

LINCOLN COUNTY BOARD OF SUPERVISORS

Friday, April 3, 2020 - 9:00 a.m.

Meeting Location: Room 257/Government Services Center 801 N. Sales St., Merrill, WI 54452

Via Teleconference and In-Person Attendance

Persons wishing to attend the meeting by phone may call into the telephone conference beginning ten minutes prior to the start time indicated above using the following number:

Conference Call: 1 754-264-8625

Access Code: 219 135 463 #

Due to COVID-19 restrictions on mass gatherings, you are encouraged to attend by phone. Preference for in-person attendance will be given to County Board members and essential staff. For those attending in person, please observe social-distancing by staggering your arrival time and by maintaining spacing between attendees of at least 6 feet. Attendees should spread out around the perimeter of the room.

PUBLIC COMMENT ON AGENDA ITEMS: Under the current (COVID-19 pandemic) circumstances, citizens attending by teleconference may have floor privileges to speak on agenda items without signing-in at the meeting location. Before the meeting is called to order, the Clerk will ask teleconference attendees whether any public comment is being offered. When called upon by the Clerk or Board Chair by name, any persons offering public comment should state his/her name and express in good order his/her comments upon the topic under consideration for no more than 5 minutes.

Request for reasonable accommodations for disabilities or limitations should be made prior to the date of this meeting. You may contact the County Clerk at 715.539.1019. Please do so as early as possible so that proper arrangements can be made. Requests are kept confidential.

AGENDA

- 1. Call to Order
2. Roll Call
3. Reports of Standing & Special Committees
A. Board of Health: Public Health Officer's COVID-19 Update - Shelley Hersil
B. Administrative & Legislative Committee: Administrative Coordinator's COVID-19 Situation Report (county operations impacts)
4. Resolutions and Ordinances
a) Resolution 2020-04-11 Ratify Declaration of Emergency (Coronavirus Pandemic)
b) Resolution 2020-04-12 [only to be considered if Spring Election if postponed] Appointing Incumbent County Board Supervisors Due to Postponement of the Spring Election (COVID-19 Pandemic)
5. Approval for Mileage and Per Diem for Board Meeting
6. Next County Board Meeting Date: Tuesday, April 21, 2020, 9:00 A.M. or at the Call of the Chair
Meeting Location: Lincoln County Service Center, 801 N Sales Street, Room 257, Merrill, WI 54452
7. Adjourn

Posted: Website Date _____ Time _____ a.m./p.m. By _____
News Media Date _____ Time _____ a.m. /p.m. By _____
Service Center Date _____ Time _____ a.m./p.m. By _____

GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place, and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to give notice to the public.

TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is a good cause that such notice is impossible or impractical.

EXEMPTIONS FOR COMMITTEES AND SUB-UNITS:

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful meeting to act or deliberate upon a subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place, and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded, and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Deliberation of judicial or quasi-judicial matters. Sec. 19.85(1)(a)
2. Considering dismissal, demotion, or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation, or performance evaluation data of any public employee. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public would likely have an adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f).
7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session with twelve (12) hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.
3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.

BALLOTS, VOTES, AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Ratification, Alteration, Modification or Repeal of March 19, 2020 Proclamation
 Declaring A State of Emergency

Motion by:				
Second by:				
Dist.	Supervisor	Y	N	Abs
19	Allen			
6	Ashbeck			
1	Bialecki			
9	Bolder			
11	Breitenmoser			
13	Callahan			
12	Gilk			
20	Gorski			
14	Hafeman			
8	Heller			
17	Koth			
15	Lee			
16	Loka			
3	Mueller			
21	Nowak			
22	Panfil			
10	Ratliff			
7	Rusch			
5	Saal			
18	Voermans			
2	Weaver			
4	Woellner			
Totals				
Carried				
Defeated				
Amended				
Voice vote				
Roll call				

WHEREAS, on 3/19/20, Lincoln County Board Chair Robert J. Lee declared that a state of emergency exists in Lincoln County because of the COVID-10 pandemic consistent with sec. 323.14(4)(a), Wis. Stats.; and

WHEREAS, pursuant to sec. 323.14(4)(a), Wis. Stats, the proclamation is "...subject to ratification, alteration, modification or repeal by the County Board as soon thereafter as the Board can meet, but the subsequent action taken by the governing body shall not affect the prior validity of the proclamation..."; and

WHEREAS, it is deemed appropriate and necessary to provide Lincoln County Board Chair Robert Lee and County Administrative Coordinator Jason Hake the general authority to order, subject to ratification if practicable, whatever is necessary and expedient for the health, safety, protection, and welfare of the persons and property within Lincoln County in the emergency; and

WHEREAS, the County Board and its subunits could be prevented from meeting physically, by reason of the COVID-19 pandemic, and may need to do/continue to do virtual meetings; and

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors hereby vests the Lincoln County Board Chair and Lincoln County Administrative Coordinator with the general authority, subject to ratification if practicable, whatever is necessary and expedient for the health, safety, protection, and protection and welfare of persons and property within Lincoln County in the emergency.

BE IT FURTHER RESOLVED, that the County Board or its subunits are, for the duration of the COVID-19 pandemic, authorized to hold a virtual meeting that is reasonably accessible consistent with Wisconsin's Open Meetings Law.

