contractor's response to the RFP.

Scope of Service: The Contractor shall perform all work necessary to complete in a manner satisfactory to County the services set forth and in accordance with the Route selected by the Contractor in its proposal, subject to final approval by Ozaukee County.

1. **Term of Agreement:** The term of service under this contract will begin January 1, 2022 and end December 31, 2022.
2. **Compensation and Method of Payment:** Costs will be invoiced to the County monthly based on the number of service hours in that month.

2.1. Regular Service

- 2.1.1. The operation of regular (non-special event) weekday service is estimated to require approximately 24.3 platform hours/weekday or 6,200 platform hours annually (see attached schedule). Service will not be provided on New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas (or the federally designated holiday).
 - 2.1.2. For the purpose of this agreement bus hours mean platform hours. Platform hours include in-service (revenue) hours and deadhead hours.
 - 2.1.3. The total operating cost of this service, minus passenger revenues, will be billed to Ozaukee County on a monthly basis.
 - 2.1.4. The cost per platform hour of regular service for contract year 2022 will be \$163.58 based on the 5.8% CPI rate increase for June 2021, as determined below.
 - 2.1.5. The cost per hour of service for subsequent contract option years will be based on the hourly rate in the previous year, adjusted by the consumer price index as reported by the US Department of Labor - Bureau of Labor Statistics, Midwest Urban for the prior 12 months, as of the month of June in the previous contract year.
 - 2.1.6. The parties each acknowledge that no payment shall be made for unauthorized service. The parties further acknowledge that fuel surcharges are not expected to occur as fuel costs are included as part of the Consumer Price Index and estimated future costs should have been included in the original bid.
 - 2.1.7. The rate of passenger revenue for regular service will be credited at \$2.39 per passenger (based on farebox data collected over the previous year). The full cash fare for regular service will be \$3.50. The County may request an adjustment to the passenger fare and credit in response to ridership trends during the contract year. Changes to passenger fare and fare credit will be implemented with a minimum 4 week notice to riders. The County will notify the Contractor 60 days prior to the quarterly system adjustments to allow time to implement changes to the passenger fare.
- 2.2. The County and Contractor agree that the maximum amount to be paid for bus related services under this 2022 Contract is one million, fourteen thousand, one hundred ninety-six dollars (\$1,014,196). This amount will be sufficient to provide the agreed upon service through December 31, 2022.
- 2.3. An audit of the Contractor's financial record for the contract services provided during the period, shall be performed by the Wisconsin Department of Transportation to determine the actual amounts of state and federal funds available to Ozaukee County under program guidelines, and the amount of any overpayment or underpayment in public funds to the Contractor shall be paid or refunded as appropriate within twenty (20) days following completion of said audit. The Contractor will bear responsibility for any portion of the net costs incurred in providing the contracted services which, as a result of the ineligibility of certain expenses under federal or state transit assistance programs, are not covered by the actual amounts of federal or state funds available to Ozaukee County for the contracted service, and which are also not covered by the actual amount of any county funds budgeted for the contracted service.

3. Cancellation and Service Change: Ozaukee County reserves the right to request a reduction of services, including cancellation of trips, removal of service stops, and temporary suspension of all services, within the contract year. Any changes in the routing or schedule of Route 143 must be mutually agreed to by the Contractor and the County. Cancellations will be implemented with a minimum 4 week notice to riders and in alignment with the quarterly system adjustments to MCTS services. Payment will continue to be based on the number of Platform Hours performed by Contractor as outlined in Section 2. Compensation and Method of Payment.
4. Contractor Status: Milwaukee Transport Services, Inc. is a quasi-governmental instrumentality of Milwaukee County responsible for the management and operation of the Milwaukee County Transit System. MTS is the contractor / operating agent for Ozaukee County with respect to the services provided pursuant to this agreement. Nothing in this agreement shall be considered to create the relationship of employer and employee between the parties.
5. Inspections, Acceptance and Approval: County reserves the right and shall be at liberty to monitor all service during the Agreement period and shall have the right to reject all services which do not conform to the specifications of the County RFP, the Contractor's proposal and this contract. However, the County is under no duty to make such inspections and no inspection so made shall relieve the Contractor from any obligation to furnish services in accordance with this Agreement. County may, at its option, require prompt replacement or correction of rejected work at Contractor's expense.
6. Termination: This Agreement shall terminate upon expiration, or in any of the following:
 - 6.1. For Convenience – the County may terminate this agreement in whole or in part, upon ninety (90) days notice to the Contractor when it is in the County's best interest. The Contractor shall be paid its costs and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the County to be paid the Contractor.
 - 6.2. For Default – The County may terminate this agreement by written notice to the Contractor under the following circumstances:
 - 6.2.1. If Contractor fails to provide the services required by this agreement within the time specified herein;
 - 6.2.2. If Contractor fails to perform any of the other provisions of this Agreement or fails to make progress to endanger performance of this Agreement in accordance with its terms and in either of these two circumstances does not cure such failure within the period of ten (10) days after written notice from County specifying such failure;
 - 6.2.3. Failure to comply with State, Federal and County regulations;
 - 6.2.4. If after ten (10) days a problem identified has been corrected and then subsequently re-occurs, the Agreement may be subject to termination;

- 6.2.5. In the event that this contract is terminated for default, the Contractor will only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.
- 6.3. In the event of the institution of any bankruptcy proceedings by or against Contractor or under any provisions of the United State Bankruptcy Act or for the appointment or a receiver or trustee or a general assignment for the benefit of creditors of either party, County shall be entitled to terminate this Agreement without further cost or liability.
- 6.4. In the event of termination under this subparagraph, County shall have the right to procure, on such terms and in such a manner, as it may deem appropriate, such similar services. Contractor shall not be liable for such excess costs where the failure upon which the termination is based has arisen out of causes beyond the control of Contractor and without the fault or negligence of Contractor. Such causes shall be deemed to include fires, floods, earthquakes, strikes and acts of the public enemy. The rights of County provided in this subparagraph shall be in addition to any other rights provided by law or this Agreement.
7. Waiver: It is understood and agreed that failure by County at any time to assert any right or remedy conferred upon it by this Agreement shall not be deemed a waiver and shall not preclude the assertion by County of such right or remedy at a later date.
8. Assignment: This Agreement may not be assigned nor may the Contractor delegate any of his rights or obligations hereunder without first having obtained the written consent of the County.
9. Force Majeure: The Contractor shall not be liable to the County for any failure, delay or interruption of service or for any failure or delay in the performance of any obligation under this Agreement due to strikes, walkouts, acts of God, governmental restrictions, enemy action, civil commotion, unavoidable casualty, unavailability of fuel or parts, or other similar acts beyond the reasonable control of the Contractor.
10. Notices: Any notice required or permitted to be given hereunder shall be in writing and shall be served personally or by mail.

