

MARCH 21, 2006**EVENING SESSION****6:00 P.M.****WILLAIM BUEDINGEN TRAINING ROOM – TOWN OF BRADLEY**

The Lincoln County Board of Supervisors met at the William Buedingen Training Room – Town of Bradley in session assembled pursuant to law. The meeting was called to order at 6:00 p.m. by Chairman Simon. Roll was called by the Clerk and the following answered present: Alber, Bloomer, Caylor, Cohrs, Fox, Kleinschmidt, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Powell, Rankin, Saal, Schroeder, Simon, Ugolini, Weaver and Woller (21). Schmidt was excused.

Pledge of Allegiance was given by the Board.

ANNOUNCEMENTS/APPOINTMENTS/RECOGNITIONS/AWARDS

There were no announcements.

SERVICE RECOGNITIONS FOR MARCH, 2006

There were no service recognitions for March, 2006.

APPOINTMENTS AND REAPPOINTMENTS –

APPOINTMENT - 2006 EWS FOR LINCOLN COUNTY

Motion made by Supervisor Lussow, seconded by Supervisor Ugolini to approve the Appointments of the Emergency Fire Wardens in Lincoln County for 2006 as listed: Lennart Olund -Township of Birch; Tracey Seidel – Township of Bradley; Sharon Dinges – Township of Corning; Virgil Kanitz – Township of Harding; John Bailey – Township of Harrison; Deb Ziemanski – Township of Harrison; Frank Kolar – Township of King; Dave Koziel – Township of King; Richard G. Van Strydonk - Township of King; Allen Handlin – Township of Merrill; Michael Josiger – Township of Pine River; Ewald Katke, Jr. – Township of Pine River; Jill Petri – Township of Pine River; Gerald Pankow – Township of Rock Falls; Robert Kressell –Township of Russell; Leslie T. Lange –Township of Schley; Mary Plamann – Township of Schley; Mike Grunenwald – Township of Scott; Karen E. Olson – Township of Skanawan; Edwin Schufletowski – Township of Somo; Cindy Ganske – Township of Tomahawk; and William Shore – Township of Wilson. All Supervisors present voting aye to the Appointment of the 2006 Emergency Fire Wardens for Lincoln County. Motion carried.

APPROVAL OF JOURNAL – FEBRUARY 21, 2006

Clerk reported that there were two errors. On page 259 – Fourth line after the Clerk called roll add “on the call of the question. Supervisor Plant is also misspelled on that page.

Motion was made by Supervisor Kleinschmidt, seconded by Supervisor Krueger to accept the minutes of February 21, 2006 as amended. All Supervisors voting aye and Motion carried.

LETTERS, PETITIONS AND MEMORIALS

Monthly Mailbox Correspondence – Any Questions

There was one comment made on the Monthly Mailbox Correspondence # 2 – Letter from Elk River Appraisals regarding the great service received from Lincoln County’s Marge Johnson, Real Property Lister and Dan Miller, Zoning Administrator. Supervisor Lee stated that these recognitions need to be recognized by the whole County Board, this was seconded by Supervisor Kleinschmidt. The Board goes on record with noting these recognitions to Marge Johnson and Dan Miller.

ADMINISTRATIVE COORDINATOR'S WRITTEN REPORT – Q & A

John Mulder had nothing to add to his report. Administrative Coordinator's Report is placed on file.

REPORTS OF STANDING & SPECIAL COMMITTEE

Supervisor Meyer made a comment that on Thursday, March 23, 2006, at 1:30 p.m. Peggy Lautenschlager, Attorney General, will be at the Merrill Police Department to present an award to Crime Stoppers.

RESOLUTIONS AND ORDINANCES FOR BOARD ACTION

Resolution 2006-03-15

Title: Relating to the County of Lincoln participation in the Wisconsin Community Development Block Grant for Economic Development program.

WHEREAS, Federal monies are available under the Community Development Block Grant Program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development; and

WHEREAS, after public meeting and due consideration, the Finance & Insurance Committee has recommended that an application be submitted to the State of Wisconsin for the following project: *Daigle Brothers Inc.*; and

WHEREAS, it is necessary for the County Board to approve the preparation and filing of an application for the County to receive funds from this program; and

WHEREAS, the County Board has reviewed the need for the proposed project and the benefit to be gained there from.

NOW, THEREFORE BE IT RESOLVED, that the County Board does approve and authorize the preparation and filing of an application for the above-named project; and the Board Chairman is hereby authorized to sign all necessary documents on behalf of the County; and that authority is hereby granted to the Finance & Insurance Committee to take the necessary steps to prepare and file the appropriate application for the funds under this program in accordance with this resolution.

Dated this 21st day of March, 2006

Introduced by: Finance & Insurance Committee

Committee Action: Finance & Insurance Committee; Passed 4-0 on 03/03/2006

Fiscal Impact: None. Lincoln County will be the fiscal Agent for the Wisconsin Department of Commerce grant to loan to the recipient

Motion made by Supervisor Lee, seconded by Supervisor Mittelsteadt to adopt Resolution 2006-03-15. Economic Development Corporation Director, Jack Sroka, explained the Resolution. Discussion was held. Resolution 2006-03-15 is adopted by a voice vote and motion is carried.

Resolution 2006-03-16

Title: Sheriff Department Storage

WHEREAS, there exists a need within the Sheriff's Department to use limited storage space for paper records and evidence as efficiently as possible; and

WHEREAS, after a proper request for proposal procedure, Filing Systems Specialists of Weston submitted a plan for efficient, high quality rolling shelf storage which greatly increases storage capabilities and meets needs ~~will~~ **well** into the future, and

WHEREAS, the Law Enforcement Committee reviewed all proposals and recommends that Filing Systems, Specialists be awarded the bid out of the Jail Assessment fund,

NOW, THEREFORE BE IT RESOLVED, that the County purchase the recommended storage systems and installation from Filing Systems Specialists for \$43,418.00 using Jail Assessment funds.

Dated this 21st day of March, 2006

Introduced by: Law Enforcement Committee

Committee Action: Law Enforcement Committee; Passed 3-0 on February 28, 2006

Fiscal Impact: \$43,418.00 non-tax dollars

Motion made by Supervisor Cohrs, seconded by Supervisor Caylor to adopt Resolution 2006-03-16. Chief Mike Soucy explained the Resolution. Discussion was held. Supervisor Bloomer stated that in the second paragraph, line 4 the word **will** should read **well**. Discussion continued. Dan Leydet, Finance Director, explained the financial part of the Resolution. Resolution 2006-03-16 is adopted by a voice vote and motion is carried.

Resolution 2006-03-17

Title: Authorize Advance from General Fund to Purchase ADA Voting Equipment

WHEREAS Congress passed the Help America Vote Act of 2002 (HAVA) to provide a uniform opportunity for handicapped voters to cast their ballots unassisted if the voter so desires; and

WHEREAS, the Wisconsin State Elections Board is offering reimbursement funding up to \$6,000 for the purchase of one accessible voting system per polling place, and

WHEREAS, the Wisconsin State Elections Board has empowered local municipalities with the option to cooperatively purchase such handicap accessible voting equipment; and

WHEREAS, the Wisconsin State Elections Board allows County governments to coordinate and submit one consolidated funding application on behalf of each municipality; and

WHEREAS there is, among other things, programming, training, and maintenance associated with the ADA accessible voting equipment and it would be more cost effective and efficient for all municipalities in Lincoln County to have the same type of ADA accessible voting equipment.

NOW, THEREFORE BE IT RESOLVED, that an amount not to exceed \$150,000 be advanced from Lincoln County General Fund to cover the cost of the accessible voting equipment.

BE IT FURTHER RESOLVED, that the General Fund will be repaid back when Wisconsin State Election Board reimbursement Lincoln County for the accessible voting equipment. Any amount not reimbursed will be repaid to the General Fund by the municipalities per the attached Memorandum of Understanding

Dated this 21st day of March, 2006

Introduced by: Finance and Insurance Committee

Committee Action: Finance and Insurance Committee; Passed on 03/03/2006 by a 4-0 vote.

Fiscal Impact: Reduction of up to \$150,000 in cash in the General Fund to be repaid from Wisconsin State Election Board and/or individual municipalities.

Motion made by Supervisor Kleinschmidt, seconded by Supervisor Mittelsteadt to adopt Resolution 2006-03-17. Clerk Kunkel explained the Resolution. Resolution 2006-03-17 is adopted by a voice vote and motion is carried.

Resolution 2006-03-18

Title: Lower Tax Levy for 2006

WHEREAS: Since 2000 various resolutions have been brought forth to cap county property tax increases, and

WHEREAS: such resolutions have resulted in substantial reductions in property taxes and changed the concept that, a 10% budget increase is acceptable, as evidenced by budgets approved by the County Board prior to 2000, and

WHEREAS: the Finance Department has indicated that Lincoln County has funds exceeding that which is necessary for Lincoln County's needs, and

WHEREAS: these funds present a formidable temptation to elected and appointed officials to allocate such funds in a manner that is less than wise or helpful to the taxpayers of Lincoln County.

THEREFORE BE IT RESOLVED: that the Lincoln County Board of Supervisors shall substantially reduce the county levy for 2006 in the following manner, allocate a total of (\$2,000,000.00) against the tax levy for 2006. The allocation will be funded as follows, one million (\$1,000,000.00) from the sale of the Lincoln School property and the remaining one million (\$1,000,000.00) coming from excess funds.

BE IT FURTHER RESOLVED: that if any part of word of this resolution is found to be improper, that the concept is summarized as "a resolution that lowers county taxes for the taxpayers of Lincoln County \$2,000,000.00.