Dated this ___ day of April, 2020

Introduced by: Robert J. Lee, Chair

Fiscal Impact: none

Drafted by: N.L.Bergstrom, Corporation Counsel

STATE OF WISCONSIN)
)
 SS
 COUNTY OF LINCOLN)

I hereby certify that this resolution/ordinance is a true and correct copy of a resolution/ordinance adopted by Lincoln County Board of Supervisors on:

 Christopher J. Marlowe
 County Clerk

[NOTE: This Resolution will only be considered if the Spring Election is postponed.]

Motion by:				
Second by:				
Dist.	Supervisor	Y	N	Abs
19	Allen			
6	Ashbeck			
1	Bialecki			
9	Bolder			
11	Breitenmoser			
13	Callahan			
12	Gilk			
20	Gorski			
14	Hafeman			
8	Heller			
17	Koth			
15	Lee			
16	Loka			
3	Mueller			
21	Nowak			
22	Panfil			
10	Ratliff			
7	Rusch			
5	Saal			
18	Voermans			
2	Weaver			
4	Woellner			
Totals				
Carried				
Defeated				
Amended				
Voice vote				
Roll call				

Appointing Incumbent County Board Supervisors Due to Postponement of the Spring Election (COVID-19 Pandemic)

BE IT RESOLVED by the Lincoln County Board of Supervisors that, because the county board supervisor election will not be held prior to the expiration of the current supervisors' terms, the following persons are appointed to fill vacant supervisor offices, effective 12:01 am on Tuesday, April 21, 2020:

- District 1 William Bialecki
- District 2 Robert Weaver
- District 3 Tyler Mueller
- District 4 Derek R. Woellner
- District 5 Frank Saal, Jr.
- District 6 Norbert Ashbeck
- District 7 Greta Rusch
- District 8 Christopher Heller
- District 9 Chuck Bolder
- District 10 Jeremy Ratliff
- District 11 Hans Breitenmoser, Jr.
- District 12 Paul Gilk
- District 13 Calvin Callahan
- District 14 Brian Hafeman
- District 15 Robert J. Lee
- District 16 Michael Loka
- District 17 Kevin Koth
- District 18 Patricia Voermans
- District 19 Julie L. Allen
- District 20 Dora Gorski
- District 21 Corey Nowak
- District 22 Timothy Panfil

BE IT FURTHER RESOLVED that all supervisors appointed pursuant to this resolution shall serve in such offices until their successors are qualified pursuant to law.

BE IT FURTHER RESOLVED, that the officers of the Board and committee assignments shall continue until the adjourned organizational meeting of the Board following the postponed spring election.

BE IT FURTHER RESOLVED, that the organizational meeting of the Board is adjourned until after the Spring Election is held; thereafter, the organizational meeting shall be held as prescribed in emergency order/law or as soon as practicable.

Dated this _____ day of April, 2020.

Introduced by: Robert J. Lee, Board Chair

Fiscal Impact: none

Drafted by: N.L.Bergstrom, Corporation Counsel

STATE OF WISCONSIN)
)
 SS
 COUNTY OF LINCOLN)

I hereby certify that this resolution/ordinance is a true and correct copy of a resolution/ordinance adopted by Lincoln County Board of Supervisors on:

 -
 Christopher J. Marlowe
 County Clerk

Background Information/Legal Note: This resolution will be required ONLY if the Spring Election scheduled for 4/7/20 has been postponed by emergency order of Governor Evers or action by the legislature or the Court. In addition to the statewide election for Supreme Court and partisan presidential preference, the entire Lincoln County Board of supervisors stands for election.

County supervisors are elected at the Spring Election, which is held on the 1st Tuesday in April, for two-year terms, and take office on the 3rd Tuesday in April following their election. [Sec. 59.10(1)(b), Wis. Stats.] Supervisors hold office until their terms expire. Upon expiration of a term, the office of county supervisor becomes vacant. [Sec. 17.03(10), Wis. Stats.] Therefore, county supervisors current in office will only hold their offices until the expiration of their terms on the day preceding the 3rd Tuesday in April.

Generally, vacancies on a county board may be filled by appointment by a county board chair, subject to the approval of the board, or upon a special election ordered by a board under sec. 59.10(3)(e), Wis. Stats. As a result of the postponement of the Spring Election, county governments in Wisconsin will experience a unique problem – after the 3rd Tuesday in April, the terms of all county supervisors currently holding office will expire, leaving the county with no county board of supervisors. The power of appointment could not be exercised because there would be no board chair to make appointments and no board to approve the appointments.

State law also mandates that a county board meet on the 3rd Tuesday in April following the Spring Election. [Sec. 59.11(1)(c), Wis. Stats.] If the Spring Election were postponed, all county supervisor offices would become “vacant” and no board would exist to “meet on the 3rd Tuesday” in April.

In 2004 (by ordinance 2004-02-433), the Lincoln County Board of Supervisors adopted an ordinance (codified at sec. 2.12., Lincoln County Code) electing to become a “self-organized” county pursuant to sec. 59.10(1), Wis. Stats. As a “self-organized” county, the Lincoln County Board of Supervisors is authorized under sec. 59.10(1)(d), Wis. Stats., to “determine the procedure for filling a vacancy.”

The purpose of this resolution is to establish a procedure for filling the vacancies of county supervisors following and resulting from the postponement of the Spring Election. This resolution also continues the current Board officers and committee assignments and adjourns the county board organizational meeting until after the Spring Election is held.