Notices to the County shall be directed to:

Jon Edgren, Public Works Director
Ozaukee County Highway Department
410 S. Spring Street
Port Washington, WI 53074

Notices to Contractor shall be directed to:

Daniel Boehm, Managing Director
Milwaukee Transport Services, Inc.
1942 North 17th Street
Milwaukee, WI 53205

11. Further Action: The parties hereto shall execute and, if necessary, acknowledge and deliver any and all documents and papers and take all such further action as may be necessary or desirable to carry out and effectuate the full purpose and intent of this Agreement.
12. Severability: In the event that any provision of this Agreement and/or any of the documents attached and incorporated herein shall be held invalid, the validity of the remainder of this Agreement shall not be affected in any respect.
13. Effect of Agreement: This Agreement and the terms thereof shall be construed and interpreted in accordance with the laws of the State of Wisconsin and shall be binding on the parties and their successors and assigns. All Federal attachments and certifications, which are required to be signed, are incorporated by reference and attached herein.
14. Indemnification Agreement: Contractor agrees to indemnify, hold harmless and defend the County, its officers, agents and employees from any and all liability including claims, demands, damages, actions or causes of action, together with any and all losses, costs or expense, including attorney fees, in connection with or related thereto, for bodily injury, sickness, disease, death, personal injury or damage to property or loss of use resulting there from arising out of or in connection with or occurring during the course of this agreement unless such liability arises out of the sole negligence of the County.
15. Insurance: Milwaukee Transport Services, Inc., is self-funded for liability and Worker's Compensation and, as an agent of Ozaukee County, is afforded protections found in sections 345 and 893 of the Wisconsin State Statutes. The indemnification agreement (#14) within this contract protects Ozaukee County.
16. Audit and Inspection of Records: The Contractor shall permit authorized representatives of the Federal, State and County governments to inspect and audit all data and records of the Contractor as they relate to this contract. Said right shall extend to any subsidiary, subcontractor or parent corporations which relate to the provision of service under the contract.
17. Records and Reports: The Contractor shall be responsible for maintaining records of operating and financial information, and for completing in a timely manner all required federal, state, and local reports relative to this service. This would include maintaining all records and completing all reports necessary to comply with FTA Section 15 (National Transit Database) reporting requirements and state requirements for reporting ridership and revenues. To verify payment, the Contractor shall complete a monthly cost report.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

FOR THE CONTRACTOR

FOR THE COUNTY

BY: MTS

BY: _____


Daniel Boehm
TITLE: Managing Director


Jason Czwinel
TITLE: County Administrator

Approved as to form

BY: 
Rhonda Gorden
TITLE: Corporation Counsel

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	July 21, 2022
DEPARTMENT:	Transit
DIRECTOR:	Jon Edgren
PREPARER:	Joy Neilson

Agenda Summary Transit UpdatesTriennial Review

Ozaukee County Transit's Triennial Review by the FTA concluded in June. There were 9 preliminary findings out of 154 possible deficiencies. Most can be corrected by updating Transit's policies, procedures, and standard contract language to include specific federal clauses. Transit and Highway management staff will also seek out updated training on drug and alcohol reasonable suspicion and federal testing requirements. This was a recommendation. Transit will have the opportunity to correct preliminary findings before a final report is issued.

Community Transit Needs

Superintendent Neilson-Loomis will report out on the transportation needs expressed at the Ozaukee Agency Directors meeting on 7/20 as a follow up to the non-profit community ARPA meeting on 6/15.

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE: July 21, 2022
DEPARTMENT: Transit
DIRECTOR: Jon Edgren
PREPARER: Joy Neilson

Agenda Summary Transit Monthly Financial Report

Transit received \$611,493 in FTA funding on 7/14/22. An additional state distribution of \$311,395 is expected on August 30.

ATTACHMENTS:

- May PW Committee Report 2022 (PDF)

Ozaukee County Committee Report
Special Revenue Fund Transit Services
 For the Five Months Ending Tuesday, May 31, 2022
 Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2022 YTD Actual	2022 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Taxes	\$22,826	\$114,131	\$273,915	\$159,784	41.67%
Intergovernmental Revenues	-	\$357,811	\$1,662,315	\$1,304,504	21.52%
Public Charges for Services	\$30,698	\$166,373	\$558,150	\$391,777	29.81%
Fines/Forfeitures/Penalties	-	\$360	\$6,300	\$5,940	5.71%
Interest Revenue	-	\$77	-	(\$77)	0.00%
Other Revenue	\$1,000	\$3,000	\$1,102,841	\$1,099,841	0.27%
Total Revenues	\$54,524	\$641,752	\$3,603,521	\$2,961,769	17.81%
Expenditures					
Salaries	\$7,141	\$35,638	\$106,489	\$70,851	33.47%
Fringe Benefits	\$2,759	\$10,508	\$39,836	\$29,328	26.38%
Travel/Training	-	-	\$4,500	\$4,500	0.00%
Supplies	\$7,349	\$87,353	\$289,720	\$202,367	30.15%
Purchased Services	\$108,301	\$546,839	\$2,702,758	\$2,155,919	20.23%
Interdepartment Charges	\$3,397	\$52,792	\$158,606	\$105,814	33.28%
Other Expenses	\$762	\$3,368	\$39,363	\$35,995	8.56%
Total Operating Expenditures	\$129,709	\$736,498	\$3,341,272	\$2,604,774	22.04%
Capital Outlay					
Equipment & Furniture	\$26,936	\$192,005	\$262,250	\$70,245	73.21%
Total Capital Outlay	\$26,936	\$192,005	\$262,250	\$70,245	73.21%
Total Expenditures	\$156,645	\$928,503	\$3,603,522	\$2,675,019	25.77%
Net Increase (Decrease)	(\$102,121)	(\$286,751)	(\$1)	\$286,750	28675100.00%
Equity:					
Governmental Fund Balance	-	(\$2,180,412)	-	\$2,180,412	0.00%

