

**JUNE 9, 2020
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 3:30 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll call was conducted and the following Supervisors were present either in person or remotely: Vice-Chair Jerry A. Grant (connected via telephone at 4:38 p.m.), Brian Holt, Kathy Ingersoll, Daniel G. Kilkenny, Kenneth H. Monroe, Susan M. Pruessing, Joseph H. Schaefer, Ryan G. Simons, Rick Stacey, David A. Weber and Chair Nancy Russell. A quorum was established.

Nancy Russell, Walworth County Board Supervisor, District #11, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

Supervisor Monroe offered a motion, second by Supervisor Weber, to withdraw Health and Human Services, Item #1, Ord. No. 1216-06/20 – Amending Sections 50-2 and 50-6 of the Walworth County Code of Ordinances Relating to the Children’s Advocacy Center (C.A.C) Protocol and Recognition. County Administrator Mark W. Luberda asked to have this ordinance laid over until Corporation Counsel has had an opportunity to prepare a legal opinion requested by the District Attorney and Health and Human Services (HHS) that is related to the proposed ordinance. Should the legal opinion suggest the proposed ordinance go back to the HHS Board, it will be placed on their next agenda, otherwise it will likely be on the July County Board of Supervisors agenda. Supervisor Monroe offered a motion, second by Supervisor Weber, to approve the agenda as amended with the withdrawal of Ord. No. 1216-06/20. Motion carried by voice vote.

Approval of the Minutes

On motion by Supervisor Pruessing, second by Supervisor Weber, the May 12, 2020 County Board Meeting minutes were approved by voice vote.

Comment Period by Members of the Public Concerning Items on the Agenda

The following individuals appeared at the meeting, expressed their concerns, and spoke in opposition of Ord. No. 1217-06/20 – Creating Article VI Chapter 50 of the Walworth County Code of Ordinances Relating to Communicable Diseases:

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|--------------------|----------------------|--------------------------|
| - Madison Elmer | - Sarah Hardison | - Jaclyn Griesel-Gratton |
| - Devin Gattton | - Kevin Hermann | - Elizabeth Bonnstetter |
| - Hank Lewendowski | - Al Kostopoulos | - Jasmin & Jon Turner |
| - Shelby Lemke | - Dave Overbeek | - Karen Kachel |
| - Sarah Hillman | - Jonathan Adams | - Shay Zerfas |
| - Jodi Leahy | - Ken Kraft | - Tammy Carrey |
| - Tina Ferguson | - Ellen Kraft | |
| - Sara Thimmesch | - Dr. Paul J. McGraw | |

At approximately 4:29 p.m. Administrator Luberda announced Supervisor Kilkenny called in from another telephone and is now un-muted; he has been listening the entire time. Vice Chair Grant is still trying to get through.

The following individuals expressed their concerns remotely via telephone and spoke in opposition of Ord. No. 1217-06/20 – Creating Article VI Chapter 50 of the Walworth County Code of Ordinances Relating to Communicable Diseases:

At approximately 4:38 p.m. County Clerk Bushey announced Vice Chair Jerry Grant is attending remotely.

- | | | |
|--------------------|----------------------|---------------------|
| - Doris Rohde | - Jessica Fuchs | - Mary Oberst |
| - Timothy Fulford | - Lauren Mueller | - Leanne Roth |
| - Bonnie Kruizenga | - Linda Bowe | - Heidi Stocking |
| - Ruth Warner | - Tapaola Burmeister | - Melissa VanDeusen |
| - Marne Gamm | - David Dietrich | - Tom Leonard |
| - Michael Erkamaa | - Dawn Boley | - Ashley Walby |

The following individual expressed his concern remotely via telephone and spoke in favor of Ord. No. 1217-06/20 – Creating Article VI Chapter 50 of the Walworth County Code of Ordinances Relating to Communicable Diseases:

- Aaron Parker

Appointments/Elections

1. Southeastern Wisconsin Regional Planning Commission (SEWRPC)
 - David Weber – Term to begin upon County Board confirmation and end on September 30, 2024 (Recommended by the Executive Committee 5-0)

On motion by Supervisor Pruessing, second by Supervisor Simons, the appointment to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) was approved by voice vote. Supervisor Weber abstained.

