

NOTICE OF MEETING

**SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

Sheboygan County Courthouse  
615 North 6<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sheboygan WI

**TUESDAY, JULY 18, 2017 at 6:00 P.M.**

In compliance with Rule V under the Rules of Order of the Sheboygan County Board of Supervisors, as County Clerk of Sheboygan County, I herewith submit the following AGENDA.

**AGENDA**

**CALL TO ORDER** – Chairperson Thomas G. Wegner

**CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF JUNE 20, 2017 JOURNAL**

**PRESENTATION**

Bryan Grunewald, Schenck & Associates – 2016 Comprehensive Annual Financial Report.

**PUBLIC ADDRESSES**

*As of the preparation of this Agenda no one has requested to speak. County Board rules allow interested persons to register to speak until 5:00 pm on the Monday before the County Board Meeting.*

**LETTERS, COMMUNICATIONS AND ANNOUNCEMENTS**

*Items introduced under this heading are either referred to a Committee for action, or received for information. No action is taken at this meeting.*

**COUNTY ADMINISTRATOR'S REPORT**

*The County Administrator's Report is a monthly report by the Administrator in which noteworthy activities of County government are highlighted. In addition, the Administrator's Report presents the Administrator's perspective on the Resolutions and Ordinances being considered or introduced at this meeting. The Administrator's Report is not an action item, and no debate or deliberation arises from the Report.*

**\*POSTED\***  
**07.14.17**  
**4:30 PM**

**CONSIDERATION OF COMMITTEE REPORTS - FINANCE COMMITTEE**

**Resolution No. 07 (2017/18)** Re: Authorizing Sale of Plymouth Shed Property  
**Committee Recommendation: Adopt**  
**Signed in Opposition: None**

**Resolution No. 08 (2017/18)** Re: Authorizing Sale of Transportation Department Headquarters Property  
**Committee Recommendation: Adopt**  
**Signed in Opposition: None**

**RESOLUTIONS INTRODUCED - NONE**

**ORDINANCES INTRODUCED**

*Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.*

**Ordinance No. 01 (2017/18)** (From Executive Committee)  
Re: Repealing and Re-creating Chapter 3 and Repealing Chapter 55

**Ordinance No. 02 (2017/18)** (From Executive Committee)  
Re: Amending Chapter 50 of the County Code Establishing County Purchasing Procedures

**Ordinance No. 03 (2017/18)** (From Human Resources Committee)  
Re: Amending County Operational Provisions Relating to Office Hours

**ADJOURNMENT**

Respectfully submitted this 14<sup>th</sup> day of July, 2017.

  
\_\_\_\_\_  
JON DOLSON, COUNTY CLERK

\*\*\*\*\*

**NOTES:**

**Reminder:** Expense sheets for the period ending July 15, 2017 are due in the County Clerk's Office no later than Tuesday, July 18, 2017.

Persons with disabilities needing assistance to attend or participate are asked to notify the County Clerk's Office at 920.459.3003 prior to the meeting so that accommodations may be arranged.

**JOURNAL OF THE MEETING OF THE  
SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

**June 20, 2017**

Pursuant to Wis. Stat. § 59.11, the June 20, 2017 session of the Sheboygan County Board was called to order by Chairperson Thomas Wegner at 6:00 p.m. Chairperson Wegner noted that the notice of meeting was posted on June 15, 2017 at 2:00 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 22 Supervisors present; Absent: 3, Supervisors Bauer, Hoffmann, and Ogea.

**Supervisor Winkel moved for approval of the May 16, 2017 Journal, which was distributed to all supervisors prior to the meeting.** The motion was seconded by Supervisor Glavan and carried on unanimous roll call vote of the board.

**APPOINTMENTS**

The Chairperson announced that the next order of business was the consideration of the appointment by the Chairperson of **Mark Winkel** to the Airport Advisory.

**Supervisor Glavan moved to concur with the appointment.** The motion was seconded by Supervisor Koch and carried on unanimous roll call vote of the board.

The Chairperson announced that the next order of business was the consideration of the following appointments by the County Administrator.

**Communications Council**

**Appointments**

Kristy DeBlaey, 525 North 6<sup>th</sup> Street, Sheboygan (*Representing County Law Enforcement*)

Greg Vertelka, 828 Center Avenue, Sheboygan (*Representing City Government*)

Blaine Werner, 159A East Shore Drive, Random Lake (*Representing Rescue Service*)

**Re-Appointments**

Daniel Althaus, N92 W7040 Evergreen Ct., Cedarburg (*Representing Private Ambulance Service*)

Steve Steinhardt, 525 North 6<sup>th</sup> Street, Sheboygan (*Representing Emergency Management*)

Chris Lewinski, 615 North 6<sup>th</sup> Street, Sheboygan (*Representing County Information Technology*)

David Scheible, 10718 Sunny Vista Lane, Kiel (*Representing County Fire Chiefs*)

**Health & Human Services Committee**

Jeanne Kliejunas, 2337 Carmen Avenue, Sheboygan (*Representing – Citizen Member*)

**Public Library Boards – Re-Appointments**

Marjean Pountain, N8761 Willow Road, Elkhart Lake (*Elkhart Lake Public Library Board*)