Attachment: May PW Committee Report 2022 (Transit Monthly Financial Report)

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE: July 21, 2022
DEPARTMENT: Transit
DIRECTOR: Jon Edgren
PREPARER: Joy Neilson

Agenda Summary Transit Ridership Report

Ozaukee County Shared Ride Taxi received 30,220 requests for rides in Q2. There were 19,026 completed rides, 10,494 cancellations, and 700 no shows. On time performance for June was 73%, including early and late service times. Drop off times tended to be on time or early; performance for pick up times varied.

ATTACHMENTS:

- 07_SRT Ridership Report (PDF)
- 07_143 Ridership Report (PDF)

2022 Shared-Ride Taxi Report

	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Totals</i>
<i>Administrative Cost</i>	\$14,046	\$20,601	\$18,167	\$24,899	\$23,010	\$14,228	\$114,950
<i>Marketing</i>	\$250	\$0	\$416	\$1,160	\$0	\$0	\$1,826
<i>Maintenance/Labor</i>	\$5,983	\$5,008	\$3,722	\$3,655	\$5,762	tbd	\$24,130
<i>Parts & Tires</i>	\$2,222	\$4,088	\$4,437	\$2,074	\$4,803	tbd	\$17,624
<i>Oil & Lubricants</i>	\$410	\$222	\$287	\$351	\$299	tbd	\$1,569
<i>Fuel</i>	\$13,872	\$13,773	\$17,944	\$16,807	\$36,825	tbd	\$99,222
<i>Purchase of Service</i>	\$102,656	\$101,457	\$116,918	\$109,979	\$117,121	\$116,291	\$664,422
<i>Total for Month</i>	\$139,439	\$145,148	\$161,891	\$158,926	\$187,819	\$130,519	\$923,743
<i>Farebox</i>	\$2,741	\$2,587	\$3,074	2233.75	\$2,311	\$2,311	\$15,256
<i>Punch Card</i>	\$13,360	\$21,740	\$12,080	\$15,460	\$11,720	\$34,380	\$108,740
<i>Agency Fare</i>	\$840	\$28,320	\$16,200	\$17,760	\$17,040	\$17,040	\$97,200
No Show Fine Revenue	\$120	\$210	\$30	\$0	\$0	\$0	\$360
<i>Net Cost</i>	\$122,378	\$92,291	\$130,507	\$123,472	\$156,749	\$76,789	\$702,186
<i>Cost Per Trip</i>	\$22.89	\$23.18	\$27.99	\$24.72	\$30.81	\$20.63	\$12.75
<i>Net Cost Per Trip</i>	\$20.09	\$14.74	\$22.56	\$19.21	\$25.71	\$12.13	\$9.70

Shared-Ride Taxi Ridership

	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Totals</i>	<i>Average</i>
2022 Monthly Ridership	6091	6263	5783	6429	6097	6328	36991	6165.17
2021 Monthly Ridership	5568	6103	6443	6396	5814	6140	72,427	6,036
2020 Monthly Ridership	9024	8706	6011	2549	2717	4275	66,467	5,539
2019 Monthly Ridership	8,816	9,252	9,921	10,021	9,648	8,337	107,706	8,976
2018 Monthly Ridership	10,143	9,513	10,122	9,565	9,764	8,805	112,135	9,345
2017 Monthly Ridership	10,218	9,810	10,512	9,399	9,732	9,222	116,279	9,690
2016 Monthly Ridership	9,448	9,601	9,968	9,830	9,282	9,172	113,569	9,464
2015 Monthly Ridership	8,900	8,835	9,812	9,523	9,208	9,030	108,513	9,043
2014 Monthly Ridership	8,238	9,244	10,091	10,203	10,106	9,204	110,591	9,216
2013 Monthly Ridership	8,343	7,809	8,221	8,148	8,403	7,356	96,320	8,027
2012 Monthly Ridership	7,780	7,901	7,811	7,240	7,721	6,875	90,751	7,563
2011 Monthly Ridership	6,479	5,819	7,561	6,724	6,786	6,433	79,886	6,657
2010 Monthly Ridership	5,820	5,665	6,795	6,251	5,803	5,858	74,588	6,216
Same month 2022 vs 2021	9.39%	2.62%	-10.24%	0.52%	4.87%	3.06%	-48.93%	2.15%
Same month 2022 vs 2019	-33%	-28%	-4%	152%	124%	48%	-44%	11%
2022 NO SHOWS	170	170		296	195	209	1040	208

2021 Express Bus Ridership													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total YTD
2022	89	0	544	811	907	1,028							3,379
2021	0	0	0	0	0	0	0	44	526	577	596	471	2,214
2020	4,420	4,400	2,171	0	0	0	0	0	0	0	0	0	10,991
2019	4,062	4,568	4,927	4,804	4,515	3,876	3,934	4,213	4,176	4,855	3,830	3,529	51,289
2018	6,018	5,560	5,917	5,595	5,540	4,852	4,748	5,538	4,916	5,789	4,805	3,889	63,167
2017	6,829	6,495	7,525	6,595	7,003	6,087	5,068	5,615	5,710	6,236	5,471	4,727	73,361
2016	6,255	6,798	7,273	6,779	6,525	6,549	6,150	7,190	6,806	7,058	6,859	6,359	80,601
2015	6,774	6,110	6,859	6,629	5,875	6,756	5,985	6,335	6,525	6,798	6,271	6,063	76,980
2014	7,292	6,570	7,229	7,495	7,442	7,224	6,890	6,787	7,135	7,135	7,974	6,759	85,932
2013	7,680	7,704	7,737	7,834	8,217	7,110	7,432	7,120	7,562	8,490	7,249	6,872	91,007
2012	7,446	8,197	8,178	7,652	8,103	7,608	7,222	8,184	7,559	8,716	7,700	7,011	93,576
2011	7,812	7,181	8,740	7,810	7,731	7,559	6,826	7,608	7,776	7,933	7,868	7,051	91,895
2022 - 2019	-97.81%	-100.00%	-88.96%	-83.12%	-79.91%	-73.48%							