Dated this 21st day of March, 2006

Submitted by: Philipp Cohrs and Ron Mittelsteadt
Fiscal Impact: \$2,000,000.00

Motion made by Supervisor Cohrs, seconded by Supervisor Mittelsteadt to adopt Resolution 2006-03-18. Supervisor Cohrs explained why he submitted this Resolution. Discussion was held. Dan Leydet, Finance Director, explained what we have in the General Fund. More discussion held. Dan Leydet spoke on the bonding rate. Discussion continued. Supervisor Alber requested roll call vote. Clerk called roll with Supervisors Cohrs and Mittelsteadt voting aye (2); all other Supervisors voting nay (19). Resolution 2006-03-18 is defeated.

Resolution 2005 - 03 - 19

Title: Approving 2006-2007 Collective Bargaining Agreement between Lincoln County and the Highway Department Employees (AFSCME Local 332)

WHEREAS the County and the Union have met on 3 occasions and participated in a mediation session in order to reach an agreement for the labor agreement for 2006-2007, and

WHEREAS the Personnel Committee has reviewed the tentative agreements and recommends that the County Board approve the settlement of the contract, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendation of the Personnel Committee and approves the 2006-2007 collective bargaining agreement between Lincoln County and the Lincoln County Highway Department Employees (AFSCME Local 332) as outlined on the attached settlement offer dated March 1, 2006 and authorizes the necessary County officials to sign the contract.

Dated this 21st day of March, 2006

Introduced by: Personnel Committee
Committee Action: Personnel Committee Passed on 3/7/06

Fiscal Impact: Approximate annual increase in costs each year – 2006 - \$71,514; 2007 - \$83,141

Motion made by Supervisor Caylor, seconded by Supervisor Lussow to adopt Resolution 2006-03-19. John Mulder, Administrative Coordinator, explained the Resolution. Discussion was held. Resolution 2006-03-19 is adopted by a voice vote and motion is carried.

Resolution 2005 - 03 - 20

Title: Setting a Special County Board meeting for orientation and goal setting

WHEREAS at the beginning of the last two terms the County Board has had a special meeting for the purposes of orientation and goal setting, and.

WHEREAS the Dan Hill of the UW Local Government Center has agreed to provide a training session on Parliamentary procedures and open meeting laws to the Lincoln County Board and is available on April 25, 2006 and

WHEREAS there will be a minimum of 5 new County Board members following the April spring election, now,

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendation of the Administrative and Legislative Committee and sets a special County Board meeting for April 25, 2006 at 5:00 p.m. in Tomahawk for the purpose of orientation and goal setting.

Dated this 21st day of March, 2006

Introduced by: Administrative & Legislative Committee

Committee Action: Administrative & Legislative Committee Passed 4-1 (Lee voting no) on 3/7/06

Fiscal Impact: County Board Per Diem - \$1,540

Motion made Supervisor Lee, seconded by Supervisor Alber to adopt Resolution 2006-03-20. John Mulder, Administrative Coordinator, explained the Resolution. Supervisor Bloomer stated there is a correction in the second paragraph, - delete **the** in front of Dan Hill. Resolution 2006-03-20 is adopted by a voice vote and motion is carried.

Resolution 2005 - 03 - 21

Title: Authorizing legal action against the State of WI Department of Workforce Development relative to Child Support re-imbusement

WHEREAS the County has been involved in an ongoing dispute with the State of WI Department of Workforce Development relative to reimbursement for expenses related to Child Support enforcement, and.

WHEREAS, on July 21, 2005, the County requested a hearing before an impartial decision maker regarding the action taken by the Department of Workforce Development, and

WHEREAS on August 1, 2005, despite the County's request for a hearing, the Department of Workforce Development began withholding payments for expenses in 2002 and 2003 exceeding \$30,000 which the County believes are justified, and

WHEREAS, as of this date the Department of Workforce Development has failed to grant the County's request for a hearing, and

WHEREAS on February 2, 2006 the Department of Workforce Development has stated their intention to withhold additional reimbursement for expenses which the County believes are justified in 2004, and

WHEREAS as of this date, the Department of Workforce Development has not withheld reimbursement for expenses in 2004 yet, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendation of the Administrative and Legislative Committee and authorizes the County Administrative Coordinator to take necessary legal action to compel the Department of Workforce Development to hold a hearing or resolve the issue in a manner agreeable to the County and to prevent them from taking any further action against the County.

Dated this 21st day of March, 2006

Introduced by: Administrative & Legislative Committee

Committee Action: Administrative & Legislative Committee Passed 4-1 (Schroeder voting no) on 3/7/06.

Fiscal Impact: Legal Fees: undetermined; possible recovery of reimbursement withheld by State

Motion made by Supervisor Ugolini, seconded by Supervisor Lussow to adopt Resolution 2006-03-21. John Mulder, Administrative Coordinator, explained the Resolution. Discussion was held. Nancy Bergstrom, Corporation Counsel, explained some aspects of the due process. Discussion continued. Supervisor Ugolini asked Supervisor Schroeder why she voted no in the Committee vote. Supervisor Schroeder gave her reasons. More discussion held. Supervisor Ugolini called the question. Supervisor Alber called for a roll call on the call of the question. Clerk called roll with Supervisors Caylor, Cohrs, Kleinschmidt, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Powell, Rankin, Saal, Schroeder, Simon, Ugolini, Weaver and Woller voting aye (18); Supervisors Alber, Bloomer and Fox voting nay (3). Motion is carried to end the debate. Supervisor Alber requested a roll call vote on the adoption. Clerk called roll on adoption of Resolution 2006-03-21 and Supervisors Alber, Kleinschmidt, Lee, Loka, Lussow, Meyer, Plant, Powell, Rankin, Saal, Simon, Ugolini, Weaver and Woller voting aye (14); Supervisors Bloomer, Caylor, Cohrs, Fox, Krueger, Mittelsteadt, and Schroeder voting nay (7). Resolution 2006-03-21 is adopted and motion is carried.

Resolution 2006-03-22

Title: TO APPROVE A CONTRACT FOR JANITORIAL SERVICES –HEALTH & HUMAN SERVICES CENTER

WHEREAS, the ~~Property~~ Public Property Committee has considered the various options for janitorial services to the Lincoln County Health & Human Services Center; and

WHEREAS, the Committee has resolved that contracting for services is most efficient and cost-effective; and

WHEREAS, the committee recommends, after reviewing bids, that the contract be approved by the County Board.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors does hereby approve the cleaning contract for the Health & Human Services Building to Rex Clean.

Dated this 21st day of March, 2006

Introduced by: Public Property Committee

Committee Action: Public Property Committee; Passed 4 -1 (Bloomer voting nay) on March 7, 2006

Fiscal Impact: \$2,657 per month + .08 per square foot for carpet cleaning and \$3.00 per chair (20 chair minimum)

Motion made by Supervisor Kleinschmidt, seconded by Supervisor Bloomer to adopt Resolution 2006-03-22. Joel, Wendt, Maintenance Director, explained the Resolution. Supervisor Lee said a correction needed to be made in the first WHEREAS – Put Public before Property. Resolution 2006-03-22 is adopted by a voice vote and motion is carried.

Resolution 2006 – 03 - 23

Title: Approve the Use of Lincoln County Contingency Funds for Unbudgeted Expenses in the Administration Department

WHEREAS, due to unforeseen expenditures, the Administration Department exceeded its 2005 budget by \$105,606; and

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors approves the recommendation of the Finance and Insurance Committee that \$105,606 of the 2005 contingency fund be used to cover these unbudgeted expenses in the Administration Department.

Dated this 21st day of March, 2006

Introduced by: Finance Committee

Committee Action: Passed 4-0 on March 3, 2006

Fiscal Impact: \$105,606 from the 2005 Contingency Fund

Motion made by Supervisor Woller, seconded by Supervisor Powell to adopt Resolution 2006-03-23. John Mulder, Administrative Coordinator, explained the Resolution. Nancy Bergstrom, Corporation Counsel, explained why she couldn't act as the attorney for the due process hearing. Her office was part of the litigation. Clerk called roll with all Supervisors present voting aye (21). Resolution 2006-03-23 is adopted and motion is carried.

5 minute Recess taken at 7:10 p.m.

Meeting reconvened at 7:15 p.m. Called to order by Chair Simon.

Resolution 2006 -3 -24

Title: Affirming a Building Plan & Creating a Building Committee

WHEREAS, following the March 9, 2006, meeting of the County Board, the Workspace Planning Committee met on March 14, 2006,

NOW, THEREFORE BE IT RESOLVED,

“The Courthouse will be remodeled. The Jail will be remodeled and administrative space will be built and a five member building committee will be ~~appointed~~ elected by the Board at the re-organizational meeting in April.”

Dated this 21st day of March, 2006

Introduced by: Workspace Planning Committee

Committee Action: Passed 6 - 1 on 3/14/06

Fiscal Impact: Unknown

Motion made by Supervisor Caylor, seconded by Supervisor Lussow to adopt Resolution 2006-03-24. Supervisor Caylor explained the Resolution. Discussion was held. Motion made by Supervisor Weaver, seconded by Supervisor Caylor, to amend the Resolution by deleting the word ~~appointed~~ to **elected** in line 2 of the Now, Therefore Be it Resolved paragraph. Supervisor Powell asked how many Supervisors should be on this Committee. Discussion continued. Motion made by Supervisor Schroeder, seconded by Supervisor Kleinschmidt to amend the amendment to have **“5 Supervisors”**. Discussion continued. Supervisor Schroeder called the question on the second amendment to the Amendment. A voice vote was taken with all Supervisors voting aye except 1 nay to approve the second amendment. Chair asked if they were ready to vote on adoption of the Resolution as amended. Nancy Bergstrom read how the Resolution would be – and **a five member** building committee will be **elected by the Board**. A voice vote was taken with all Supervisors voting aye, except 1 nay. Discussion continued. Supervisor Caylor called the question. Supervisor Alber opposed the call of the question. Clerk called roll with Supervisors Caylor, Cohrs, Kleinschmidt, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Powell, Rankin, Schroeder, Ugolini, Weaver and Woller voting aye (16) and Supervisors Alber, Bloomer, Fox, Saal and Simon voting nay (5). Discussion is ended. Clerk called roll on Resolution 2006-03-24 as amended and all Supervisors present voting aye (19); Supervisors Bloomer and Fox voting nay (2). Resolution 2006-03-24 is adopted as amended and motion is carried.