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing
2. Claims: None.
3. Correspondence from County Clerk Kimberly Bushey regarding the upcoming redistricting process/timeline including Res. No. 50-09/09 – Requesting the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to Prepare a Redistricting Plan for Walworth County Following the 2010 United States Census (To be referred to the Executive Committee)
4. 2019 Annual Report from Walworth County Sheriff's Office (To be placed on file) (The complete report can be viewed in the County Clerk's Office)
5. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - There was none.
6. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Res. No. 22-06/20 – Accepting CARES Funding for Public Health Planning/Testing, Senior Public Assistance Programs, and "Routes To Recovery" Aid for COVID-19 Affected County Programs – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
 - Correspondence from Supervisor Jerry Grant, District 4 – Request for an ordinance requiring residency of citizens to serve on committees of Walworth County (To be referred to the Executive Committee)
 - Correspondence from Wisconsin Counties Association – Forward Analytics (FA), *Deconstructing Depopulation Rural Characteristics & Population Change* (To be placed on file)
7. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - Catherine Duesterbeck – Owner, Ben Johnson – Applicant, Sugar Creek Township. Rezone approximately 2.1 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Rural Residential zone district
 - Constance Kilkenny – Owner, Darien Township. Rezone the A-3 Agricultural Land Holding District portion of a dual zoned R-1 Single Family Residential (Unsewered) and A-3 Agricultural Holding District lot to R-1 Single Family Residential (Unsewered)

Unfinished Business

1. Postpone the special order of business recognizing volunteers nominated as part of the 2020 Volunteer Week
2. COVID-19 Response, Update, and State & Federal Actions

Supervisor Weber offered a motion, second by Supervisor Monroe, to postpone the special order of business recognizing volunteers nominated as part of the 2020 Volunteer Week to another time when it is more appropriate. Motion carried by voice vote.

County Administrator Mark W. Luberda confirmed that all Supervisors received the weekly Fiscal Report summarizing the distribution of money for expenses incurred in county operations. He said although Walworth County has received further information from the state relative to the CARES funding, they still have not released any clear guidance as to how the money may be utilized. Luberda is attempting to get the Governor's Office to recognize that there should be more flexibility with the money than the federal government had previously indicated.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. There were NO Ordinance Amendments or Rezones considered or approved at the May 21, 2020 County Zoning Agency Meeting.

Executive Committee

1. Ord. No. 1215-06/20 – Confirming Special Authority for 2020 to Enable Continued Response to and Management of Operations During the COVID-19 Pandemic by Extending Certain Authorization as Approved within the Resolution for a Declaration of Emergency as Approved March 19, 2020 – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0, Human Resources Committee 5-0, and Finance Committee 4-0)
2. Res. No. 18-06/20 – Submitting Certain Advisory Resolutions to the Wisconsin Counties Association to be included in its Platform – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Supervisor Monroe, offered a motion, second by Supervisor Weber, to approve Item #1, Ord. No. 1215-06/20. On motion by Supervisor Grant, second by Supervisor Weber, **Ord. No. 1215-06/20** was approved by unanimous consent.

On motion by Supervisor Weber, second by Supervisor Holt, Item #2, **Res. No. 18-06/20** was approved by voice vote.

Finance Committee

1. Res. No. 20-06/20 – Authorizing the Closure of Sheriff's Office Dispatch/Communications Center Upgrade Project and Transferring Remaining Funds to General Fund Building and Equipment Committed Fund Balance – *Vote Required: Two-thirds* (Recommended by the Public Works Committee 5-0 and the Finance Committee 4-0)
2. Res. No. 21-06/20 – Accepting CARES Federal Grant Funding for Lakeland Health Care Center – *Vote Required: Majority* (Recommended by the Lakeland Health Care Center Board of Trustees 5-0 and the Finance Committee 5-0)
3. Res. No. 22-06/20 – Accepting CARES Funding for Public Health Planning/Testing, Senior Public Assistance Programs, and "Routes To Recovery" Aid for COVID-19 Affected County Programs – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)

Supervisor Weber, offered a motion, second by Supervisor Holt, to approve Item #1, Res. No. 20-06/20. On motion by Supervisor Grant, second by Supervisor Monroe, **Res. No. 20-06/20** was approved by unanimous consent.

On motion by Supervisor Monroe, second by Supervisor Weber, Item #2, **Res. No. 21-06/20**, and Item #3, **Res. No. 22-06/20** were approved by voice vote.