Public Works Committee

AGENDA INFORMATION SHEET

AGENDA DATE: July 21, 2022
DEPARTMENT: Highway
DIRECTOR: Jon Edgren
PREPARER: Jon Edgren

Agenda Summary CTH NN & CTH Y Relocation Order & Plat (REVISED)

BACKGROUND INFORMATION: Ozaukee County is in the design phase of the CTH NN & CTH Y (Granville Rd) Intersection project, as part of a Highway Safety Improvement Program (HSIP) funded project through the Wisconsin Department of Transportation (WisDOT).

Based upon GRAEF's design review, we are recommending acquiring Permanent Limited Easements (PLE) on two parcels to limit vegetative growth and improve sight distances, and a Fee Acquisition for placement of a Traffic Signal on the northwest corner of the intersection. (See attached Plat.)

ANALYSIS: As we're utilizing WisDOT funds to pay for approximately 90% of the project, we need to follow State policies for obtaining the ROW. Therefore, the first step is approval of the Plat & Relocation Order (attached), so the Highland Group, our ROW Acquisition Specialist, can begin negotiation with the landowners.

UPDATE: A few technical changes were made within the Plat, and GRAEF felt it prudent to re-approve the Plat & Relocation Order with the updated items.

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

RECOMMENDED MOTION: Approve the Plat and Relocation Order as presented.

ATTACHMENTS:

- CTH NN & CTH Y Traffic Signals - Relo Order (PDF)
- CTH NN & CTH Y - Plat - Pg 1 (PDF)
- CTH NN & CTH Y - Plat - Pg 2 (PDF)
- CTH NN & CTH Y - Plat - Pg 3 (PDF)
- CTH NN & CTH Y - Record of Revisions (PDF)

RELOCATION ORDER

RE1708 10/2018

Project 2695-07-01	Road name Washington Avenue	Highway CTH NN	County Ozaukee
Right of way plat date 04/22/2022	Plat sheet number(s) 4.01 - 4.06	Previously approved Relocation Order date	

Description of termini of project: Beginning 174.04' north and 569.87' west of the Southeast 1/4 of Section 6, Township 10 North, Range 21 East in the Town of Cedarburg, Ozaukee County, Wisconsin; thence southeasterly along the reference line of CTH NN within the right-of-way shown of the plat, to a point 298.81' south and 184.04' east of the Southeast 1/4 of Section 6, Township 9 North, Range 21 East, and there terminating.

To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the highway designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right of way plat for the above project.

To effect this change, pursuant to authority granted under Sections 83.07 and 83.08, Wisconsin Statutes, the Ozaukee County Highway Department orders that:

1. The said road is laid out and established to the lines and widths as shown on the plat.
2. The required lands or interests in lands as shown on the plat shall be acquired by Ozaukee County in the name of the pursuant to the provisions of Section 84.09(1) or (2), Wisconsin Statutes.
3. This order supersedes and amends any previous order issued by the Agency.

Authorized Signature

Date

Print Name

Attachment: CTH NN & CTH Y Traffic Signals - Relo Order (CTH NN & CTH Y Relo Order & Plat (REV))

CONVENTIONAL SYMBOLS			
SECTION LINE	----	SECTION CORNER SYMBOL	
QUARTER LINE	----	R/W MONUMENT (TO BE SET)	●
SIXTEENTH LINE	----	NON-MONUMENTED R/W POINT	○
NEW REFERENCE LINE	----	FOUND IRON PIN (1-INCH UNLESS NOTED)	IP
NEW R/W LINE	----	GEODETIC SURVEY MONUMENT	
EXISTING R/W OR HE LINE	----	SIXTEENTH CORNER MONUMENT	
PROPERTY LINE	----	SIGN	
LOT, TIE & OTHER MINOR LINES	----	OFF-PREMISE SIGN	
SLOPE INTERCEPT	----	COMPENSABLE	
CORPORATE LIMITS	----	NON-COMPENSABLE	
UNDERGROUND FACILITY (COMMUNICATIONS, ELECTRIC, ETC)	----	ELECTRIC POLE	
NEW R/W (FEE OR HE) (HATCHING VARIES BY OWNER)	----	TELEPHONE POLE	
TEMPORARY LIMITED EASEMENT AREA	----	PEDESTAL (LABEL TYPE) (TV, TEL, ELEC, ETC.)	
EASEMENT AREA (PERMANENT LIMITED OR RESTRICTED DEVELOPMENT)	----	ACCESS RESTRICTED BY ACQUISITION	
TRANSMISSION STRUCTURES	----	NO ACCESS (BY STATUTORY AUTHORITY)	
BUILDING		ACCESS RESTRICTED (BY PREVIOUS PROJECT OR CONTROL)	
TO BE REMOVED		NO ACCESS (NEW HIGHWAY)	
BRIDGE		PARCEL NUMBER	
CULVERT		UTILITY NUMBER	
		PARALLEL OFFSETS	

CONVENTIONAL UTILITY SYMBOLS

WATER	----
GAS	----
TELEPHONE	----
OVERHEAD TRANSMISSION LINES	----
ELECTRIC	----
CABLE TELEVISION	----
FIBER OPTIC	----
SANITARY SEWER	----
STORM SEWER	----
ELECTRIC TOWER	