Resolution 2006-03-25

Title: Move County Ahead with Meeting Space Needs

WHEREAS, the county board’s directive to remodel the courthouse into a safe and efficient operation has resulted in a plan where an addition to the courthouse is the only plan acceptable to all parties, and

WHEREAS, the county board’s directive to remodel the jail has resulted in a more expensive solution than to build a new facility, and

WHEREAS, the county board’s directive to build an administrative building is an unneeded expense should the county board elect to build a justice center, and

WHEREAS, a justice center partnered with the use of the courthouse for administrative purposes will meet all the space needs of the county, and

WHEREAS, that structure constructed at the present safety building would meet the 1999 advisory referendum, and

WHEREAS, the entire package is doable for under \$10,000,000,

NOW, THEREFORE BE IT RESOLVED, that Lincoln County move to phase two of construction planning by instructing the architect to begin hard drawings of the justice center in preparation for board approval.

Dated this 21st day of March, 2006

Fiscal Impact: less than \$10,000,000

Supervisor Bloomer withdrew Resolution 2006-03-25.

Resolution 2006-03-26

Title: Policy on placement in salary schedule after the county consultant recommends a grade change within a county position

WHEREAS, upon recommendation of the county consultant of a grade change, present policy penalizes an employee monetarily by moving them horizontally on the pay grid to a point where a raise occurs compared to the employees present hourly rate; and

WHEREAS, the recommendation to change the grade of an employee is to compensate that employee for their proper value to the county. Once that recommendation is made the employees grid change should reflect that change in value, and

WHEREAS, this horizontal movement erases a number of years of service to the county by the employee, forcing that employee to, in some cases, spend 19 years to complete horizontal movement through the grid while the grid is a 15 year grid, creating a discriminatory grid,

NOW, THEREFORE BE IT RESOLVED, that a new policy be followed upon consultant recommendation of employee grade change. The employee shall move vertically in the grid to the appropriate cell which reflects the recommendation,

BE IF FURTHER RESOLVED, that employees named in Resolution 2006-02-12, and Resolution 2006-02-13, and any other non-represented employee that have changed grade since 1-1-2000 be aligned on the grid following this policy rather than previous policy. The policy to take effect March 21, 2006.

Dated this 21st day of March, 2006

Fiscal Impact:

Resolution 2006-02-12 from \$16.80/hr to \$17.66/hr, \$1,403.52

Resolution 2006-02-13 from \$13.25/hr to \$14.76/hr, \$2,464.32

Motion made by Supervisor Bloomer, seconded by Supervisor Alber to adopt Resolution 2006-03-26. Motion made by Supervisor Weaver, seconded by Supervisor Cohrs to table Resolution 2006-03-26. Clerk called roll with Supervisors Caylor, Cohrs, Kleinschmidt, Krueger, Lee, Loka, Lussow, Meyer, Mittelsteadt, Plant, Powell, Rankin, Saal, Schroeder, Ugolini and Weaver voting aye (16); Supervisors Alber, Bloomer, Fox, Simon and Woller voting nay (5). Motion to table Resolution 2006-03-26 passed.

Resolution 2006-03-27**Title: Review Status of Jail Alternative Measures**

WHEREAS, until April of 2004 electronic monitoring of jail inmates was done by the corrections staff of the Lincoln County Sheriff's Department, and

WHEREAS, in April 2004 that task was contracted for through a private firm, and

WHEREAS, the cost for that program has risen to an amount where it may be more advantageous to the county to hire a position within the Sheriff's Department to do the electronic monitoring and the day monitoring program, a program instituted by the private firm as a second jail alternative, and

WHEREAS, that program has an end date of April, 2007. The program's cost can be compared during this final year with the cost of returning to the department,

NOW, THEREFORE BE IT RESOLVED, that a review and comparison be made between contracting the electronic monitoring program and the day reporting program or returning those services to the corrections staff.

Dated this 21st day of March, 2006

Fiscal Impact: None

Motion made by Supervisor Bloomer. There was no second and Resolution failed.

ORDINANCE 2006 – 03 – 468**TITLE: AN ORDINANCE CREATING CHAPTER 11.07 COUNTY OF LINCOLN,**

The County Board of Supervisors of Lincoln County, WI, does hereby ordain:

CHAPTER 11.07 Lincoln County Code is created to read as follows:**Chapter 11.07 Restriction on Sale or Gift of Cigarettes or Tobacco Products to Minors.****(1) AUTHORITY AND PURPOSE**

Lincoln County Health Department recognizes many smokers begin smoking before the age of 18 years; and those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; that because smoking has been shown to be the cause of several serious health problems, including cancer, heart disease, and respiratory problems, which subsequently place a financial burden on all levels of government, this ordinance is intended to regulate the sale or gift of tobacco products to minors.

Under sec. 134.66(5), Wis. Stats., Lincoln County may adopt an ordinance regulating the conduct of tobacco sales to minors. This ordinance is adopted pursuant to that authority provided by sec. 254.916(1), Wis. Stats. sec. 254.916 (1), Wis. Stats., authorizes the Lincoln County Health Department

to become the designated agents of the Wisconsin Department of Health & Family Services for the purpose to cause unannounced investigations to be conducted at least annually at retail outlets, including sites of tobacco vending machines, to survey overall levels of compliance with sec. 134.66(2)(a) and (am), Wis. Stats. References to the Wisconsin Statutes are to the 2003-04 edition, unless specified otherwise herein.

(2) APPLICABILITY

The provisions of this ordinance shall apply to any retailer, manufacturer, distributor, jobber and or subjobber, agent, employee or independent contractor of any retailer, manufacturer, distributor, or jobber who has obtained a cigarette and tobacco products retailer license from the clerk of the city, village or town wherein such license is sought to be exercised.

This ordinance shall apply to all geographic locations in Lincoln County. However, this ordinance shall not apply within any town, village, or city that has adopted or adopts an ordinance under sec. 134.66(5), Wis. Stats.

(3) DEFINITIONS

- (a) "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.
- (b) "Compliance Checks" shall mean the system the County or its designated agent uses to investigate and ensure that those authorized to sell tobacco, tobacco products, or tobacco-related devices are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of minors as authorized by this ordinance. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco-related devices for educational, research and training purposes as authorized by State and Federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State or local laws and regulations relating to tobacco, tobacco products, or tobacco-related devices.
- (c) "Distributor" means any person who acquires unstamped cigarettes from the manufacturer thereof, affixes stamps to the packages or other containers, stores them and sells them to retailers for resale or who acquires stamped cigarettes.
- (d) "Gift" means providing another person cigarettes or tobacco products in exchange for nothing or nominal consideration.
- (e) "Governmental regulatory authority" means the department, a local health department, a state agency or a state or local law enforcement agency; or a person with whom the local health department, state agency, or state or local law enforcement agency contracts to conduct investigations authorized under sec. 254.916 (1)(a), Wis. Stats. Governmental regulatory authority shall include county officials authorized under section 6 of this ordinance to issue citations.
- (f) "Identification card" means any of the following:
1. A license containing a photograph issued under Ch. 343, Wis. Stats.
 2. An identification card issued under sec. 343.50, Wis. Stats.
 3. An identification card issued under sec. 125.08, Wis. Stats.
- (g) "Jobber" means any person who acquires stamped cigarettes from manufacturers or distributors, stores them and sells them to retailers for resale.

- (h) Law enforcement officer” has the meaning given in sec. 165.85(2)(c), Wis. Stats.
- (i) “Manufacturer” means any person who manufactures cigarettes for the purpose of sale, including the authorized agent of a person who manufactures cigarettes for the purpose of sale.
- (j) Minor” shall mean any natural person who has not yet reached the age of eighteen (18) years.
- (k)“Retailer” means any person who sells, exposes for sale or possesses with intent to sell to consumers any tobacco product.
- (l) Retail outlet” means a place of business from which cigarettes or tobacco products are sold at retail to consumers.
- (m) A “sale” shall mean any transfer of goods for money, trade, barter, or other consideration.
- (n) Tobacco products" means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes, as defined under sec. 139.30(1), Wis. Stats.
- (o) Tobacco vending machine” is any mechanical device that automatically dispenses cigarettes or tobacco products when money or tokens are deposited in the device in payment for the cigarettes or tobacco products.
- (p) “Tobacco vending machine operator "means a person who acquires tobacco products or stamped cigarettes from manufacturers, as defined in sec. 134.66(1)(e), Wis. Stats., stores them and sells them through the medium of tobacco vending machines that he or she owns, operates or services and that are located on premises that are owned or under the control of other persons.
- (q) School" means a public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
- (r) "Stamp" means the authorized indicia of cigarette tax payment including water transfer stamps and heat-applied stamps.
- (s) Subjobber" means any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and sells or gives them to persons other than the ultimate consumers.