Bonnie Rauwerdink, N4370 Van Treeck Trail, Sheboygan Falls (*Sheboygan Falls Memorial Library Board*)

Dirk Zylman, W910 Garton Road, Sheboygan (*Mead Public Library Board*)

Annette Griswold, P.O. Box 70, Greenbush (*Plymouth Public Library Board*)

Sara DeGroff, W6744 County Road N, Plymouth (*Oostburg Public Library*)

## **Sheboygan County Recreational Facilities Management Advisory Committee**

### **Re-Appointments**

David Smith, 724 Mayflower Avenue, Sheboygan  
David Derus, 3714 South 10<sup>th</sup> Street, Sheboygan  
Mike Heidt, N6583 Meadowbrook Lane, Sheboygan

## **Traffic Safety Commission**

### **Appointments**

Scott Reineke, 1929 Tara Lane, Sheboygan *(Representing Sheboygan Police Department)*  
Joel Urmanski, 615 North 6<sup>th</sup> Street, Sheboygan *(Representing Discipline of Law)*

### **Re-Appointments**

Ronald Becker, 2855 North Taylor Drive, Sheboygan *(Representing Trucking Industry)*  
Terry Martin, 2510 South 12<sup>th</sup> Street, Sheboygan *(Representing Association of Auto Dealerships)*  
Sergeant Terry Cram, 525 North 6<sup>th</sup> Street, Sheboygan *(Representing Sheriff's Department)*

**Supervisor Winkel moved to concur with the appointments from the County Administrator.** The motion was seconded by Supervisor Goehring and carried on unanimous roll call vote of the board.

## **PRESENTATION**

Joel Urmanski, District Attorney – Update on the new prosecutor.

Supervisor Bauer arrived at 6:07 p.m.

## **LETTERS AND COMMUNICATIONS**

The Clerk presented a resolution from the Burnett County Board of Supervisors regarding elected officials salaries. By Chairperson received for information.

The Clerk presented a resolution from the Burnett County Board of Supervisors regarding unemployment and seasonal workers. By Chairperson received for information.

The Clerk presented a resolution from the Outagamie County Board of Supervisors in support of full funding of the Great Lakes Restoration Initiative. By Chairperson referred to the Planning, Resources, Agriculture, and Extension Committee.

The Clerk presented a resolution from the Outagamie County Board of Supervisors regarding the assessment of big box store chains. By Chairperson referred to the Executive Committee.

The Clerk presented a resolution from the Outagamie County Board of Supervisors regarding state aid to counties. By Chairperson referred to the Finance Committee.

The Clerk presented a resolution from the Outagamie County Board of Supervisors supporting proposed legislation regarding the ability to expunge criminal records. By Chairperson referred to the Law Committee.

The Clerk presented a resolution from the Outagamie County Board of Supervisors regarding the Department of Correction contracts and inmate leave. By Chairperson referred to the Law Committee.

The Clerk presented a resolution from the Outagamie County Board of Supervisors opposing legislation on Wisconsin's prevailing wage law. By Chairperson received for information.

The Clerk presented a resolution from the Outagamie County Board of Supervisors regarding redistricting plans. By Chairperson received for information.

## COUNTY ADMINISTRATOR'S REPORT

County Administrator Adam Payne thanked District Attorney Urmanski for his presentation and leadership. Mr. Payne spoke about the successful annual County Board Leadership Forum and thanked the supervisors for their feedback and suggestions. Mr. Payne gave a power point update on the transportation complex, provided background on the conservation easement resolution that was being voted on during the meeting and complimented the Planning, Resources, Agriculture, and Extension Committee, Corporation Counsel Buesing and Conservation Director Aaron Brault for their ongoing work on the Amsterdam Dunes Wetland Mitigation Bank and Preservation Area. Mr. Payne also provided a brief update on Highway 23 and recent United States Court of Appeals decision.

## COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding **2016-2017 Per Diem Payments.**

**Supervisor Goehring moved to concur with the report.** The motion was seconded by Supervisor Weggeman and carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Resolution No. 05 (2017/18) Requesting Stewardship Local Assistance Grant for Mountain Biking/Hiking Trail System at Rocky Knoll** recommending adoption.

**Supervisor Baumgart moved to adopt the resolution.** Supervisor Weggeman seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Resolution No. 06 (2017/18) Approving Amsterdam Dunes' Conservation Easement Amendment** recommending adoption.

**Supervisor Abler moved to adopt the resolution.** The motion was seconded by Supervisor Damp and carried on unanimous roll call vote of the board.

(Vice-Chairperson Marthenze presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

**Resolution No. 07 (2017/18) Re: Authorizing Sale of Plymouth Shed Property** referred to the Finance Committee.

**Resolution No. 08 (2017/18) Re: Authorizing Sale of Transportation Department Headquarters Property** referred to the Finance Committee.