CONVENTIONAL ABBREVIATIONS

ACCESS RIGHTS	AR	POINT OF COMPOUND CURVE	PCC
ACRES	AC	POINT OF INTERSECTION	PI
AHEAD	AH	PROPERTY LINE	PL
ALUMINUM	ALUM	RECORDED AS	(100')
AND OTHERS	ET AL	REEL / IMAGE	R/I
BACK	BK	REFERENCE LINE	R/L
BLOCK	BLK	REMAINING	REM
CENTERLINE	C/L	RESTRICTIVE DEVELOPMENT	RDE
CERTIFIED SURVEY MAP	CSM	EASEMENT	
CONCRETE	CONC	RIGHT	RT
COUNTY	CO	RIGHT OF WAY	R/W
COUNTY TRUNK HIGHWAY	CTH	SECTION	SEC
DISTANCE	DIST	SEPTIC VENT	SEPV
CORNER	COR	SQUARE FEET	SF
DOCUMENT NUMBER	DOC	STATE TRUNK HIGHWAY	STH
EASEMENT	EASE	STATION	STA
EXISTING	EX	TELEPHONE PEDESTAL	TP
GAS VALVE	GV	TEMPORARY LIMITED	TLE
GRID NORTH	GN	EASEMENT	
HIGHWAY EASEMENT	HE	TRANSPORTATION PROJECT PLAT	TPP
IDENTIFICATION	ID	UNITED STATES HIGHWAY	USH
LAND CONTRACT	LC	VOLUME	V
LEFT	LT		
MONUMENT	MON		
NATIONAL GEODETIC SURVEY	NGS		
NUMBER	NO		
OUTLOT	OL		
PAGE	P		
POINT OF TANGENCY	PT		
PERMANENT LIMITED	PLE		
EASEMENT			
POINT OF BEGINNING	POB		
POINT OF CURVATURE	PC		

CURVE DATA ABBREVIATIONS

LONG CHORD	LCH
LONG CHORD BEARING	LCB
RADIUS	R
DEGREE OF CURVE	D
CENTRAL ANGLE	Δ / DELTA
LENGTH OF CURVE	L
TANGENT	T
DIRECTION AHEAD	DA
DIRECTION BACK	DB

NOTES:

POSITIONS SHOWN ON THIS PLAT ARE WISCONSIN COORDINATE REFERENCE SYSTEM COORDINATES (WISCRS), OZAUKEE COUNTY, NAD83(2011), NAVD88(2012) IN US SURVEY FEET. VALUES SHOWN ARE GRID COORDINATES, GRID BEARINGS, AND GRID DISTANCES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES.

ALL NEW RIGHT-OF-WAY MONUMENTS WILL BE TYPE 2 (TYPICALLY ¾" X 24" IRON REBARS), UNLESS OTHERWISE NOTED.

ALL RIGHT-OF-WAY LINES DEPICTED IN THE NON-ACQUISITION AREAS ARE INTENDED TO RE-ESTABLISH EXISTING RIGHT-OF-WAY LINES AS DETERMINED FROM PREVIOUS PROJECTS, OTHER RECORDED DOCUMENTS, OR FROM CENTERLINE OF EXISTING PAVEMENTS.

DIMENSIONING FOR THE NEW RIGHT-OF-WAY IS MEASURED ALONG AND PERPENDICULAR TO THE NEW REFERENCE LINES.

RIGHT-OF-WAY BOUNDARIES ARE DEFINED WITH COURSES OF THE PERIMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY SYSTEM OR OTHER "SURVEYS" OF PUBLIC RECORD.

FOR THE CURRENT ACCESS/DRIVEWAY INFORMATION, CONTACT THE PLANNING UNIT OF THE WISCONSIN DEPARTMENT OF TRANSPORTATION OFFICE IN WAUKESHA, WISCONSIN SOUTHEAST REGION.

PARCEL AND UTILITY IDENTIFICATION NUMBERS MAY NOT POINT TO ALL AREAS OF ACQUISITION, AS NOTED ON THE DETAIL PAGES.

INFORMATION FOR THE BASIS OF EXISTING HIGHWAY RIGHT-OF-WAY POINTS OF REFERENCE AND ACCESS CONTROL ARE LISTED ON THE DETAIL PAGES.

A TEMPORARY LIMITED EASEMENT (TLE) IS A RIGHT FOR CONSTRUCTION PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON, THE RIGHT OF INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE, INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY DEEM DESIRABLE. ALL (TLEs) ON THIS PLAT EXPIRE AT THE COMPLETION OF THE CONSTRUCTION PROJECT FOR WHICH THIS INSTRUMENT IS GIVEN.

A PERMANENT LIMITED EASEMENT (PLE) IS A RIGHT FOR CONSTRUCTION AND MAINTENANCE PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON AND THE RIGHT OF INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE, INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY DEEM DESIRABLE, BUT WITHOUT PREJUDICE TO THE OWNER'S RIGHTS TO MAKE OR CONSTRUCT IMPROVEMENTS ON SAID LANDS OR TO FLATTEN THE SLOPES, SAID ACTIVITIES WILL NOT IMPAIR OR OTHERWISE ADVERSELY AFFECT THE HIGHWAY FACILITIES.

AN EASEMENT FOR HIGHWAY PURPOSES (HE), AS LONG AS SO USED, INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY DEEM DESIRABLE.