(4) RESTRICTIONS

- (a) No retailer, manufacturer, distributor, jobber or subjobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes or tobacco products to any person under the age of 18, except as provided in sec. 254.92(2)(a), Wis. Stats. which states a person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer. A vending machine operator is not

liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

- (b) No retailer, manufacturer, distributor, jobber or subjobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18.
 - 1. A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to Consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this ordinance and sec. 134.66 and [254.92](#), Wis. Stats. A failure to post such a sign is a violation of this ordinance.
 - 2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machine stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under this ordinance and sec. 134.66 and 254.92, Wis. Stats. and that the purchaser is subject to a forfeiture of not to exceed \$50.00. A failure to post such a sign is a violation of this ordinance.
 - 3. A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.
- (d) Notwithstanding subd. (a) no retailer may place a vending machine within 500 feet of a school.

(5) ENFORCEMENT AND CITATION AUTHORITY

- (a) Written Order - When a violation of section 4 of this ordinance occurs, the governmental regulatory authority shall make a good faith effort to make known to the retailer, manufacturer, distributor, jobber or subjobber, agent, employee or independent contractor of a retailer the occurrence of such violation within 72 hours after the occurrence of the violation. Such notice shall include the written results of any investigation, instructions to come into compliance with this ordinance and any citations issued by a governmental regulatory authority for a violation that occurs during the conduct of the investigation.
- (b) All of the following information shall be reported to the retailer or the retailer's employee or agent within 10 days after the conduct of an investigation under this section:
 - 1) The name and position of the governmental regulatory authority employee who directly supervised the investigation.
 - 2) The age of the minor.
 - 3) The date and time of the investigation.

4) A reasonably detailed description of the circumstances giving rise to a violation, if any. If there is no violation, written notice to that effect.

- (c) If an agent, employee, or independent contractor, who has not received the training as described in section 6(a) of this ordinance, commits a violation of section 4 of this ordinance, a county official as listed **under section 5** may issue a citation based on that violation only to the retailer that hired or contracted with the agent, employee, or independent contractor. The county official may not issue a citation to the agent, employee, or independent contractor who has not received that training.
- (d) If an agent, employee, or independent contractor, who has received the training described in section 6 of this ordinance, commits a violation of section 4 of this ordinance for which a county official as listed under **section 5** issues a citation to the retailer that hired or contracted with the agent, employee, or independent contractor, the county official shall also issue a citation based on that violation to the agent, employee, or independent contractor who has received that training. Verification of Training Form described in section 6(a) of this ordinance shall be signed and retained in the personnel file of the agent, employee, or independent contractor.

(e) Issuance of Citations

1. Cash deposits: Any retailer, manufacturer, distributor, jobber or subjobber, agent, vending machine operator, employee or independent contractor who commits a violation under section 4 of this ordinance may post a cash deposit in the amount of the forfeiture and assessments provided in section 7.
2. Schedule of Deposits. Any person who receives a citation shall be subject to the forfeiture and assessment provisions of section 7 of this ordinance.
3. Who May Issue. The following county officials may issue citations, which are directly related to their official responsibilities:
 - i. Public Health Officer or an appointee;
4. Procedure. section 66.0113(3), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
5. Nonexclusivity.
 - i. Adoption of this chapter does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matters.
 - ii. The issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

(6) TRAINING

- (a) Except as provided in **par. (b)**, at the time that a retailer hires or contracts with an agent, employee, or independent contractor whose duties will include the sale of cigarettes or tobacco products, the retailer shall provide the agent, employee, or independent

contractor with training developed or approved by Wisconsin Department of Health and Family Services (WDHFS) on compliance. At the completion of the training, the retailer and the agent, employee, or independent contractor shall sign a form provided by the WDHFS verifying that the agent, employee, or independent contractor has received the training. The retailer shall retain the completed verification of training form in the personnel file of each such agent, employee, or independent contractor. The retailer shall make said completed form available for inspection to the Lincoln County Health Department or its designee upon request.

- (b) [Paragraph \(a\)](#) does not apply to an agent, employee, or independent contractor who has received the training described in [par. \(a\)](#) as part of a responsible beverage server training course or a comparable training course, as described in sec. [125.04\(5\)\(a\)5](#), Wis. Stats., that was successfully completed by the agent, employee, or independent contractor.

(7) FORFEITURES, ASSESSMENTS AND PENALTIES

- (a) In this paragraph, "violation" means an occurrence contrary to section 4(a), (b), (c), or (d) of this ordinance.
- (b) The forfeitures, assessments and penalties used by this ordinance are set forth with sec. 66.0113 and sec. 134.66(4), Wis. Stats. and are incorporated herein by reference.
- (c) Any retailer, manufacturer, distributor, jobber or subjobber, agent, vending machine operator employee or independent contractor of a retailer who has obtained a cigarette and tobacco products retailer license who commits a violation under section 4 and is subject to a forfeiture of:
- a) Forfeiture for an initial violation shall be \$ 50.00.
 - b) Forfeiture for a second violation that occurs within twelve (12) month period shall be \$100.00.
 - c) Forfeiture for a third violation that occurs within twelve (12) month period shall be \$250.00.
- (d) Any retailer, manufacturer, distributor, jobber or subjobber, agent, vending machine operator who has obtained a cigarette and tobacco products retailer license who commits a violation under section 4 is **subject to a forfeiture not to exceed \$250.00**
- (e) Any person who commits a violation under section 4 of this ordinance shall be subject to the assessments provided in sec. 66.0113 (1) and (3), Wis. Stats.

(8) DEFENSES

- (a) Proof of all of the following facts by a retailer, manufacturer or distributor who sells cigarettes or tobacco products to person under the age of 18 is a defense to any prosecution for a violation under section 4:
1. That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.

2. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18; and
 3. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.
- (b) The governmental regulatory authority shall not issue a citation to an agent, employee, or independent contractor of retailer who has obtained a cigarette and tobacco products retailer license if such agent, employee, or independent contractor has not received training described in section 6.

(9) INVESTIGATION

- (a) In the administration of this subchapter, the WDHFS may contract with local health departments, as agents of the department, with a state agency or with law enforcement agencies of the state, or of a county, city, village or town, to cause unannounced investigations to be conducted at least annually at retail outlets, including sites of tobacco vending machines, to survey overall levels of compliance with sec. 134.66(2)(a) and (am), Wis. Stats. and this ordinance. A person with whom the department contracts under this paragraph may contract with another person to conduct the investigations.
1. No retailer may be subject to unannounced investigations more than twice annually unless the retailer is found to have violated section 4 during an investigation.
- (b) With the permission of his or her parent or guardian, a person under 18 years of age, but not under 15 years of age, may cause or attempt to cause a violation of this ordinance as set forth in section 4, if all of the following are true:
1. The person commits the act for the purpose of conducting an investigation under this section.
 2. The person is directly supervised during the conducting of the investigation by an adult employee of a governmental regulatory authority.
 3. The person has prior written authorization to commit the act from a governmental regulatory authority, the district attorney or from an authorized agent.
- (c) All of the following, unless otherwise specified, apply in conducting investigations under this section:
1. If questioned about his or her age during the course of an investigation, the minor shall state his or her true age.
 2. A minor may not be used for the purposes of an investigation at a retail outlet at which the minor is a regular customer.
 3. The appearance of a minor may not be materially altered so as to indicate greater age.
 4. A photograph or videotape of the minor shall be made before or after the investigation or series of investigations on the day of the investigation or series of investigations. If prosecution results from an investigation, the photograph or videotape shall be retained until the final disposition of the case.
 5. A governmental regulatory authority shall make a good faith effort to make known to the retailer or the retailer's employee or agent, within 72 hours after the occurrence of

the violation, the results of an investigation, including the issuance of any citation by a governmental regulatory authority for a violation that occurs during the conduct of the investigation. This paragraph does not apply to investigations conducted under a grant received under 42 United States Code 300x-021.

- 6. All of the following information shall be reported to the retailer within 10 days after the conduct of an investigation under this section:
 - i) The name and position of the governmental regulatory authority employee who directly supervised the investigation.
 - ii) The age of the minor.
 - iii) The date and time of the investigation.
 - iv) A reasonably detailed description of the circumstances giving rise to a violation, if any, or, if there is no violation, written notice to that effect.

- 7. No evidence obtained during or otherwise arising from the course of an investigation under this section that is used to prosecute a person for a violation of section 4 may be used in the prosecution of an alleged violation of sec. [125.07\(3\)](#), Wis. Stats.

EFFECTIVE DATE: This ordinance shall take effect from and after its passage and publication.

Dated this 21st day of March, 2006

Introduced by: Lincoln County Board of Health

Committee Action: Board of Health Committee; Passed 6 to 0 on February 23, 2006.

Fiscal Impact: No additional costs to the county.

LINCOLN COUNTY, WISCONSIN

E. RICHARD SIMON

ROBERT D. KUNKEL

Chairman

County Clerk

Motion made by Supervisor Caylor, seconded by Supervisor Schroeder to adopt Ordinance 2006-03-468. Shelly Hersil, Director Health Department, explained the Ordinance. Discussion was held. Ordinance 2006-03-468 is adopted by a voice vote and motion is carried.

ORDINANCE 2006-03-469

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:

Chapter 1 is hereby amended as follows:

1.02 APPOINTED OFFICIALS. (Am. #242-94; #284-96; #2004-12-446)

The following officials of the County shall be appointed in the manner and for the term indicated below:

Official	Appointed by	Term
Nursing Service Health Dept Director/Officer	County Board	Indefinite
Property Tax Coordinator	County Board	Indefinite

1.11 REGISTER OF DEEDS TO DESTROY OBSOLETE DOCUMENTS.

The Register of Deeds is authorized to destroy all obsolete documents pertaining to chattels antedating 6 years, including final books of entry.