## ADJOURNMENT

**Supervisor Bemis moved to adjourn.** Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 6:27 p.m. **The next scheduled meeting is Tuesday, July 18, 2017 at 6:00 p.m.**

1 SHEBOYGAN COUNTY RESOLUTION NO. 07 (2017/18)

2  
3 Re: Authorizing Sale of Plymouth Shed Property  
4  
5

6 WHEREAS, through the adoption of Resolution No. 6 (2015/16), the County Board  
7 directed the County Administrator and the Transportation Director to initiate steps to dispose of  
8 the Plymouth highway shed facility in anticipation of potential consolidation of the facilities on  
9 another site, and

10  
11 WHEREAS, thereafter, the County Board approved the Five-Year Capital Plan as part of  
12 the 2017 Budget which included the construction of a new transportation facility to replace the  
13 Plymouth shed facility, the Elkhart Lake shed facility, and the Department headquarters at 23rd  
14 Street in Sheboygan, and

15  
16 WHEREAS, thereafter, the County Board adopted Resolution No. 9 (2016/17)  
17 authorizing the sale of the Elkhart Lake shed property, and

18  
19 WHEREAS, consistent with these actions, the County Administrator and Transportation  
20 Director also caused the Plymouth shed facility to be advertised for sale, and

21  
22 WHEREAS, in order to competently negotiate an appropriate purchase price, the  
23 Transportation Director commissioned an appraisal of the property, a copy of which is on file in  
24 the County Clerk's office, which indicates that the value of the property is estimated at  
25 \$605,000.00, and

26  
27 WHEREAS, the appraisal was made available to interested potential buyers, and

28  
29 WHEREAS, the County received an offer to purchase the property by SJT Rentals, LLC,  
30 and

31  
32 WHEREAS, the County Administrator negotiated with SJT Rentals, LLC attempting to  
33 obtain the best price for the County while at the same time recognizing the need to sell the  
34 property in a manner that allows flexibility to the Transportation Department in its need to have  
35 an orderly timeframe to relocate to the new site, and

36  
37 WHEREAS, the County Administrator and SJT Rentals, LLC have come to an  
38 agreement subject to the approval of the County Board for the sale of the property for the  
39 appraised price of \$605,000.00, which the Transportation Committee believes to be in the best  
40 interests of the County;

41  
42 NOW, THEREFORE, BE IT RESOLVED that the County Board approves of the sale of  
43 the Plymouth Highway Shed property to SJT Rentals, LLC pursuant to the provisions of the  
44 Agreement, a copy of which is on file with the County Clerk.

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**BE IT FURTHER RESOLVED** that the County Board Chairperson and County Clerk are authorized to sign the Agreement and such other necessary sales documents on behalf of the County including any amendments thereto provided they are not inconsistent with the essential terms herein as may be required to complete the sale.

Respectfully submitted this 20th day of June, 2017.

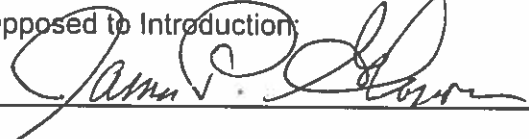
**TRANSPORTATION COMMITTEE**  
  
\_\_\_\_\_  
Roger Te Stroete, Chairperson

\_\_\_\_\_  
James P. Glavan, Vice-Chairperson

  
\_\_\_\_\_  
Al Bosman, Secretary

  
\_\_\_\_\_  
Richard C. Bemis

  
\_\_\_\_\_  
Mark S. Winkel

Opposed to Introduction:  
  
\_\_\_\_\_  
\_\_\_\_\_

**FISCAL NOTE**  
**June 2017**

**Resolution No. 07 (2017/18) RE: Authorizing Sale of Plymouth Shed Property**

This resolution seeks approval for the sale of the Plymouth Shed used by the Transportation Department. This shed is part of the complex consolidation and funds from the sale of this property are being used to offset the construction costs of the Transportation Complex.

The Assets on the County's Balance Sheet for the sale of this shed are as follows:

Land	\$ 23,664
Building/Building Improvements	659,744
Less: Accumulated Depreciation	<u>(499,204)</u>
 Carrying Value	 <u>\$184,204</u>
 Appraised Value/Purchase Price	 <u>\$605,000</u>

**Funding:**

There is no additional funding necessary for the approval of this resolution.

Respectfully Submitted,



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Wendy A. Charnon, Finance Director  
June 15, 2017



1                   SHEBOYGAN COUNTY   RESOLUTION NO. 08 (2017/18)  
2

3           Re:    **Authorizing Sale of Transportation Department Headquarters Property**  
4  
5

6           **WHEREAS**, through the adoption of Resolution No. 6 (2015/16), the County Board  
7 directed the County Administrator and the Transportation Director to initiate steps to dispose of  
8 the Plymouth highway shed facility in anticipation of potential consolidation of the facilities on  
9 another site, and  
10

11           **WHEREAS**, thereafter, the County Board approved the Five-Year Capital Plan as part of  
12 the 2017 Budget which included the construction of a new transportation facility to replace the  
13 Plymouth shed facility, the Elkhart Lake shed facility, and the Department headquarters at 23rd  
14 Street in Sheboygan, and  
15

16           **WHEREAS**, thereafter, the County Board adopted Resolution No. 9 (2016/17)  
17 authorizing the sale of the Elkhart Lake shed property, and  
18