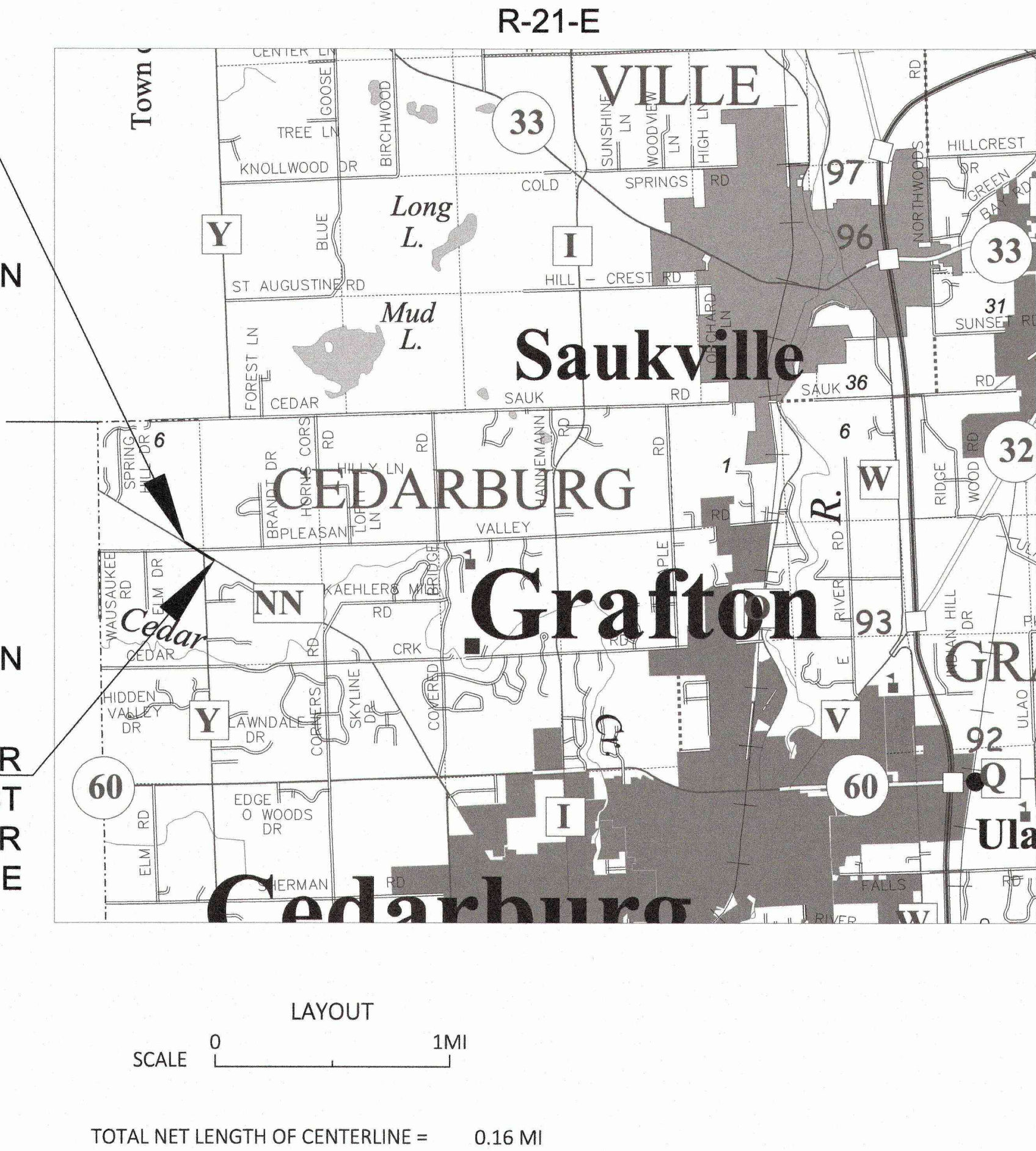
PROPERTY LINES SHOWN ON THIS PLAT ARE DRAWN FROM DATA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR EXISTING OCCUPATIONAL LINES. THIS PLAT MAY NOT BE A TRUE REPRESENTATION OF EXISTING PROPERTY LINES, EXCLUDING RIGHT-OF-WAY, AND SHOULD NOT BE USED AS A SUBSTITUTE FOR AN ACCURATE FIELD SURVEY.

BEGIN RELOCATION ORDER
174.04 FT NORTH AND 569.87 FT WEST
OF THE SOUTHEAST CORNER
OF SEC. 6, T10N, R21E

T-11-N

T-10-N

END RELOCATION ORDER
298.81 FT SOUTH AND 184.04 FT EAST
OF THE SOUTHEAST CORNER
OF SEC. 6, T10N, R21E



R/W PROJECT NUMBER 2695-07-01	SHEET NUMBER	TOTAL SHEETS
FEDERAL PROJECT NUMBER PROJECT ID	4.01	4
PLAT OF RIGHT OF WAY REQUIRED FOR CTH NN 319.58' NW. OF PLESANT VALLEY RD. & 213.32' SE. OF GRANVILLE RD.		
CTH NN	OZAUKEE COUNTY	
CONSTRUCTION PROJECT NUMBER 2695-07-71		

THIS PLAT IS A GRAPHIC REPRESENTATION AND IS FOR REFERENCE PURPOSES ONLY. DEEDS MUST BE CHECKED TO DETERMINE PROPERTY BOUNDARIES AND ACCESS RIGHTS.

ORIGINAL PLANS PREPARED BY

GR̄AEF

275 W. WISCONSIN AVENUE, SUITE 300
MILWAUKEE, WI 53203

04/22/2022
(Date)

CARLA J. ROLLINS
S3402
SURVEYOR

APPROVED FOR
OZAUKEE COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE: _____ DIRECTOR