1.20 COMMISSION ON AGING.

(4) MEMBERSHIP. (Am. #223-93)

(a) Composition. The Commission shall consist of at least ~~9~~ 7 but no more than 16 members. At least 51% shall be County citizens 60 years of age or older and no more than 2 shall be elected County officials. It is suggested that the membership for the Commission be geographically distributed. The membership shall represent all income levels and minority backgrounds of the older adult population of the County.

1.21 BOARD OF ADJUSTMENT.

See §17.48 ~~8.12~~ of this General Code.

1.18 Citizen Appointment to Committees

(1) The County Board will appoint citizens members to the following committees as outlined in the table below.

Ordinance Reference	Committee (Responsible Dept)	Number of Citizen members	Term	Number appointed each year	Term expires (month)
1.20	Commission on Aging (Commission on Aging)	8	3 years Sec. 46.82 Stats.	varies	April 30
Special Considerations – 1.Can be re-appointed only once 2. Majority of the Commission must be age 60+					
1.21	Zoning Board of Adjustment (Zoning)	5 plus 2 alternates	3 years Sec. 59.694(2) (a) Stats.	2 in odd years 1 in even years	June 30 Sec. 59.694(2) Stats.

Ordinance Reference	Committee (Responsible Dept)	Number of Citizen members	Term	Number appointed each year	Term expires (month)
Special Considerations – 1. Only one person from a town can serve on the board at one time. 2. Must reside within the County but outside of any incorporated city or village. Sec. 59.694(2)(c) Stats. 3. Must reside in town under the County’s comprehensive zoning.					
1.22	Veteran’s Service Commission	3 Sec 45.12 Stats.	3 years Sec 45.12 Stats.		Dec 31
Special Considerations – Must be a Veteran Sec. 45.12 Stats					
1.23	Developmental Disabilities Board (51.437 DD Dept)	6	3 years Sec. 51.437 (7)(am) 3(b) Stats.	2	Dec 31
Special Considerations - At least 3 members of board must be appointed from developmentally disabled citizens or parents Sec. 51.437 (7)(am) Stats.					
1.25	North Central Health Care	1	3 year term		Dec 31
1.27	Traffic Safety Committee (Emergency Management)	2 Citizen Representatives (Plus - Tomahawk EMS Director, Merrill Police Chief, Tomahawk Mayor, MAPS Rep. WI-DOT State Patrol Rep, WI-DOT District Rep, WI-DOT Transportation Safety Rep.)	2 year Term	Entire Committee Appointed by County Board Every Other Year (May County Board Meeting of Even Years)	
Special Considerations - County Code 1.27, Sec. 83.013 Stats.					
1.28	Pine Crest Board of Trustees (Pine Crest)	2	3 years	Both appts made once every 3 years in same year	Dec 31

Ordinance Reference	Committee (Responsible Dept)	Number of Citizen members	Term	Number appointed each year	Term expires (month)
1.29	Board of Health	3 members 1 physician 1 nurse Sec. 251.03(1) Stats.			
2.08(1)	Land Information, Conservation and University Extension Committee	1	2 year term Sec. 92.06 (1)c Stats.		
Special considerations –					
1. with the consolidated committee, is only responsible for participation with land conservation issues.					
2. Sec 92.06 (1)(b)(2) Stats. The county board shall appoint to the land conservation committee a person who is the chairperson of the county agricultural stabilization and conservation committee (ASCS which is now Farm Service Agency (FSA)) or other county agriculture stabilization and conservation committee member designated by the chairperson of the county agricultural stabilization and conservation committee					
5.05	Civil Service Commission (Sheriff)	5 Sec. 63.01 Stats.	5 years Sec. 63.01(2) Stats.	1	Dec 31 Sec. 63.01(2) Stats.
Special Considerations - No person holding any elective or appointive public position or office of any sort in said county government shall be appointed. Sec. 63.01(1) Stats.					
5.06	Civil Service Grievance Commission (Sheriff)	5	5 years	1	April 1
6.03	Local Emergency Planning Committee (LEPC)	9 Citizen Representatives to include - Media Rep, Merrill Mayor, Merrill Fire Chief, Tomahawk Fire Chief, Merrill Police Chief, NTC Fire Science Instructor, Merrill Chamber of Commerce Rep, Industry Rep,	2 year Term	Entire Committee Appointed by County Board Every Other Year (May County Board Meeting of Even Years)	

Ordinance Reference	Committee (Responsible Dept)	Number of Citizen members	Term	Number appointed each year	Term expires (month)
		35th District Assemblyman			
Special Considerations - Federal Superfund Amendments and Reauthorization Act (SARA) Title III Emergency Planning and Community Right-to-Know Act (EPCRA)					
	Long Term Support Committee	2	Indefinite		

(2) Appointment Process:

- (a) Applications are available from the County Clerk’s office and each person expressing in an interest should complete an application form. Cover letters and resumes may be attached.
- (b) At the start of the month prior to expiration of the term of office, the County Clerk will publish an ad in the local papers (decided by the county Clerk) requesting applications. Applications will be due at the end of the month prior to the expiration of the term (e.g. Applications due Nov 30 for terms of office that expire on Dec 31st.)
- (c) The County Board Chair may determine the screening process. (use of Committee on appointments, Administrative and Legislative Committee, or recommendations from other bodies).
 - (i) If the chair wishes to use the recommendation of a separate standing committee, the applications should be forwarded to the department responsible for the standing committee for inclusion on the agenda. The Committee would then make a recommendation to the County Board chair who would then make a recommendation to the Full County Board.
- (d) The County Board will consider the appointments at the County Board meeting prior to the expiration of the term of office.
- (e) The County Clerk will send a letter to all applicants thanking them for their interest, and a letter to the appointee with basic information and directing them to contact the responsible party if they have any questions regarding their appointments.
- (f) The responsible department will be responsible for any orientation of newly appointed members.

This ordinance shall take effect following its passage and publication.

Dated this 21st day of March, 2005 6

Introduced by: Administrative & Legislative Committee

Committee Action: Administrative & Legislative Committee

Passed 3-2 on 3/06/06 with Lee and Schroeder voting no; and Alber and Lussow absent

Fiscal Impact: No additional costs to the county.

LINCOLN COUNTY, WISCONSIN

E. RICHARD SIMON
Chairman

ROBERT D. KUNKEL
County Clerk

Motion made by Supervisor Schroeder, seconded by Supervisor Saal to adopt Ordinance 2006-03-469. John Mulder, Administrative Coordinator, explained the Ordinance. Ordinance 2006-03-469 is adopted by a voice vote and motion is carried.

ORDINANCE 2006-03-470

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:
Chapter 2 is hereby amended as follows:

- 2.03 (3) At this organizational meeting, unless otherwise provided by statute, the County Board shall elect the following elective committees below ~~for 2-year terms~~ in the manner prescribed at §2.05(8) of this chapter. Members shall serve until their successors are sworn or until they resign. Immediately following their election, the committees shall meet to elect a committee chair. (Am. #242-94; #243-94; #279-96)
- (4) At this organizational meeting the County Board Chair shall appoint a committee consisting of the Board Chair, Vice-Chair, and 3 supervisors, who shall nominate members for the following committees for ratification by the County Board ~~for 2-year terms of service~~ Members shall serve until their successors are sworn or until they resign. (Am. #242-94; #243-94)
- (5) Appointments or elections to County committees, commissions and boards shall become effective immediately upon appointment or election and shall terminate when the supervisor resigns, or his/her successor is sworn, whichever happens sooner. Appointments or elections to County committees, commissions and boards may be terminated immediately by a 2/3 vote of the full County Board.
- 2.05 (2)
- (b) The County Clerk is then instructed to make available copies of resolutions, ordinances and agenda to Lincoln County supervisors. No action may be taken by the Board unless the matter is on the agenda ~~or falls within the emergency provisions of §19.83, Wis. Stats.~~
- (7) VOTING.
- (a) ~~When a question is put, each member shall vote unless excused by the Board. It shall not be in order for a member to be excused after the Board has commenced voting.~~ No member may abstain ~~can be excused~~ from voting after participating in the debate.
- (8) ELECTIONS.
- (a) ~~Every member who may be present shall vote unless excused by the Board.~~
- (b) All nominations for each elective committee shall be made from the floor. After the list of nominations is closed, each Board member shall vote for up to 5 supervisors from the nomination list. Those supervisors receiving a majority of the ballots cast shall be elected. A second ballot shall be held to fill the remaining positions following the same procedure as above. If a tie should result to fill the fifth slot, a final ballot will be held to

break the tie. No member shall serve on more than 3 elective committees. (Am. #239-93; #243-94; #411-2002)

- (9) ~~APPROVAL OF NEW POSITIONS. (Am. #242-94) New positions must be approved by the Administrative Coordinator, the oversight committee, board or commission and the Personnel Committee before being presented to the County Board. If the new position is approved by the Board, it shall be filled after proper notice. Proper notice includes advertisement in the official County newspaper. (Exemptions: Appointments of deputies to elected officials.)~~

LOCATION OF MEETINGS: The County Board will hold a minimum of 3 meetings in a suitable facility in Tomahawk.

2.07 (4) **MINUTES.** (Am. #239-93) The secretary of each committee shall keep written minutes on standard forms furnished by the County Clerk of each meeting held and such minutes shall be placed on file in the Clerk's office not more than 5 days after the meeting is held. Roll call thus reported shall establish the per diem to be paid. A committee secretary may delegate to a department head the duty to take the minutes and transcribe same to typewritten format. Thereafter, the committee secretary shall, ~~however, sign and~~ assume responsibility for the accuracy and completeness thereof.