19           **WHEREAS**, consistent with these actions, the County Administrator and Transportation  
20 Director also caused the Transportation Department headquarters facility to be advertised for  
21 sale, and  
22

23           **WHEREAS**, in order to competently negotiate an appropriate purchase price, the  
24 Transportation Director commissioned an appraisal of the property, a copy of which is on file in  
25 the County Clerk's office, which indicates that the value of the property is estimated at  
26 \$1,400,000.00, and  
27

28           **WHEREAS**, the appraisal was made available to interested potential buyers, and  
29

30           **WHEREAS**, the County received an offer to purchase the property by 2017 Acquisition  
31 Group, LLC or its assigns, and  
32

33           **WHEREAS**, the County Administrator negotiated with 2017 Acquisition Group LLC  
34 attempting to obtain the best price for the County while at the same time recognizing the need to  
35 sell the property in a manner that allows flexibility to the Transportation Department in its need  
36 to have an orderly timeframe to relocate to the new site, and  
37

38           **WHEREAS**, the County Administrator and 2017 Acquisition Group, LLC have come to  
39 an agreement subject to the approval of the County Board for the sale of the property for the  
40 appraised price of \$1,400,000.00, which the Transportation Committee believes to be in the  
41 best interests of the County;  
42

43           **NOW, THEREFORE, BE IT RESOLVED** that the County Board approves of the sale of  
44 the Transportation Department headquarters property to 2017 Acquisition Group, LLC pursuant  
45 to the provisions of the Agreement, a copy of which is on file with the County Clerk.  
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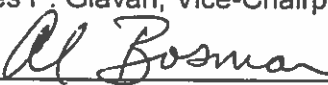
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**BE IT FURTHER RESOLVED** that the County Board Chairperson and County Clerk are authorized to sign the Agreement and such other necessary sales documents on behalf of the County including any amendments thereto provided they are not inconsistent with the essential terms herein as may be required to complete the sale.

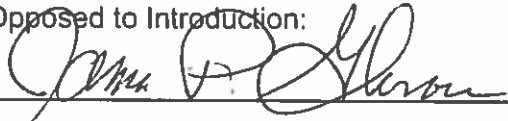
Respectfully submitted this 20th day of June, 2017.

**TRANSPORTATION COMMITTEE**  
  
\_\_\_\_\_  
Roger Te Stroete, Chairperson

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James P. Glavan, Vice-Chairperson  
  
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Al Bosman, Secretary

  
\_\_\_\_\_  
Richard C. Bemis

  
\_\_\_\_\_  
Mark S. Winkel

Opposed to Introduction:  
  
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\_\_\_\_\_

**FISCAL NOTE**

**June 2017**

**Resolution No. 08 (2017/18) RE: Authorizing Sale of Transportation Department  
Headquarters Property**

This resolution seeks approval for the sale of the Headquarters used by the Transportation Department. The Headquarters is part of the complex consolidation and funds from the sale of this property are being used to offset the construction costs of the Transportation Complex.

The Assets on the County's Balance Sheet for the sale of the headquarters are as follows:

Land	\$ 24,848
Building/Building Improvements	2,020,450
Less: Accumulated Depreciation	<u>(1,189,727)</u>
Carrying Value	<u>\$ 855,571</u>
Appraised Value/Purchase Price	<u>\$1,400,000</u>

**Funding:**

There is no additional funding necessary for the approval of this resolution.

Respectfully Submitted,



Wendy A. Charnon, Finance Director  
June 15, 2017

1 SHEBOYGAN COUNTY ORDINANCE NO. 01 (2017/18)  
2

3 Re: Repealing and Re-creating Chapter 3 and Repealing Chapter 55  
4  
5

6 WHEREAS, Sheboygan County aspires to the highest level of transparency in the operation  
7 and administration of County government, and  
8

9 WHEREAS, in order to better focus on the responsibilities of County government to be open,  
10 it is prudent to update and collect in one Chapter of the County Code all of the applicable provisions  
11 which deal with open government;  
12

13 NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does  
14 ordain as follows:  
15

16 Section 1. Repealing and Re-creating Chapter 3. Chapter 3 of the Sheboygan  
17 County Code of Ordinances is hereby repealed and re-created as follows:  
18

