

AMENDED
ORDINANCE NO. 1230 – 12/20

**CONTINUING SPECIAL AUTHORITY FOR 2021 TO ENABLE CONTINUED RESPONSE
TO AND MANAGEMENT OF OPERATIONS DURING THE COVID-19 PANDEMIC BY
EXTENDING CERTAIN AUTHORIZATION AS APPROVED WITHIN THE 2020
RESOLUTION FOR A DECLARATION OF EMERGENCY AND ORDINANCES 1215 – 6/20
AND 1224 – 09/20**

1 **WHEREAS**, the World Health Organization (WHO) designated the 2019 novel Coronavirus
2 (“COVID-19”); outbreak as a Public Health Emergency of International Concern; the United States
3 Health and Human Services Secretary Alex M. Azar II declared a Public Health Emergency for the
4 entire United States to aid the nation’s health care community in responding to COVID-19; and the
5 Governor of Wisconsin previously declared a State of Emergency; and,
6

7 **WHEREAS**, the Walworth County Board of Supervisors previously issued Resolution No. 102-
8 03/20, Declaring a State of Emergency in Walworth County as a Result of the COVID-19 Virus,
9 which declaration expired at the end of business on June 17, 2020, and Ordinances No. 1215 – 06/20
10 and Ordinance No. 1224 – 09/20, which extended the authorizations provided for in the Emergency
11 Declaration through, generally, 2020; and,
12

13 **WHEREAS**, COVID-19 remains an active, contagious, and, at times, fatal respiratory disease that
14 the State and Federal resources have been unable to accurately predict, project, or curtail, and it,
15 therefore, demands continued diligence and responsiveness to help provide for the protection of the
16 employees and residents of Walworth County and to help protect and support our provision of
17 governmental services; and,
18

19 **WHEREAS**, certain actions initiated under the Declaration of Emergency and continued through
20 2020 by ordinance, which much of the authority granted will expire at the of 2020, warrant
21 continuation while the County continues to adapt to and manage within the existing and developing
22 pandemic.
23

24 **THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:**
25

26 **PART I: That Section 2-69 of the Walworth County Code of Ordinances is hereby amended to**
27 **read as follows (additions are underlined; deletions are shown in strike-through text):**
28

29 **“Sec. 2-69. Remote participation in meetings by electronic means.**

30
31 (a) The purpose of this section is to establish a policy for 2020~~1~~ that allows for remote
32 participation in meetings as a temporary response to the COVID-19 pandemic ~~anticipating~~
33 ~~and following expiration of the Declaration of Emergency pertaining to the pandemic.~~
34

35 (b) During 2020~~1~~, the Walworth County Board of Supervisors, and any committee, board,
36 agency, or other similar such group that is charged with advising or reporting to the

1 County Board of Supervisors, may provide for remote participation by members in any
2 meeting by electronic means provided the meeting is properly noticed and conducted in
3 accordance with Wisconsin statutes, unless otherwise specifically noted on the published
4 agenda.”
5

6 **PART II: That Section 15-11 of the Walworth County Code of Ordinances is hereby amended**
7 **to read as follows (additions are underlined; deletions are shown in strike-through text):**
8

9 **“Sec. 15-11. Special authority for 2020~~1~~ to enable continued response to and management**
10 **of Human Resources operations during the COVID-19 pandemic by extending certain**
11 **authorizations as initially approved within the resolution for a declaration of emergency as**
12 **approved March 19, 2020.**
13

14 (a) The purpose of this section is to establish a temporary ordinance for 2020~~1~~, ~~except where~~
15 ~~additional time is specifically noted,~~ that allows for continued, flexible administration of
16 Human Resources policies to provide greater protection to employees, with the benefit of
17 protecting and supporting our provision of governmental services, while providing a
18 temporary response to the COVID-19 pandemic ~~anticipating and following expiration of the~~
19 Declaration of Emergency pertaining to the pandemic and the previous authorization for
20 2020 within this Code of Ordinances.
21

22 (b) Notwithstanding the provisions otherwise set forth in this Chapter and with the intent to
23 coordinate with the existing statutory authority of the County Administrator, the
24 following authorizations are adopted for 2020~~1~~.
25

26 (1) Departments may employ modified work schedules to enhance social distancing as
27 authorized by the County Administrator in a manner and form as he shall determine is
28 appropriate.