DATE: _____ ENGINEERING SERVICES MANAGER

REVISION DATE
07/12/2022

SCHEDULE OF LANDS & INTERESTS REQUIRED

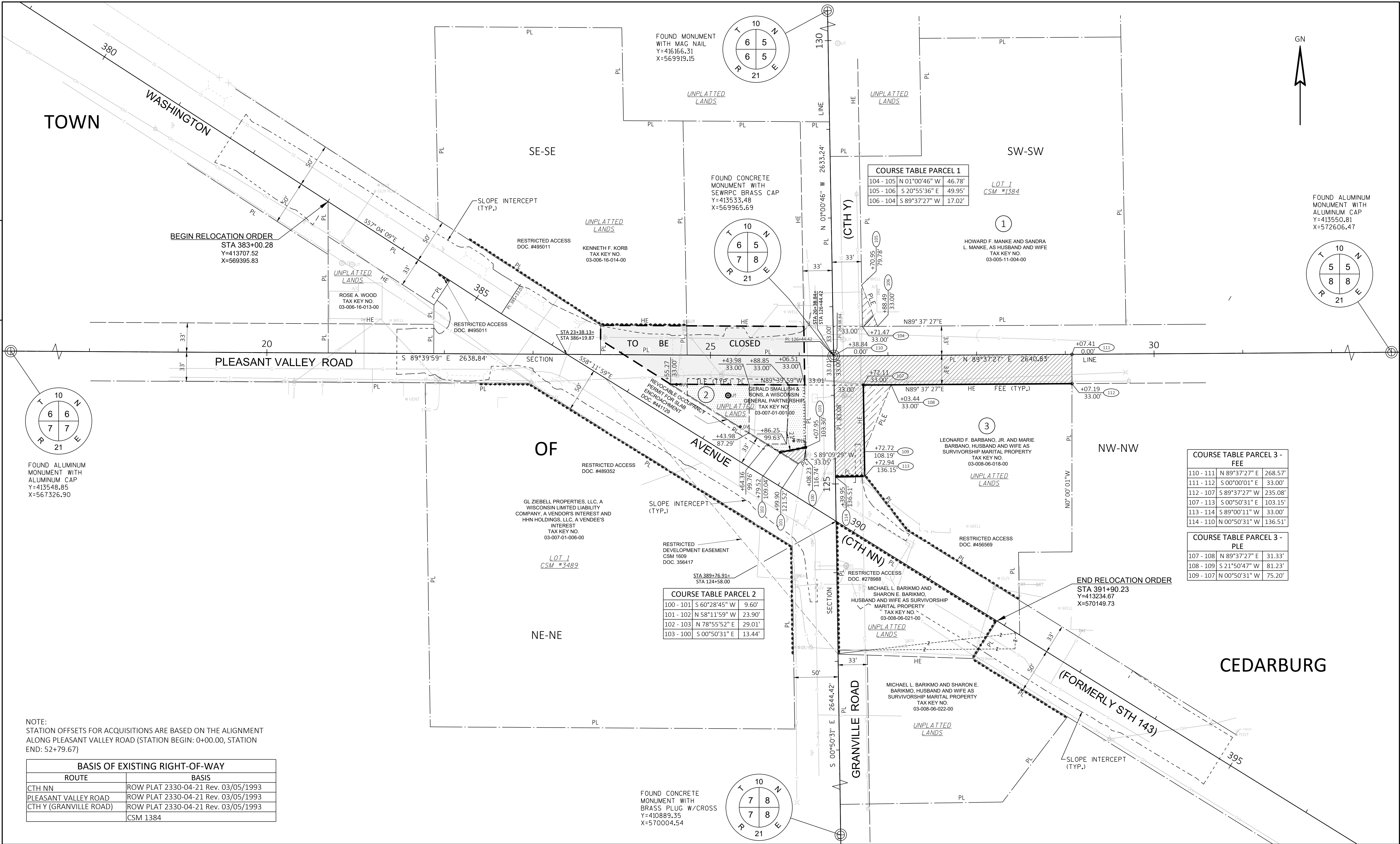
AREAS SHOWN IN THE TOTAL ACRES COLUMN MAY BE APPROXIMATE AND ARE DERIVED FROM TAX ROLLS OR OTHER AVAILABLE SOURCES AND MAY NOT INCLUDE LANDS OF THE OWNER WHICH ARE NOT CONTIGUOUS TO THE AREA TO BE ACQUIRED.

PARCEL NUMBER	SHEET NUMBER	OWNER(S)	INTEREST REQUIRED	TOTAL ACRES	R/W REQUIRED (ACRES OR S.F.)			REMAINING ACRES		
					NEW	EXISTING	TOTAL		P.L.E. ACRES	T.L.E. ACRES
1	4.04	HOWARD F. MANKE AND SANDRA L. MANKE, AS HUSBAND AND WIFE	PLE	2.000	0.000	0.000	0.000	2.000	0.009	0.000
2 ¹	4.04	GERALD SMALLISH & SONS, A WISCONSIN GENERAL PARTNERSHIP	FEE, ACCESS RIGHTS, & TLE	0.162	0.007	0.000	0.007	0.155	0.000	0.091
3 ¹	4.04	LEONARD F. BARBANO, JR. AND MARIE BARBANO, HUSBAND AND WIFE AS SURVIVORSHIP MARITAL PROPERTY	FEE & PLE	1.290	0.000	0.282	0.282	1.008	0.027	0.000

4

4

REVISION DATE 07/12/2022 _____ _____ _____	DATE 04/22/2022	SCALE, FEET 0 _____ NTS 	HWY: CTH NN	STATE R/W PROJECT NUMBER 2695-07-01	PLAT SHEET 4.02	E
			COUNTY: OZAUKEE	CONSTRUCTION PROJECT NUMBER 2695-07-71	PS&E SHEET _____	



Attachment: CTH NN & CTH Y - Plat - Pg 3 CTH NN & CTH Y Relo Order & Plat (REV)

REVISION DATE 07/12/2022	DATE 04/22/2022	SCALE, FEET 0 50 100	HWY: CTH NN	STATE R/W PROJECT NUMBER 2695-07-01	PLAT SHEET 4.04
	GRID FACTOR N/A		COUNTY: OZAUKEE	CONSTRUCTION PROJECT NUMBER 2695-07-71	PS&E SHEET E

Wisconsin Department of Transportation

Delivered to: EDGREN 22 0703**RECORD OF REVISIONS TO RIGHT OF WAY PLAT**PROJECT NO. 2695-07-01HIGHWAY CTH NNCOUNTY OZAUKEEPROJ MANAGER JON EDGREN