19 OPERATIONAL TRANSPARENCY  
20

- 21 3.01 OPEN MEETINGS. All meetings of the County Board and its Committees shall be in  
22 conformity with Wisconsin's Open Meetings Laws at Wis. Stat. ch. 19, Subchapter V.  
23
- 24 3.02 PUBLIC RECORDS. All records of County government shall be available to the  
25 public pursuant to Wisconsin Public Records laws at Wis. Stat. ch. 19, Subchapter II.  
26
- 27 3.03 ANNUAL REPORTS. Each Department Head shall prepare an annual report of the  
28 Department activities over the previous year which shall include a summary of the  
29 Department's goals and objectives, budget performance, anticipated issues for the  
30 upcoming year, and such other items as determined by the County Administrator in  
31 such format as determined by the County Administrator. The reports shall be  
32 received within a timeframe as determined by the County Administrator for the  
33 County Administrator to prepare an executive summary and for the County  
34 Administrator to use in preparing an annual message to the County Board pursuant  
35 to Wis. Stat. § 59.18(5). The annual reports and executive summary shall be held by  
36 the County Clerk for public inspection and shall be posted on the County web site.  
37  
38
- 39 3.04 OFFICIAL COUNTY NEWSPAPER. The County Clerk shall prepare a list of  
40 newspapers that comply with the requirements of Wis. Stat. ch. 985 so as to be  
41 eligible for use as the publisher of the County's legal notices. The list shall include  
42 current charges for publication of notices and audited paid circulation figures and  
43 shall be updated every two (2) years. The County Clerk shall present the list to the  
44 Finance Committee prior to the Finance Committee's first regular meeting after its  
45 organizational meeting. The Finance Committee shall at that meeting designate the  
46 official County newspaper, which designation shall be reviewed at the first regular  
47 meeting following each organizational meeting thereafter. Whenever possible,  
48 Sheboygan County shall use the posting method of notification deemed most  
49 appropriate by the Count Clerk as allowed under Wis. Stat. § 985.02 and shall only  
50 publish proceedings as required by Wis. Stat. § 985.05(1) as otherwise required by  
51 law.

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3.05 COUNTY RECORDS RETENTION.

- (1) RECORDS TO BE RETAINED BY DEPARTMENTS. County records shall be retained by the Department that generated the record, or that received the record, provided that no record need be retained by more than one Department. The Department that is the primary custodian of the record shall be responsible for its retention. The determination as to which Department is the primary custodian of a particular record shall be made through cooperation of the Departments and the Committees. If there is uncertainty as to which Department is primary, the Executive Committee shall determine the matter. If a statute states that a particular record shall be filed with the County Clerk but the record has been retained by another Department with consent of the County Clerk, the record shall be deemed to have been retained in accordance with the statutes.
- (2) AUTHORITY TO ADOPT SPECIFIC RULES. The standing Committees of the County Board (Liaison Committees) may adopt specific record retention rules for the Departments under their supervision, provided that such departmental retention rules have been reviewed and approved by the County Clerk and Corporation Counsel for compliance with statutes. After Committee approval, a copy of the departmental retention rules shall be filed with the County Clerk.
- (3) DESTRUCTION AUTHORIZED. Whenever necessary to gain needed vault and filing space, County Department Heads or court officers and the custodian of the records of all courts of record may destroy such records as they deem obsolete, subject to the provisions of this Chapter.
- (4) RECORDS RETENTION/DISPOSITION SCHEDULE. Sheboygan County shall retain and dispose of all records pursuant to the *County Records Retention/Disposition Schedule – 2010*, including the Addenda thereto, a copy of which is on file with the County Clerk. If the Schedule does not identify a particular record, the minimum retention and time limits set forth in any applicable state or federal statutes shall apply. If the Schedule does not identify a particular record and no other state or federal statute is applicable, then such record shall be kept a minimum of seven (7) years as required by Wis. Stat. § 19.21(5)(c).
- (5) NOTICE TO HISTORICAL SOCIETY. Prior to the destruction of any public records, a written offer shall be made to the Historical Society for preservation of such records as it determines to be of permanent historical valuation, all pursuant to the provisions of Wis. Stat. § 44.09. This does not apply to patient health care records as defined in Wis. Stat. § 146.81(4) that are in the custody or control of the Health and Human Services Department, or to records to be destroyed to which the Historical Society has waived notice, including those records identified in the *County Records Retention/Disposition Schedule – 2010* referred to in Section 3.05(4) of this Code.

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(6) DETERMINATION BY EXECUTIVE COMMITTEE. In the event there is uncertainty as to whether a record should be preserved or other need for interpretation of this Chapter, the matter shall be referred to the Executive Committee which, in its judgment and in consultation with the Corporation Counsel, shall determine the appropriate procedure, all, however, to be consistent with the provisions of this Chapter.

Section 2. **Repealing Chapter 55.** Chapter 55, Retention of County Records, of the Sheboygan County Code of Ordinances is hereby repealed inasmuch as Chapter 55 has been incorporated into the re-created Chapter 3.

Section 3. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of July, 2017.

**EXECUTIVE COMMITTEE**

\_\_\_\_\_  
Thomas Wegner, Chairperson

\_\_\_\_\_  
George Marthenze, Vice-Chairperson

\_\_\_\_\_  
William C. Goehring, Secretary

\_\_\_\_\_  
Vernon Koch

\_\_\_\_\_  
Edward J. Procek

Opposed to Introduction:

\_\_\_\_\_

\_\_\_\_\_

Countersigned by:

\_\_\_\_\_  
Thomas Wegner, Chairperson

**FISCAL NOTE**  
**July 2017**

**Ordinance No. 01 (2017/18) RE: Repealing and Re-creating Chapter 3 and Repealing Chapter 55**

**Funding:**

No additional funding is required.

Respectfully Submitted,

A handwritten signature in black ink, reading "Wendy A. Channon". The signature is written in a cursive style with a long horizontal flourish extending to the right.