29 (2) Departments may employ remote working / telecommuting to enhance social
30 distancing as authorized by the County Administrator in a manner and form as he
31 shall determine is appropriate.

32 (3) Appropriate “Return to Work” and workplace guidelines will be administered by the
33 County Administrator under his authority and in consultation with Public Health.

34 (4) ~~Through July 14, 2021~~ April 21, 2021, ~~the~~ County Administrator may reassign
35 essential and non-essential staff for the purpose of addressing pandemic-related
36 circumstances without immediate regard to the budgetary assignment of the position
37 but shall periodically report such instances to the Human Resources Committee and,
38 where applicable, subject to the concurrence of the statutorily elected officer.
39 Inherent in this authorization is the understanding that reassignment may incorporate
40 additional hours, overtime, or the continuation of employment term as in the case of
41 Teachers Aides who have been reassigned.

42 (5) For accrued STO accrual caps shall remain increased by 80 hours from the STO
43 ~~accrual caps identified elsewhere in this Chapter and an individual may continue to~~
44 ~~accrue up to said amount through any pay period paid out on or before August 7,~~
45 ~~2020; however, after that date~~ balances authorized to accrue beyond accrual caps
46 during 2020, once an employee falls below the STO accrual caps identified elsewhere

1 in this Chapter, the employee shall not be allowed to again exceed the cap and all
2 amounts accrued above the STO accrual caps identified elsewhere in this Chapter
3 shall be used prior to June 4, 2021 or they shall be forfeited. Increased vacation
4 accrual caps for the Walworth County Deputy Sheriffs Association (Article 10.01 of
5 the collective bargaining agreement) shall be administered similarly, as determined
6 solely by the County Administrator.

7 (6) The 60-day waiting period for PTO for new hires hired through ~~December 31, 2020~~
8 ~~July 14, 2021~~ April 21, 2021 shall be waived.

9 (7) ~~Through July 14, 2021~~ April 21, 2021, ~~The~~ County Administrator may amend or
10 suspend leave benefit policies as set forth in the Walworth County Code of
11 Ordinances to address or implement the authority provided for herein or allowed by
12 any state or federal options and mandates related to COVID-19, such as but not
13 limited to the Families First Coronavirus Response Act and the State of Wisconsin
14 Act 185 and COVID-19-related Executive Orders. As examples, allowing for
15 negative STO balances (or vacation as in the union example described above)
16 resolved prior to June 4, 2021, and a continuation or restatement of Administrative
17 Procedure 4-493, "The Families First Coronavirus Response Act Emergency for
18 2020, Including the Emergency Family and Medical Leave Expansion Act and
19 Emergency Paid Sick Leave Act: Emergency Policy," are reasonable and appropriate
20 applications of this authority."

21 (8) Health risk assessments ~~to be~~ conducted in 2020 for the determination of the
22 employee (and spouse, if a member of the County health plan) premium contribution
23 for 2021 ~~will be~~ were voluntary. Each employee's 2020 premium contribution rate
24 will be carried forward for 2021. If an employee ~~would like~~ wanted to lower their
25 contribution level, they ~~can~~ could participate in the voluntary testing for 2020, which
26 will result in the employee's premium contribution moving down one level from their
27 2020 level. The education completion ~~will~~ was not be available in 2020 for
28 application in 2021.

29 (9) ~~Through July 14, 2021~~ April 21, 2021, the County Administrator may authorize the
30 hiring and ongoing use of limited term employees for the purpose of filling roles that
31 are temporarily needed due to the COVID-19 pandemic. The Human Resources
32 Director shall establish the job title, job description, and pay rate and coordinate the
33 completion of the hiring process for said limited term positions."

34
35 **PART III: That Section 30-35 (a) (5) of the Walworth County Code of Ordinances is hereby**
36 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
37 **text):**

38
39 **"Sec. 30-35. Budget Amendments.**

40
41 "(5) In order to establish an ordinance for 2020~~1~~ that allows for certain timely budget
42 amendments as a temporary response to the COVID-19 pandemic ~~anticipating and~~ following
43 expiration of the Declaration of Emergency pertaining to the pandemic and notwithstanding the
44 remaining portions of this subsection, funding remaining as of December 31, 2020, from the
45 \$312,500 amendment authorized in the Emergency Declaration remains authorized and is carried
46 forward into 2021; the County Administrator and Finance Director may approve budget amendments
47 up to \$250,000 to incorporate any state or federal grants provided to address COVID-19 in any

1 manner; and the County Board or the Finance Committee may approve an amendment for a second
2 transfer of General fund available balance, for an additional \$312,500, which action shall be
3 subsequently reported to the County Board.”