RE AGENT

D = Detail Sheet

S = Schedule Sheet

L = Legal Description

RELOCATION ORDER NO. 1

***LIST REASON FOR CHANGE IN LAST COLUMN**

DC = DESIGN CHANGES

PR = POLITICAL REQUEST

OR = OWNER REQUEST

PC = PLAT CORRECTION

AR = REAL ESTATE AGENT REQUEST

LD = LAND DEVELOPMENT

OC = OWNERSHIP/NAME CHANGE

PP = PHASE PLAT

UC = UTILITY CORRECTION

PARCEL NO.	SHEET NO.	DATE	DESCRIPTION OF REVISIONS	D	S	L	*
1	Legal Desc.	07/12/22	Added vegetation restriction to PLE			DC	
2	4.02	07/12/22	Revised total acreage in Schedule of Lands and Interests	-	PC	-	Incorrect total acreage listed
2	4.04	07/12/22	Restricted access acquisition line added	DC	DC	DC	County to acquire restricted access
3	4.02, 4.04	07/12/22	Fee in right of way to be acquired	DC	DC	DC	County to purchase land that is right-of-way by highway easement.
3	Legal Desc.	07/12/22	Revised Legal Description for PLE	-	-	PC	Incorrect calls to adjoiners
3	Legal Desc.	07/12/22	Added vegetation restriction to PLE			DC	

Attachment: CTH NN & CTH Y - Record of Revisions (CTH NN & CTH Y Relo Order & Plat (REV))

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE:	July 21, 2022
DEPARTMENT:	Highway
DIRECTOR:	Jon Edgren
PREPARER:	Jon Edgren

Agenda Summary CTH D Closure for Luxembourg Fest

BACKGROUND INFORMATION: On Saturday, August 13th, the Village of Belgium is interested in closing CTH D (Main Street) for activities associated with their Luxembourg Fest. The Village of Belgium's Department of Public Works will set up a detour route from CTH D (Main St) on Elm Street to Park Street to Chestnut Street.

The closure would be based upon safety concerns with separating attendees from regular vehicular traffic.

The closure would occur on Saturday, August 13th, 2022 from approximately Noon to 5pm.

ANALYSIS: Highway Department staff have no concerns about approving the request. However, the approval should be conditional on the Village of Belgium's acceptance of responsibility.

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

RECOMMENDED MOTION: Approve the CTH D closure as proposed conditionally upon the Village of Belgium's acceptance of responsibility.

Public Works Committee**AGENDA INFORMATION SHEET**

AGENDA DATE: July 21, 2022
DEPARTMENT: Highway
DIRECTOR: Jon Edgren
PREPARER: Jon Edgren

Agenda Summary Highway Financial Reports

ATTACHMENTS:

- Highway Financials - July 2022 (PDF)

Ozaukee County Committee Report
Special Revenue Fund County Roads and Bridges
 For the Five Months Ending Tuesday, May 31, 2022
 Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2022 YTD Actual	2022 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Taxes	\$276,291	\$1,381,455	\$3,315,491	\$1,934,036	41.67%
Intergovernmental Revenues	-	\$414,893	\$1,573,852	\$1,158,959	26.36%
Other Revenue	-	-	\$122,525	\$122,525	0.00%
Total Revenues	\$276,291	\$1,796,348	\$5,011,868	\$3,215,520	35.84%
Expenditures					
Interdepartment Charges	\$200,024	\$1,159,308	\$5,011,868	\$3,852,560	23.13%
Total Operating Expenditures	\$200,024	\$1,159,308	\$5,011,868	\$3,852,560	23.13%
Capital Outlay					
Total Expenditures	\$200,024	\$1,159,308	\$5,011,868	\$3,852,560	23.13%
Net Increase (Decrease)	\$76,267	\$637,040	-	(\$637,040)	0.00%
<i>Equity:</i>					
Governmental Fund Balance	-	(\$1,161,357)	-	\$1,161,357	0.00%

Attachment: Highway Financials - July 2022 (Hwy Financials - July 2022)

Ozaukee County Committee Report
Internal Service Fund Highway Department
 For the Five Months Ending Tuesday, May 31, 2022
 Profit and Loss Statement ACTUAL TO AMENDED BUDGET

	Current Month Actual	2022 YTD Actual	2022 Amended Budget	Budget Balance	% Budget YTD
Revenues					
Taxes	\$11,083	\$55,417	\$133,000	\$77,583	41.67%
Intergovernmental Revenues	-	\$7,755	\$121,750	\$113,995	6.37%
Intergovernmental Charges	\$374,253	\$2,257,576	\$6,070,148	\$3,812,572	37.19%
Interdepartmental Charges	\$111,516	\$339,481	\$2,670,680	\$2,331,199	12.71%
Licenses & Permits	\$8,782	\$52,497	\$357,750	\$305,253	14.67%
Other Revenue	\$4,959	\$114,490	\$79,738	(\$34,752)	143.58%
Total Revenues	\$510,593	\$2,827,216	\$9,433,066	\$6,605,850	29.97%
Expenditures					
Salaries	\$242,473	\$1,233,055	\$3,127,314	\$1,894,259	39.43%
Fringe Benefits	\$93,405	\$533,360	\$1,150,301	\$616,941	46.37%
Travel/Training	\$1,764	\$4,039	\$30,934	\$26,895	13.06%
Supplies	\$346,424	\$1,290,242	\$5,631,734	\$4,341,492	22.91%
Purchased Services	\$12,024	\$118,296	\$163,819	\$45,523	72.21%
Interdepartment Charges	(\$44,763)	(\$162,527)	(\$3,498,505)	(\$3,335,978)	4.65%
Depreciation	-	\$412,552	\$1,237,638	\$825,086	33.33%
Grants	\$16,515	\$48,022	\$133,000	\$84,978	36.11%
Other Expenses	\$4,257	\$18,943	\$252,831	\$233,888	7.49%
Total Operating Expenditures	\$672,099	\$3,495,982	\$8,229,066	\$4,733,084	42.48%
Capital Outlay					
Equipment & Furniture	-	\$4,475	\$969,000	\$964,525	0.46%
Buildings & Land	-	-	\$235,000	\$235,000	0.00%
Total Capital Outlay	-	\$4,475	\$1,204,000	\$1,199,525	0.37%
Total Expenditures	\$672,099	\$3,500,457	\$9,433,066	\$5,932,609	37.11%
Net Increase (Decrease)	(\$161,506)	(\$673,241)	-	\$673,241	0.00%
<i>Equity:</i>					
Retained Earnings	-	(\$300,267)	-	\$300,267	0.00%

Attachment: Highway Financials - July 2022 (Hwy Financials - July 2022)