Health and Human Services Board

1. Ord. No. 1216-06/20 – Amending Sections 50-2 and 50-6 of the Walworth County Code of Ordinances Relating to the Children's Advocacy Center (C.A.C.) Protocol and Recognition – *Vote Required: Majority* (Recommended by the Health and Human Services Board 8-0)
2. Ord. No. 1217-06/20 – Creating Article VI Chapter 50 of the Walworth County Code of Ordinances Relating to Communicable Diseases – *Vote Required: Majority* (Recommended by the Health and Human Services Board 7-1)

Item #1, Ord. No. 1216-06/20 was previously removed from the agenda during the agenda approval process.

Supervisor Kilkenny offered a motion, second by Supervisor Monroe, to deny Item #2, Ord. No. 1217-06/20. Supervisor Pruessing requested an explanation as to how this ordinance was brought forth. Administrator Luberda stated this ordinance was initiated after the Supreme Court provided guidance on how to interpret the sections of the statutes that were involved in the Safer at Home order. After reading the Supreme Court's guidance, it came to light that the existing Public Health ordinances did not allow the health officer to issue a ticket if an individual failed to follow an order.

Luberda stated the language contained in the proposed ordinance would not expand any powers or authority of the public health officers that are not already found in Wisconsin Statutes other than to provide for them to issue a ticket if necessary. Supervisor Pruessing and Administrator Luberda clarified that most of the language was pulled from the existing Wisconsin Statutes and the only portion of the proposed ordinance that was penned by Walworth County representatives was dealing with a penalty. Corporation Counsel Michael Cotter stated the Wisconsin Legislature versus Palm Decision made it clear that the Department of Health Services couldn't impose jail time for a violation of these orders. Wisc. Stat. § 252.25 allows for a local public health officer to impose a fine or imprisonment up to 30 days. Walworth County representatives made sure the word "imprisonment" was taken out of the penalty section. Everything else comes from the Wisc. Stat. §252. Some examples of what is reasonable and necessary were taken from other counties. Supervisor Kilkenny urged the public to review Wisc. Stat. Chapter 252 and Chapter DHS 145 Wisconsin Administrative Code and stated the language contained in the proposed ordinance is essentially identical. Kilkenny stated he does not support the ordinance and will be voting to reject it. Pruessing stated she will be voting "No" to the ordinance and briefly explained the process a proposed ordinance must go through in order to get to the full County Board for review.

Chair Russell requested a roll-call vote. County Clerk Bushey stated if you are voting "Yes", you are voting in favor of denying the ordinance; if you are voting "No", you are voting in opposition. A roll call vote was conducted. Total votes: 11 – Ayes: 10 (Holt, Ingersoll, Kilkenny, Monroe, Pruessing, Russell, Schaefer, Simons, Stacey, and Weber); Noes: 1 (Grant); Absent: 0. The motion to Deny **Ord. No. 1217-06/20** carried.

Human Resources Committee

1. Res. No. 19-06/20 – Authorizing Certain FTE Reductions and Increases at the Lakeland Health Care Center – *Vote Required: Majority* (Recommended by the Lakeland Health Care Center Board of Trustees 5-0 and the Human Resources Committee 5-0)

Supervisor Pruessing offered a motion, second by Supervisor Monroe, to amend, Item #1, Res. No. 19-06/20: To delete lines 16 and 17 and replace it with a reduction of a "0.50 FTE Certified Nursing Assistant position"; and to insert at line 21 an increase with "0.50 FTE Certified Nursing Assistant position to a 0.80 FTE Certified Nursing Assistant position."

Administrator Luberda announced that staff has requested the amendment to the resolution and briefly explained the purpose for the amendment. He said the previously stated amendment should also to be included in the Policy and Fiscal Note under Part II. The amendment does reduce the net savings from \$182,748 to \$151,509 in 2020 and an annual savings of \$86,420 to \$54,562, as indicated under Part III. Pruessing agreed with the amendments to the Policy and Fiscal Note and for them to be included in the motion. **Res. No. 19-06/20** was approved by voice vote.

Reports of Special Committees

There were none.

Comment Period by Members of the Public Concerning Items Not on the Agenda

There was none.

Chairperson's Report

Russell stated titles for the Tuesday, July 14, 2020 agenda are to be submitted on or before Wednesday, July 1, 2020.

Adjournment

On motion by Supervisor Monroe, second by Supervisor Weber, the meeting was adjourned at 6:11 p.m.

Prepared By: Patricia Sommers, Administrative Assistant

Submitted By: Kimberly S. Bushey, County Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the June 9, 2020 meeting.