---

Wendy A. Channon, Finance Director  
July 14, 2017

1 SHEBOYGAN COUNTY ORDINANCE NO. 02 (2017/18)

2  
3 Re: Amending Chapter 50 of the County Code Establishing County  
4 Purchasing Procedures  
5

6  
7 WHEREAS, recent changes in Wisconsin State law regarding prevailing wages and its  
8 implications for County procurement provide an opportunity to review the County's current  
9 purchasing procedures, and

10  
11 WHEREAS, in many instances, Chapter 50 of the County Code has requirements which  
12 are antiquated or unnecessary and which provide little benefit to the public, and

13  
14 WHEREAS, it is appropriate to reorganize and modernize Chapter 50 so that the public  
15 can be assured that the County's procurement practices are as efficient and beneficial to the  
16 taxpayers as possible;

17  
18 NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan  
19 does ordain as follows:  
20

21 Section 1. Amending Chapter 50. Chapter 50 of the Sheboygan County  
22 Code of Ordinances is hereby amended as follows (only those sections or portions of  
23 sections affected appear)(additions indicated by redlining; deletions by strikeouts):  
24

25 50.02 (1) Public works construction projects, including construction, repair,  
26 remodeling, or improving any structure or road when the estimated cost  
27 thereof shall exceed Twenty-five Thousand Dollars (\$25,000.00) and as  
28 required by Wis. Stat. §§ 59.52(29) and 66.0901. ~~Such projects shall~~  
29 ~~comply with the provisions of Wis. Stat. § 66.0901.~~  
30

31 (2) Purchase of equipment, materials, and supplies when the  
32 estimated cost thereof shall exceed ~~Twenty-five~~Fifty Thousand  
33 Dollars (~~\$25,000.00~~\$50,000.00), except when purchasing unique  
34 one-of-a-kind items or when compatibility with existing equipment  
35 is a required condition.  
36

37 (3) When entering into a group purchasing service contract (that is,  
38 where the group is an entity which obtains prices from multiple  
39 vendors and passes the best price on to its members for  
40 "supplies" [as defined above]) and the quarterly expenditures  
41 thereunder shall exceed ~~Ten~~Fifty Thousand Dollars  
42 (~~\$10,000.00~~\$50,000.00), then compliance with this section shall be  
43 had by advertising for bids or quotes for such service from any  
44 vendor or group service provider.  
45

46 ~~(6) Whenever utilizing Subsections (c), (d), and (e), above, prior~~  
47 ~~thereto the County shall first submit the proposed purchase to~~  
48 ~~public bids so that it may determine whether the non bid purchase~~  
49 ~~is competitive; and where group purchase service contracts are~~



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~~utilized, at least every two (2) years renewal of the service shall require the bid testing process.~~

(76) ~~If the~~The County Board, ~~by a three-fourths (3/4) vote of all the members entitled to a seat, provides that~~ declares that whenever it is in the best interests of the County, as determined by the County Administrator, any class of public work or any part thereof may be done directly by the County, ~~it may do so without submitting the same for bids.~~

(87) Public bidding is not required for highway contracts which the County Transportation Committee or the County Highway Commissioner/Transportation Director is authorized by law to let or make.

50.03 WHEN PUBLIC BIDDING OPTIONAL. Any contracts or purchases not included under Section 50.02, above, or unique one-of-a-kind items may be accomplished either through public bids or solicited quotations, requests for proposals or negotiated price, or any other procedure as the County Committee shall deem appropriate, all subject to Section ~~50.13~~50.11 of this Code. ~~and the following:~~

~~(1) When the estimated cost thereof is between Five Thousand Dollars (\$5,000.00) and Twenty five Thousand Dollars (\$25,000.00), a notice (in the form of a display advertisement) shall be published in the official County newspaper at least one (1) week before the contract is entered into, notifying of the County's intent to acquire the item(s) or to enter into the work.~~

~~(2) Such advertisement shall in summary fashion describe the proposed purchase and invite any interested party to submit competitive price quotes for the County Committee's consideration.~~

50.04 CONTRACTS FOR SERVICES. Contracts for services shall be let in the manner approved by the Committee signing them, subject to Section ~~50.13~~50.11, below. Every effort shall be made to ensure competitive pricing and fair and open dealing with regard to such contracts.

50.05 BIDDING PROCEDURE. Where public bidding is required, the procedure set forth in Wis. Stat. § ~~66.29~~66.0901 shall be followed and the following requirements shall also be met:

(1) Advertisement. A display advertisement shall be published in the official County newspaper, and an ~~Additional publications~~ additional publication may be utilized if deemed appropriate by the County Committee. The ~~optional~~ advertisement shall be published as directed by the Committee.