(5) DUTIES. In addition to the specific duties listed under each respective committee; each committee will be responsible to:

- (a) Review and approve a preliminary budget for the departments for which they have oversight responsibilities.
- (b) Review budget reports showing actual expenditures compared to budgeted amounts on at least a quarterly basis. Line items with expenditures in excess of budgeted amounts shall be reported to the Finance Committee at the earliest possible notice.
- (c) Complete an annual performance evaluation of the department head for which they have oversight responsibilities.
- (d) Review any requests for proposed positions within the departments for which they have oversight responsibilities.
- (e) Make recommendations to the County Board regarding policy matters affecting their departments.

2.08 ELECTIVE COMMITTEES. (Am. #202-91; #350-2000)

The following elective committees of the County Board shall elect their own chair, vice-chair and secretary. Members of the committees shall hold appointments until their successors are sworn or until they resign serve terms of 2 years. It is suggested that the membership of these committees be geographically distributed. ~~Each committee shall examine, audit and approve for payment all vouchers for its departments as long as budgeted amounts are not exceeded. Vouchers in excess of budgeted amounts must be reviewed by both the oversight committee and the Finance Committee before being paid.~~

(1) LAND INFORMATION, CONSERVATION AND UNIVERSITY EXTENSION COMMITTEE. (Am. #271-96; #279-96; #333-98; #2004-02-433)

- (a) Membership: This committee shall consist of 5 supervisors ~~that perform the duties and responsibilities as outlined below:~~
- (a b) Oversight: ~~This~~ The Committee shall ~~act as the~~ provide financial and policy and oversight committee for the Land Information and Conservation Department, Register of Deed Office, and UW Extension Department.
- (b c) Responsibilities: ~~Land Information and Conservation—~~This committee shall:
- (i) ~~shall~~ assume the duties and responsibilities as described ~~outlined~~ in Ch. 92, Wis. Stats.
 - (ii) ~~This Committee shall~~ be the coordinating body to suggest policies and procedures to plan, implement and maintain a County-wide land information system.
 - (iii) ~~The Committee shall~~ see that recording fees retained under §59.72(5), Wis. Stats., are disbursed to develop, plan and implement a land information system for Lincoln County.
 - (iv) ~~University Extension—~~shall assume the duties and responsibilities as described ~~perform the functions as described~~ in Chapters 59.56 and 59.57, Wis. Stats.
 - (v) ~~In addition, this Committee shall~~ employ individuals for Extension work in the county, subject to approval of the University of Wisconsin Extension.
 - (vi) ~~This Committee shall act as the policy and oversight committee for University of Wisconsin Extension department employees and the following faculty positions: Agriculture Agent, Community Development Agent, Family Living Agent, and 4-H Youth Development Agent.~~ (Am. #333-98)

(2) COUNTY HIGHWAY COMMITTEE. (Am. #203-91)

- (a) Membership: This Committee, shall consist~~ing~~ of 5 supervisors,
- (b) Oversight: The Committee shall act as the policy and oversight committee for the Highway Department ~~and its employees.~~
- (c) Responsibilities: This committee shall:
- (i) assume the duties and responsibilities as described in 83.015(2) Wis. Stats.
 - (ii) ~~shall~~ represent the County in the expenditure of County funds and constructing or maintaining, or aiding in constructing or maintaining, highways. (See §83.015(1)(a), Wis. Stats.)
 - (iii) ensure that the County Highway Commissioner or a designated representative ~~shall~~ serves on the County Traffic Safety Commission. (See §83.013, Wis. Stats.)
 - (iv) ~~The Committee may~~ contract with cities, villages and towns within the County borders which enable the County to construct and maintain streets and highways in such municipalities when it is in the best interests of the County. (See §83.035, Wis. Stats.)

(3) SOCIAL SERVICES COMMITTEE. (Am. #243-94)

- (a) Membership: This Committee shall consist of 5 supervisors. It shall be organized under the provisions of §46.22(1)(m), Wis. Stats.,
- (b) Oversight: ~~The Committee shall act as the policy and oversight committee of the and be a policy making body determining the broad outlines and principles governing the administration of the functions, duties and powers assigned to the Social Services Department agency, and Veteran Services Department. including appointment of the director for the agency.~~
- (c) Responsibilities: This committee shall:
 - (i) assume the duties and responsibilities as described in 46.22(1)(b), Wis. Stats.
 - (ii) ~~This Committee shall~~ work with the Commission on Aging and be aware of how their programs relate to and supplement programs of the other County departments.
 - (iii) ~~(e)The Committee shall~~ also represent the County in veterans' matters and shall confer with the County Veteran's Service Officer as may be necessary from time to time in establishing and recommending budgets, correlating services and other matters necessary to the efficient operation of such departments. (See Ch. 45, Wis. Stats.)
 - (iv) appoint the director for the Social Services Department.

(4) PERSONNEL COMMITTEE. (Cr. #242-94)

- (a) Membership: This Committee shall consist of 5 supervisors.
- (b) Oversight: ~~It shall act as the policy and oversight committee for the office of Corporation Counsel. (Am. #242-94)~~
- (c) Responsibilities: This committee shall:
 - (i) ~~It shall~~ participate in labor negotiations, formulate and mediate personnel policy, including salaries and grievance procedures, and approve all new positions.

(5) ADMINISTRATIVE AND LEGISLATIVE COMMITTEE. (Cr. #242-94; Am. #271-96)

- (a) Membership: The Administrative and Legislative Committee shall consist of the County Board Chair, Vice-Chair and 5 supervisors. The County Board Chair shall chair this Committee.
- (b) Oversight: ~~It~~ The Committee shall act as the policy and oversight committee for the Administrative Coordinator, the office of Corporation Counsel, Register of Deed Office, and the Computer Services Department. (Am. #2004-02-433)
- (c) Responsibilities: This committee shall:
 - (i) ~~This committee shall~~ work with the Administrative Coordinator and appropriate departments to develop and implement programs that have interdepartmental significance;
 - (ii) ~~it shall~~ take action when emergency decisions need to be made between regular County Board meetings;

- (iii) define policy versus administrative issues when they come into question;
- (iv) keep informed of proposed legislation ~~that has~~ having County implications and take appropriate action;
- (v) periodically review the County rules and order policies and recommend changes when appropriate;
- (vi) serve as mediator when conflicts arise between departments, personnel, elected officials, County Board members and committees.
- (vii) ~~This committee shall~~ serve as the long range planning committee of the County Board and is charged with studying issues that have a long term impact on the County and its resources. The Committee shall make recommendations to the County Board in regards to future direction of the County.

2.09 APPOINTIVE COMMITTEES. Am. #202-91; #241-94; #243-94; #350-2000)

The following appointive committees of the County Board shall elect their own chair, vice-chair and secretary. Members of the committees shall hold appointments until their successors are sworn or until they resign ~~serve terms of 2 years~~. It is suggested that the membership of these committees be geographically distributed. A permanent vacancy of the committee chair shall be filled by appointment by the County Board Chair. ~~Each committee shall examine, audit and approve for payment all vouchers for its departments as long as budgeted amounts are not exceeded. Vouchers in excess of budgeted amounts must be reviewed by both the oversight committee and the Finance Committee before being paid.~~

(1) **FINANCE AND INSURANCE COMMITTEE** (Am. #204-91; #2004-02-433)

- (a) Membership: This committee shall consist of 5 supervisors.
- (b) Oversight: ~~The Committee shall act~~ Act as the policy and oversight committee for the offices of the County Clerk, Treasurer, Department of Finance, Child Support Department and perform financial oversight of the Humane Society and such other entities as may receive funds from the County. (Am. #271-96; #284-96)
- (c) Responsibilities: This Committee shall:
 - (i) ~~(a)~~ prepare, publish, fix the date of public budget hearing and submit the annual budget to the County Board at the annual meeting.
 - (ii) ~~(b)~~ approve the official depositories and bonds of all County officials.
 - (iii) ~~(c)~~ have jurisdiction over all phases of taxation, including examination of all State special charges.
 - (iv) ~~(d)~~ examine, audit and approve for payment all vouchers that exceed budgeted amounts and recommend such budget transfers and fiscal policies to the County Board as are deemed in the best interests of the County.
 - (v) ~~(e)~~ administer all property, liability and workers' compensation insurance. Insurance premiums shall be paid when due by authorization of this Committee.
 - (vi) ~~(f) Act as the policy and oversight committee for the offices of the County Clerk, Treasurer, Department of Finance and perform financial oversight of the Humane Society and such other entities as may receive funds from the County. (Am. #271-96; #284-96)~~ ~~(g)~~ Recommend approval of any bonding or issuance of any debt.
 - (vii) ~~(h)~~ review all capital improvement requests and submit a Capital Improvement

Plan to the County Board.