4
5 **PART IV: That this ordinance shall become effective as of January 1, 2021 following passage**
6 **and publication.**

7
8 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 8th day of December
9 2020.

10
11 
12 _____
13 Nancy Russell
14 County Board Chair

15
16 
17 _____
18 Kimberly S. Bushey
19 Attest: County Clerk

20
County Board Meeting Date: December 8, 2020

Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

<p>DocuSigned by: <u>Michael Cotter</u> 12/10/2020 _____ Michael P. Cotter... Date Corporation Counsel</p>	<p>DocuSigned by: <u>Jessica Conley</u> 12/10/2020 _____ Jessica Conley... Date Finance Director</p>
<p>DocuSigned by: <u>Mark W. Weberda</u> 12/10/2020 _____ Mark W. Weberda... Date County Administrator</p>	

If unsigned, exceptions shall be so noted by the County Administrator.

This Resolution/Ordinance was:
Adopted: Roll Call U.C./Voice
Rejected/Referred/Laid Over
Ayes: 10 Noes: 1 Absent: 0
Date December 8, 2020

Policy and Fiscal Note
Ordinance No. 1230-12/20

- I. Title:** Continuing Special Authority for 2021 to Enable Continued Response to and Management of Operations During the COVID-19 Pandemic by Extending Certain Authorization as Approved within the 2020 Resolution for a Declaration of Emergency and ordinances 1215 – 06/20 and 1224 – 09/20
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance is generally to continue the ordinance authority established in 2020 into 2021, with the inclusion of greater flexibility and authority relative to limited term employees. This scope of authority was first established in the Declaration of Emergency as approved March 19, 2020 and was extended through 2021 by a general ordinance. The assumption was that by the end of the year the pandemic would stabilize enough that the County could determine what sections of the code needed permanent revisions. Unfortunately, the pandemic is no more resolved today, and is arguably worse, than it was last June. The experts still cannot predict the future course or term of the pandemic that drives this policy need. As an organization, we need to remain flexible, particularly since we still do not have any clear indication if the current stimulus deadlines will be extended or if a second package will be approved. As with before, this ordinance affects County operations and does not affect private sector operations.
- III. Is this a budgeted item and what is its fiscal impact:** The County Board previously authorized \$312,500 of fund balance in the emergency declaration. Nearly all of that remains available since our efforts so far have largely used state and federal aid. This ordinance provides for any remaining portion of the initial \$312,500 unused at year-end to be carried forward into 2021. This will provide for initial 2021 funding while we wait to see if a second stimulus and support package is released. Staff can then be prepared to return to the committees and County Board in the first quarter of 2021 with any adjustments that are recommended. This ordinance also continues the prior authorization for the Finance Committee to release a second \$312,500 of the fund balance if needed. The exception, however, is that a variety of state and federal funding programs will offset or cover expenditures. Ultimately, it is very difficult to determine the fiscal impact of this ordinance at this time since there are still far too many unknowns.

The item most likely to affect cost is the Administrator’s intent to continue the weekly testing site for the remainder of the year and into 2021 following the planned stop by the Wisconsin National Guard in early December. It is clear by demand that citizens, schools, and businesses are relying upon this service. The expectation is to ensure continuation of the weekly service until the known state and federal actions for 2021 are revealed.

- IV. Referred to the following standing committee(s) for consideration and date of referral:**

Committee: Executive Committee

Date: November 16, 2020

Vote: 5-0

Committee: Human Resources Committee

Date: November 18, 2020

Vote: 4-0

Committee: Finance Committee

Date: November 19, 2020

Vote: 5-0

County Board Meeting Date: December 8, 2020

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.

DocuSigned by:
Michael Cotter 12/10/2020

Michael P. Cotter Date
Corporation Counsel

DocuSigned by:
Jessica Conley 12/10/2020

Jessica Conley Date
Finance Director

DocuSigned by:
Mark W. Libberda 12/10/2020

Mark W. Libberda Date
County Administrator