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~~(a) The required display advertisement shall be published twice, with the first publication preceding the bidding deadline by at least ten (10) days and the second publication preceding the bidding deadline by at least three (3) days. Where complex or voluminous specifications are involved the lead time shall be enlarged to permit adequate time to properly respond to the request for bids. The County Committee involved may vary the above time frame by unanimous vote of the entire Committee but when doing so, the basis for such action shall be set forth in detail in the Committee Meeting Minutes.~~

~~(b) The display advertisement shall consist of an appropriate sized block newspaper ad sufficient to give interested vendors notice of the anticipated expenditure.~~

~~(c) The advertisement may include the exact specifications upon which the bids are to be prepared or it may indicate the general nature of the anticipated expenditure and indicate where exact specifications can be obtained if any are available.~~

50.06 RESPONSIBLE BIDDERS. In purchase situations where state law does not require bidders' proof of financial responsibility, the County may nevertheless require bidders to submit proof of their financial ability, equipment, and experience for the anticipated expenditures proposed for the public contract. The Committee may consider past workmanship, business dealings, and performance of the bidder in addition to financial aspects when determining the bidder's responsibility. Whenever the Committee is not satisfied with the bidder's responsibility, it may reject said bid or disregard the same, but whenever practical, if the County intends to reject a bid under this SectionChapter, it should be done prior to opening the bid.

~~50.08 USED EQUIPMENT PURCHASES. If the County proposes to purchase used equipment, a notice of such intent complying with the procedures and the time and content requirements set forth in Section 50.03, above, shall be published.~~

50.0908 EXTREME EMERGENCY. The County Board is empowered to declare, by ordinance or resolution, adopted in formal session by 2/3 vote, an emergency existing within the County which shall eliminate the required bidding procedure set forth above.

50.4009 INTERNAL PURCHASING PROCEDURES. The provisions of this Section are for internal procedural purposes and vendors may not challenge the procedure, but such matters are reserved to the County Board:

148 (1) Operational Material and Supplies. Under the direction of the  
149 County Administrator, each ~~Each~~ Department Head is authorized  
150 to acquire non-capital items for the operation of the involved  
151 Department within the limits of the approved budget for that office,  
152 Department, or function, subject to the audit of the County Board  
153 Committee acting as liaison for that office, Department, or  
154 function. Where a County or Committee policy has established a  
155 group purchasing procedure, it shall be followed except when the  
156 involved Committee shall have in advance authorized the  
157 departure from such procedure. Uniform "requisition" or "invoice"  
158 forms, where appropriate, shall be provided by the Finance  
159 Department for payment and audit purposes.  
160

161 (2) Capital Outlay Items. All approved and budgeted capital outlay  
162 purchases ~~items shall first be~~ deemed as approved by the involved  
163 Committee. (Approval of budget requests for such items is not the  
164 same as purchase approval.)  
165

166 (3) Purchase of Non-Budgeted Capital Outlay Items. If purchase of  
167 an outlay item is required which was not included in the current  
168 budget, after having obtained the approval of the County  
169 Administrator, the Department Head shall ~~first~~ then obtain the  
170 approval of the involved Committee. After this approval is  
171 obtained, the Finance Committee shall be contacted to provide the  
172 funds through substitution if substitute funds are available. If the  
173 current request is a substitution for an item already in the budget,  
174 the Finance Committee may authorize that the funds provided for  
175 the original budget item be used for the requested purpose. If no  
176 funds are available in the current budget, the involved Committee  
177 shall ~~may~~ present a Resolution to the Board to appropriate or  
178 transfer funds for said purchase but only in the event of  
179 compelling urgency. Appropriation of funds through the budgetary  
180 process shall be the preferred method.  
181

182 50.1410 INTERPRETATION. The herein Ordinance shall be liberally  
183 interpreted to permit the County to exercise broad discretion in ensuring  
184 that the County obtains the "best" price when spending public funds. It is  
185 hereby recognized that the lowest bid may not be the "best" price to the  
186 County as maintenance costs, life of the equipment, and other factors  
187 may result in the lowest price at the time of purchase becoming the  
188 highest price over the life of the product or project. When exercising its  
189 discretion as to which bid or quote to accept, the "best" price should be  
190 sought, and if such price is not the "lowest," then justification of  
191 non-purchase of the low bid shall be set forth in detail in the Committee  
192 Minutes. The provisions of this Ordinance are not intended to supersede  
193 any requirements of the Wisconsin Statutes.  
194

195 ~~50.12 OFFICIAL COUNTY NEWSPAPER. The County Clerk shall prepare a list~~  
196 ~~of newspapers that comply with the requirements of Wis. Stat. ch. 985 so~~

197 ~~as to be eligible for use as the publisher of the County's legal notices.~~  
198 ~~The list shall include current charges for publication of notices and~~  
199 ~~audited paid circulation figures and shall be updated every two (2) years.~~  
200 ~~The County Clerk shall present the list to the Finance Committee prior to~~  
201 ~~the Finance Committee's first regular meeting after its organizational~~  
202 ~~meeting. The Finance Committee shall at that meeting designate the~~  
203 ~~official County newspaper, which designation shall be reviewed at the first~~  
204 ~~regular meeting following each organizational meeting thereafter.~~

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206 50.4311 CONTRACT CLAUSES REGARDING LIABILITY. No contract  
207 with any contractor, professional, consultant, supplier, or other vendor to  
208 Sheboygan County may include any provision limiting or shifting the  
209 vendor's potential liability to Sheboygan County. By way of illustration but  
210 not limitation, this Section prohibits contract provisions that:

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- 212 (1) limit liability to the amount of the purchase price, or any other
- 213 amount;
- 214 (2) disallow claims for indirect, incidental, special or consequential
- 215 damages;
- 216 (3) require the County to indemnify the vendor in any circumstance;
- 217 (4) establish the venue for litigation as any situs other than
- 218 Sheboygan County Circuit Court or, if applicable, the United
- 219 States District Court, Eastern District of Wisconsin;
- 220 (5) define the substantive and procedural law to be applied in any
- 221 dispute as the law of any jurisdiction other than Wisconsin;
- 222 (6) shift any vendor's liability to third parties from the vendor to the
- 223 County;
- 224 (7) shorten the statute of limitations;
- 225 (8) disclaim or waive warranties by the vendor;
- 226 (9) require the County to hold the vendor harmless from third party
- 227 claims; or
- 228 (10) place responsibility on the County in any circumstance for any part
- 229 of the vendor's attorneys' fees or other costs.
- 230

231 ~~Liaison Committees~~Department Heads wishing to enter into such  
232 contracts shall first work with the County Purchasing Agent and the  
233 Corporation Counsel to negotiate for the elimination of the foregoing  
234 language.

235  
236 If a prospective vendor insists on inclusion of contract language that does  
237 not comply with this Section, and if the ~~Liaison Committee~~Department  
238 Head still wishes to enter into such contract because of the unavailability  
239 of comparable and competitive vendors, the contract may be entered into  
240 only if approved by the Corporation Counsel, or the Executive Committee,  
241 ~~or the full County Board.~~

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243 50.4412 PRINTING SERVICES. No expenditure for commercial  
244 printing, duplicating, or publishing may be made if the project could be  
245 produced by the ~~County Printing Department~~internally as economically as

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~~they by a commercial printer. Exceptions may be authorized by the Information Systems Director. Exceptions may also be authorized by the Liaison Committee if the Information Systems Director declines to authorize an exception, provided that Liaison Committee authorizations must be reported to the Finance Committee in a written report that justifies the reason for the exception.~~

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of July, 2017.

**EXECUTIVE COMMITTEE**

\_\_\_\_\_  
Thomas Wegner, Chairperson

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George Marthenze, Vice-Chairperson

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William C. Goehring, Secretary

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Vernon Koch

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Edward J. Procek

Opposed to Introduction:

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Countersigned by:

\_\_\_\_\_  
Thomas Wegner, Chairperson

**FISCAL NOTE**  
**July 2017**

**Ordinance No. 02 (2017/18) RE: Amending Chapter 50 of the County Code  
Establishing County Purchasing Procedures**

**Funding:**

No additional funding is required.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Wendy A. Charnon", written over a horizontal line.

Wendy A. Charnon, Finance Director  
July 14, 2017

SHEBOYGAN COUNTY ORDINANCE NO. 03 (2017/18)

Re: Amending County Operational Provisions Relating to Office Hours

WHEREAS, Section 56.01 of the County Code establishes the County policy for when County offices are open to the public, and

WHEREAS, one of the provisions relating to holidays is no longer applicable as a consequence of changes to Wisconsin collective bargaining laws, and

WHEREAS, it is appropriate to amend the Code to conform to current County practice;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. Amending Operational Provisions Relating to Office Hours. Section 56.01 of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining, deletions by strikeouts):

56.01 ADMINISTRATION BUILDING AND COURTHOUSE REGULAR OFFICE HOURS. The offices located in the Administration Building and the Courthouse and its Annex shall be open for business to the general public from 8:00 a.m. to 5:00 p.m. Monday through Friday except on those legal holidays recognized by the County through its applicable labor agreements or as established by the Human Resources Committee and incorporated into the Sheboygan County Human Resources Policy Manual. Notwithstanding the foregoing, pursuant to Wis. Stat. § 59.20(3), the cut-off reception time for the filing and recording of documents in the Office of the Register of Deeds shall be 4:30 p.m. in order to complete the processing, recording, and indexing to conform to the day of reception. For all other purposes, the Register of Deeds' Office shall remain open to the public until 5:00 p.m.

Section 2. Effective Date. The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of July, 2017.

HUMAN RESOURCES COMMITTEE

Edward J. Procek, Chairperson

Keith Abler, Vice-Chairperson

Charles W. Conrardy, Secretary

Fran Damp

Roger Te Stroete

Opposed to Introduction:

Countersigned by:

Thomas Wegner, Chairperson

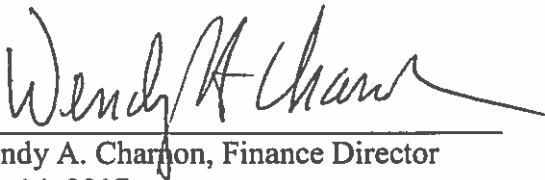
**FISCAL NOTE**  
**July 2017**

**Ordinance No. 03 (2017/18) RE: Amending County Operational Provisions Relating to Office Hours**

**Funding:**

No additional funding is required.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Wendy A. Channon", written over a horizontal line.

Wendy A. Channon, Finance Director  
July 14, 2017