(2) FORESTRY, LAND AND PARKS COMMITTEE (Am. #2004-02-433) –

- (a) Membership: This committee shall consist of 5 supervisors.
- (b) Oversight: The Committee shall act as the policy and oversight committee of the Forestry, Land and Parks Department.
- (c) Responsibilities: This committee shall: ~~It shall also:~~
 - (i) ~~(a)~~ prepare a work plan and budget for the ensuing calendar year and present it for full Board approval.
 - (ii) ~~(b)~~ establish and maintain the physical plant necessary for conducting forest and parks operation.
 - (iii) ~~(c)~~ negotiate for and acquire land within the designated County forest boundary.
 - (iv) ~~(d)~~ review and approve all proposed recreation projects.
 - (v) ~~(e)~~ cooperate with the DNR on all matters pertaining to wildlife, fish and forest management in the County forest.
 - (vi) ~~(f)~~ participate in all other activities involved in the execution and administration of the County forest program. These activities will be guided by the Lincoln County Forest ~~Fifteen~~ Ten-Year Comprehensive Land Use Plan and the Lincoln County Five-Year ~~Comprehensive~~ Outdoor Recreation Plan.
 - (vii) ~~(g)~~ ~~Hold Committee meetings as necessary to carry out the above duties subject to approval, as necessary, of the County Board.~~ ~~(h)~~ have jurisdiction over all tax title property, as well as all County-owned property, with the exclusion of any lands administered by other County Committees. Maintenance of such properties shall be as outlined at Property Committee below. (Am. #215-92; #243-94)

(3) LAW ENFORCEMENT AND JUDICIAL COMMITTEE -

- (a) Membership: This committee shall consist of 5 supervisors. (Am. #271-96)
- (b) Oversight: The Committee shall act as the policy and oversight committee of the ~~Provide financial and policy oversight to the~~ Sheriff, District Attorney, Circuit Court (including Register in Probate), Clerk of Court, Coroner and Court Commissioners.
- (c) Responsibilities: This committee shall:
 - ~~(a) Provide financial and policy oversight to the Sheriff, District Attorney, Circuit Court (including Register in Probate), Clerk of Court, Coroner and Court Commissioners.~~
 - (i) ~~(b)~~ act as liaison between the County Board and the Civil Service Commission and the Civil Service Grievance Committee.
 - (ii) ~~(c)~~ set policy, review budgets and contract for emergency medical services (ambulance).
 - (iii) ~~(d)~~ serve as County Board representative on the Emergency Management Committee with the County Board Chair and the mayors of Tomahawk and Merrill, provided those municipalities adopt a parallel ordinance to Ch. 6 of this Code of Ordinances. This Committee shall be the oversight committee to the County Emergency Management Director. It shall work with the State Division

of Emergency Government and with such County and local emergency management officers as may be appointed and shall make recommendations to the County Board relative to emergency planning and preparations. (Am. #244-94; #271-96)

- (iv) ~~(e)~~ serve as County Board representative on the Joint Communications Division Oversight Committee. Other members shall be the County Board Chair, the mayor of Merrill and two additional representatives appointed by the mayor. This Committee shall be the oversight committee to the Sheriff's Department Communication Division. (Cr. #2004-09-442)

(4) SOLID WASTE COMMITTEE -

(a) Membership: This committee shall consist of 5 supervisors.

(b) Oversight: The Committee shall act as the policy and oversight committee of the ~~This Committee shall be charged with the administration and oversight of the~~ County Solid Waste Landfill.

(c) Responsibilities: This committee shall:

~~(a) This Committee shall be charged with the administration and oversight of the County Solid Waste Landfill.~~

(i) ~~(b) The Committee shall~~ work in the direction and for the objectives set forth in the original resolutions creating the Solid Waste Committee.

(5) PLANNING AND ZONING COMMITTEE -

(a) Membership: This committee shall consist of 5 supervisors. (Am. #333-98)

(b) Oversight: The Committee shall act as the policy and oversight committee of the ~~It shall assume responsibility for the administration and oversight of the~~ County Zoning Department.

(c) Responsibilities: This committee shall:

(i) assume the duties and responsibilities as described in 59.69 Wis. Stats.

(ii) ~~(a) This Committee shall be charged with the responsibility for all County zoning. It shall assume responsibility for the administration and oversight of the County Zoning Department.~~

(iii) ~~(b) The Committee shall~~ work in the direction and for the objectives set forth in the original resolutions creating the Planning and Zoning Committee and Zoning Department.

(6) RESERVED. (Dltd. #2004-02-433)

(7) PUBLIC PROPERTY COMMITTEE –

(a) Membership: This committee shall consist of 5 supervisors.

(b) Oversight: The Committee shall act as the policy and oversight committee of the This Committee shall supervise the Department of Building and Grounds Maintenance Department.

(c) Responsibilities: This committee shall:

(i) ~~It shall~~ be charged with caring for and keeping in repair all County-owned buildings and grounds, except those directly under the jurisdiction of another County committee.

2.10

(1) SUPERVISOR EXPENSES.

(a) County Board Meetings. County Board members will be paid \$70 full-day meeting per diem for County Board meetings which they attend. The County Board shall approve claims for mileage and per diem for County Board meetings as well as any such claims that the Finance and Insurance Committee cannot allow.

This ordinance shall take effect following its passage and publication.

Dated this 21st day of March, 2005 6

Introduced by: Administrative & Legislative Committee

Committee Action: Administrative & Legislative Committee

Passed 3-2 on 3/06/06 with Lee and Schroeder voting no; and Alber and Lussow absent

Fiscal Impact: No additional costs to the county.

LINCOLN COUNTY, WISCONSIN

E. RICHARD SIMON
Chairman

ROBERT D. KUNKEL
County Clerk

Motion made by Supervisor Saal, seconded by Supervisor Powell to adopt Ordinance 2006-03-470. John Mulder, Administrative Coordinator, explained the Ordinance. Discussion was held. In all the Ordinances drafted by John the year has to be change to 2006 in place of 2005. Supervisor Kleinschmidt called the question. There was no opposition to the question. Clerk called roll with all Supervisors voting aye (18); except Supervisors Bloomer, Fox and Schroeder voting nay (3). Ordinance 2006-03-470 is adopted and motion is carried.

ORDINANCE 2006-03-471

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:

Section 4.18 is hereby re-numbered 4.02 and amended as follows:

4.02 18 AFFIRMATIVE ACTION EQUAL OPPORTUNITY POLICY STATEMENT OF POLICY.

- (1) It is the continuing policy and commitment of the County to provide equal opportunity for employment and advancement of to all qualified applicants and employees and to administer these policies in a manner that does not discriminate against any person because of age, race, religion, color, sex, age, national origin or ancestry, handicap, disability or association with a person with a disability, arrest or conviction record, sexual orientation, or marital status, political affiliation, military participation, or use or non use of lawful products off the employers premises during working hours. It is the intention and effort of the County to comply in all respects with applicable federal, State and local laws. This County is obliged to follow this policy on the basis of common decency rather than on legal requirements.

The County's policy against discrimination because of age, race, religion, color, sex, national origin or ancestry disability or association with a person with a disability, arrest or conviction record, sexual orientation, or marital status, political affiliation, military participation, or use or non use of lawful products off the employers premises during working hours shall apply to but shall not be limited solely to, hiring, placement, upgrading, transfer or demotion, recruitment, advertising or solicitation for employment, training during employment, rates of pay and other forms of compensations, training, including apprenticeship and layoff or termination.

No otherwise qualified person shall be excluded from employment, be denied the benefits of employment or otherwise be subject to discrimination in employment in any manner on the basis of age, race, religion, color, sex, national origin or ancestry, disability or association with a person with a disability, arrest or conviction record, sexual orientation, marital status, political affiliation, military participation, or use or non use of lawful products off the employers premises during working hours. All employees are expected to support our goals and programmatic activities relating to nondiscrimination in employment.

No otherwise qualified applicant for services or service participant shall be excluded from participation, be denied benefits, or otherwise be subject to discrimination in any manner on the basis of age, race, religion, color, sex, national origin, or ancestry, political affiliation, disability or association with a person with a disability political affiliation, military participation, or use or non use of lawful products off the employers premises during working hours. This policy covers eligibility for and access to service delivery, and treatment in all of our programs and activities.

- (2) The County has a published policy with respect to equal ~~employment~~ opportunities in the areas of employment and service delivery which has been disseminated to all departments. This policy is indicative of other specific positive action in furtherance of an equal ~~employment~~ opportunity objective in both the areas of employment and service delivery.
- (3) Heads of departments and all employees are expected to cooperate with a commitment to our stated objectives.

This ordinance shall take effect following its passage and publication.

Dated this 21st day of March, 2005 6

Introduced by: Personnel Committee

Committee Action: Personnel Committee - Passed unanimously on 3/07/06

Fiscal Impact: No additional costs to the county.

LINCOLN COUNTY, WISCONSIN

E. RICHARD SIMON

Chairman

ROBERT D. KUNKEL

County Clerk

Motion made by Supervisor Saal, seconded Supervisor Alber to adopt Ordinance 2006-03-471. John Mulder, Administrative Coordinator, explained the Ordinance. Ordinance 2006-03-471 is adopted by a voice vote and motion is carried.

ORDINANCE 2006-03-472

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:
Section 4.17 is hereby re-numbered 4.03 and amended as follows:

4.03 17 PROHIBITING SEXUAL HARASSMENT

(1) POLICY STATEMENT: The County Board believes that all employees should be able to work in an environment free from all forms of illegal discrimination, including but not limited to sexual harassment. The County prohibits harassment on the basis of the following:

age,

race,

religion,

color,

sex,

national origin or ancestry,

disability or association with a person with a disability,

arrest or conviction record,

sexual orientation,

marital status,

political affiliation,

military participation,

or use or non use of lawful products off the employers premises during working hours.

It is ~~illegal and against~~ contrary to the policies of the County Board for any employee, male or female, to sexually harass another employee, customer, or member of the public including members of both the opposite and same sex. ~~by:~~

Although the following sections emphasize dealing with sexual harassment, the procedures and processes outlined in these sections should be used in dealing with complaints of all illegal forms of harassment as well as sexual harassment.

(2) RETALIATION OR REPRISAL: It is the policy of the County that there be no retaliatory action taken against any employee who, in good faith, raises, reports or cooperates in the investigation of a legitimate issue of sexual harassment or other discriminatory practice. Complaints of retaliation or reprisal will be handled in the same manner as described in this policy as complaints of harassment.

(3) SCOPE OF POLICY

- (a) This policy applies to all elected officials, non-represented and bargaining unit employees within Lincoln County, and to all other employees, including full-time, part-time, temporary or contracted personnel. It also includes others who do business with the County such as outside contractors, vendors or customers.
- (b) This policy applies not only to the workplace and normal working hours, but also to work related social functions, and work related travel.

(4) DEFINITION: Sexual harassment is defined as: ~~(a)~~ Making unwelcome sexual advances, request for sexual favors or other verbal or physical conduct of a sexual nature when:

- (a) submission to such conduct is made either explicitly or implicitly a term or a condition of an employee's ~~continued~~ employment.
- (b) ~~Making~~ submission to or rejections of such conduct by an individual is used as the basis for employment decisions affecting the employee, including promotions or job transfers.
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or ~~c~~Creating an intimidating, hostile or offensive working environment by such conduct.

(5) EMPLOYEE RESPONSIBILITIES

- (a) Employees at all times should treat other employees, customers, and members of the public with respect and dignity.
- (b) Each employee has a duty to help maintain a workplace free of harassment. Employees should reasonably take advantage of the preventative or corrective opportunities listed below This duty includes:
 - (i) refraining from any insulting, degrading, demeaning, or exploitive behavior toward other employees or a member of the public.
 - (ii) clearly advising the offending individual that the conduct in question is unwelcome and offensive, and request that it be discontinued immediately.
 - (iii) advising any individual listed in the complaint and investigation process section of this policy if offensive conduct continues so the matter can be investigated and handled in the appropriate manner.
 - (iv) cooperating fully in the investigation as necessary including refraining from interfering in any investigation which includes conducting their own separate investigation.

(6) SUPERVISOR RESPONSIBILITIES: Supervisors and managerial employees have a responsibility to maintain a workplace free of harassment. These responsibilities include:

- (a) when approached by an employee, be supportive and be sure the employee knows you are taking the matter seriously.
- (b) obtain the necessary basic information and facts.

- (c) advise employees you will be informing the appropriate county officials so the matter can be investigated fully and completely
- (d) immediately contact someone listed in the complaint and investigation process section of this policy so the issues may reviewed.
- (e) cooperate fully in the investigation as necessary including refraining from interfering in any investigation which includes conducting their own separate investigation.

(7) COMPLAINT and INVESTIGATION PROCESS

- (a) It is the policy of the County to listen to all reasonable complaints, seek early corroboration and quickly apply sanctions when appropriate.
- (b) ~~(2)~~-An employee who believes he has been the subject of sexual harassment should report the alleged act immediately and preferably within 48 hours as soon as practically possible to any one of the following:
 - (i) The employee's immediate supervisor.
 - (ii) The employee's department head.
 - (iii) ~~The Personnel Coordinator~~ Administrative Coordinator.
 - (iv) ~~The Personnel and Administration Committee~~ Corporation Counsel
- (c) ~~(3)~~-The Administrative Coordinator shall promptly investigate An investigation of all complaints will be undertaken immediately. The only exception to this will be when the complaint is against the Administrative Coordinator. The Corporation Counsel shall begin the investigation of all complaints involving the Administrative Coordinator. All information disclosed in the complaint and the investigation procedure will be held in the strictest confidence and only disclosed when necessary to investigate and resolve the matter. Any manager, supervisor, officer or employee of the County who, after appropriate investigation, has been found to have sexually harassed another employee will be subject to disciplinary action, which may, depending on the circumstances, be a written warning, suspension or discharge. A report will be generated for each sexual harassment investigation regardless of whether the investigation reveals there is merit to the complaint. Once the report is reviewed by Corporation Counsel, prompt and effective remedial action shall occur in all cases in the event that harassment is discovered.
- (d) ~~(4)~~-The County Board recognizes that determining whether a particular action or incident is a purely personal, social relationship and without a discriminatory employment effect requires a factual determination based upon all facts in each individual case. ~~Given the nature of this type of discrimination, the County Board recognizes also that false accusations of sexual harassment can have serious effects on innocent women and men.~~ The Board expects that all officers and employees of the County will continue to act responsibly to maintain a working environment that is free of discrimination.
- (e) Activities that constitute violations of criminal laws or ordinances will also be referred the appropriate law enforcement agency.

(8) CONFIDENTIALITY: Confidentiality will be maintained to the greatest extent possible in order to protect the reporting person's identity as well as potential defamation of a wrongfully accused

person. However, in most instances it will be necessary, at some point, to identify the reporting person so a thorough investigation can be completed. Only persons with a need to know will be informed.

(9) CORRECTIVE ACTION: Corrective action based on substantiated complaints of sexual harassment against any employee may include discipline, up to and including termination, depending on the gravity of the offense and considering all pertinent factors involved.

This ordinance shall take effect following its passage and publication.

Dated this 21st day of March, 2005 6

Introduced by: Personnel Committee

Committee Action: Personnel Committee - Passed unanimously on 3/07/06

Fiscal Impact: No additional costs to the county.

LINCOLN COUNTY, WISCONSIN

E. RICHARD SIMON

Chairman

ROBERT D. KUNKEL

County Clerk

Motion made by Supervisor Saal, seconded by Supervisor Kleinschmidt to adopt Ordinance 2006-03-472. John Mulder, Administrative Coordinator, explained the Ordinance. Ordinance 2006-03-472 is adopted by a voice vote and motion is carried.

ORDINANCE 2006-03-473

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN CHAPTER 17, ZONING ORDINANCE

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain: Chapter 17.2.03, Lincoln County Code is amended such that 2 parcels will be rezoned from the Rural Residential 2 district to General Industrial for the purposes of wood manufacturing. The property is described as part of Section 2, T31N, R06E, in the Town of Merrill; having tax parcel numbers 14.023106.016.010.00.00 and 14.023106.016.009.00.00 and addresses of W2183 Pier Street and W2177 Pier Street.

Any areas designated as Wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 21st day of March, 2006

Introduced by: The Planning & Zoning Committee

Committee Action: On March 9, 2006 the Committee recommended approval to the County Board of Supervisors on a voice vote.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

E. RICHARD SIMON
Chairman

ROBERT D. KUNKEL
County Clerk

Motion made by Supervisor Kleinschmidt, seconded by Supervisor Saal to adopt Ordinance 2006-03-473. Dan Miller, Zoning Administrator, explained the Ordinance. Discussion followed. Supervisor Mittelsteadt called the question. There was no opposition to the call of the question. Ordinance 2006-03-473 is adopted by a voice vote and motion is carried.

ORDINANCE 2006-03-474

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN CHAPTER 17, ZONING ORDINANCE

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain: Chapter 17.2.03, Lincoln County Code is amended such that the following parcels will be rezoned from Forestry to RR-4.

Town	Tax Parcel	Current District	Proposed District
Town of Bradley	04.323506.009.002.00.00	Forestry	RR-4
Town of Bradley	04.323506.014.002.00.00	Forestry	RR-4
Town of Bradley	04.323506.015.001.00.00	Forestry	RR-4

Any areas designated as Wetlands on the Wisconsin Wetland Inventory Map will not be rezoned to upland.

This ordinance shall take effect from and after its passage and publication.

Dated this 21st day of March, 2006.

Introduced by: The Planning & Zoning Committee

Committee Action: On March 9, 2006 the Committee recommended approval to the County Board of Supervisors with the following conditions: 1. The developer creates the condo plat in such a way that no more than 9 living units will be allowed on the property. 2. The plat is to be recorded as a non-expandable condo plat and the remaining wetlands will be covered by a conservation easement or deed restricted so that they cannot be used as developable area. 3. The mound systems, living units, pier access areas and any accessory structure locations are to be shown on a plat approved by the Planning and Zoning Committee. 4. The new zoning district will be RR-4 with a minimum lot size density of 100,000 square feet. A Certified Survey Map (CSM) will be created to identify the 22± acres and will be approved by the Zoning Department 5. Since Condominium Plats are not covered under County Subdivision regulations, review of the development of this site is limited, therefore, if the above conditions are not satisfied, the rezoning may be rescinded by action of the County Board of Supervisors and revert the zoning of the parcels back to Forestry. As such, this recommendation is a conditional rezoning approval based upon the above conditions. Motion Carried by voice vote.

Fiscal Impact: None

LINCOLN COUNTY, WISCONSIN

E. RICHARD SIMON
Chairman

ROBERT D. KUNKEL
County Clerk

Motion made by Supervisor Saal, seconded by Supervisor Powell to Ordinance 2006-03-474. Dan Miller, Zoning Administrator, explained the Ordinance. Mark Kordus also spoke on this. Ordinance 2006-03-474 is adopted by a voice vote and motion is carried.

REPORT OR ACTION ON CLAIMS AGAINST THE COUNTY OF LINCOLN

Approval of Jail Assessment Vouchers

Stainless Steel – Sewer Cleaning - \$4,875.00 HGM Architecture – Architectural Services \$300.00

Motion made by Supervisor Cohrs, seconded by Supervisor Caylor to approve the vouchers for Stainless Steel for Sewer cleaning - \$4,875.00; and HGM Architecture for Architectural Services for \$300.00. All Supervisors present voting aye to approve the vouchers. Motion is carried.

REPORT OF MILEAGE AND PER DIEM

21 Supervisors will be paid mileage and per diem for attendance at the March 21, 2006 County Board Meeting per roll call. Motion made by Supervisor Ugolini, seconded by Supervisor Caylor to approve the report on mileage and per diem. Motion carried – all ayes.

The Organizational Meeting will be held at the Health & Human Services Building, Lower Level Conference Room in the City of Merrill on April 18, 2006 at 8:00 a.m.

Motion made by Supervisor Krueger, seconded by Supervisor Ugolini to adjourn the meeting at 8:30 p.m. Motion carried – all ayes.

STATE OF WISCONSIN)

) SS

COUNTY OF LINCOLN)

I, Robert D. Kunkel, County Clerk in and for said Lincoln County, Wisconsin do hereby certify that the within and foregoing is a true and correct copy of all proceedings by and before the Board of Supervisors at their regular meeting, March 21, 2006.

Robert D. Kunkel, Lincoln County Clerk