

**CORRECTIONS TO BE MADE TO
MAY 12, 2015, JEFFERSON COUNTY BOARD MEETING MINUTES**

Pages 51 thru 66:

The footnote on each page has the wrong date. It should read Tuesday, May 12, 2015 not May 21.

Page 52:

Line 7 – Delete April and insert May

Line 18 – Delete April and insert May

Page 54:

Line 12 – Insert a comma after the word WHEREAS

Page 56:

Lines 48 and 49 – Insert line 49 after the last word on line 48

Page 62:

Line 29 – Insert a period at the end of the sentence.

Page 63:

Line 8 – Indent the paragraph that starts with the words Section 1

RESOLUTION NO. 2015 - _____

Oppose Continuation of Zero Levy Cap Imposed on Wisconsin Counties

Executive Summary

The cost of living has increased in the State of Wisconsin over recent years. In spite of these cost of living increases, zero tax levy cap limits have been imposed on Wisconsin counties since 2012. These tax levy cap limits have forced Wisconsin counties to absorb increased operational expenses of which they have no control. These include utilities, fuel, health insurance, road maintenance and funding high cost placements by the Human Services Department. It is difficult if not impossible to continue to maintain an adequate level of service to the citizens of Jefferson County when the costs of services are increasing and the ability to increase revenues is limited to State funding, sales tax revenues and the local tax levy. For these reasons, the Jefferson County Board of Supervisors opposes the continuation of the current zero tax levy cap imposed on Wisconsin Counties.

WHEREAS, the zero levy cap limits have been imposed on Wisconsin Counties since 2012; and

WHEREAS, the cost of living has increased 3.4% for 2011, 1.6% for 2012, 1.7% for 2013 and 0.9% for 2014 (as measured by the CPI-U for Midwest urban class D; and

WHEREAS, Counties have been forced to absorb increased expenses of which they have no control (utilities, fuel, health insurance, road maintenance, funding high cost placements and services by the Human Services Department, etc...); and

WHEREAS, Jefferson County has done its best to curb spending by cutting costs, eliminating positions, limiting employee wage increases, reducing program offerings and postponing work on highway infrastructure; and

WHEREAS, it is becoming nearly impossible to maintain an adequate level of service to the citizens of Jefferson County when the costs of services are increasing and the ability to increase revenues is limited to State funding, sales tax revenues and the local tax levy.

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Board of Supervisors opposes the continuation of the current zero tax levy cap imposed on Wisconsin Counties.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to Governor Walker, the Joint Finance Committee of the Wisconsin Legislature, the state legislators for Jefferson County and the Wisconsin Counties Association.

Fiscal Note: This resolution will have no fiscal impact.

Ayes _____ Noes _____ Abstain _____ Absent _____ Vacant _____

Requested by
Administration and Rules Committee

05-27-15

J. Blair Ward 05-26-15

ORDINANCE NO. 2014-____

Amend Access to Public Records and Document Receipt Time Ordinance to reflect electronic media

Executive Summary

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 10 of the Access to Public Records Ordinance is amended as follows:

CHAPTER 10. ACCESS TO PUBLIC RECORDS AND DOCUMENT RECEIPT TIME

10.01. DEFINITIONS. (1) "Authority" means any of the following having custody of a record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(2) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

10.02. LEGAL CUSTODIANS. (1) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(2) Unless otherwise prohibited by law, the County Clerk or the Clerk's designee shall act as legal custodian for the County Board.

(3) Unless otherwise specified by s. 19.33, Statutes, the County Administrator shall act as legal custodian for committees, commissions, boards or authorities created by ordinance or resolution and for all audio and video recordings created or maintained by the County unless another legal custodian has been designated by other legal authority. Committee chairpersons may designate a different legal custodian.

(4) For every authority not specified in subs. (a), (b) or (c), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an

employee of his or her staff to act as the legal custodian. (This section applies to department heads.)

(5) Every legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee. This subsection does not apply to members of the County Board.

(6) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

10.03. PROCEDURAL INFORMATION. (1) Pursuant to s. 19.34, Statutes, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This section does not apply to members of the County Board.

(2)(a) Form of Request - The Wisconsin Public Records Law dictates that certain actions must be taken with regard to oral requests for records and that certain more formal actions are taken in response to written requests for records. However, Wisconsin law does not expressly prescribe how to respond to the following methods of communication. Therefore, requests made by the following means shall be responded to as follows:

1. E-mail - a request made by e-mail may be responded to by e-mail or in writing and shall have all of the formalities as though the request was made in writing.

2. Voice-mail - a request made by voice-mail shall be responded to as though it were made orally.

3. Instant Messaging/Text Messaging - a request made in either such manner shall be responded to as though it were made orally.

(b) Treatment of Certain Data as Records - The Wisconsin Public Records Law provides little or no guidance as to whether the raw and perishable data of the following technologies qualify as records that must be maintained. Therefore, the Jefferson County Board of Supervisors determines the following status of these technologies:

1. E-mail - the data in an e-mail message may constitute a public record and is subject to maintenance as a public record. The data in an e-mail is subject to the same analysis under the public records statutes as an equivalent paper or hard copy record. The Information Technology Manager is responsible for ensuring that all e-mails are properly preserved for such analysis.

2. Voice-mail - a voice-mail message is not a public record and voice-mail messages do not have to be maintained as public records. These messages are the functional equivalent of phone conversations. Additionally, voice-mail messages share many of the attributes of personal notes which are not public records. Finally, these messages cannot be

indexed or maintained in any manner that would allow for their easy classification, searching or retrieval.

3. Instant Messaging (IM)/Text Messaging - Except as set forth in this paragraph and in subparagraph (3) (b) 9. and 10. hereof, the data involved in IM and Text Messaging communications is not subject to maintenance as a public record. IM and Text Messaging has all of the attributes of instantaneous exchange of ideas, as does a regular telephone conversation. Furthermore, the data exchange has the same limitations for capturing and storage of data as voice-mail. Therefore, County employees and officials shall refrain from using such services for official communication purposes or for matters that would result in a public record if another format such as email or written communication were employed, unless the employee or official preserves a copy of such communication by either copying to their county email account, downloading the communication to their county computer, making a computer file of the communication or by printing and retaining a hard copy of such communication.

4. Voice Over the Internet Protocol (VOIP) - The County does not monitor or record the data associated with the conversations that occur over VOIP. Such conversations are the very same real time voice communications as standard telephone conversations that are not public records. The only difference between these communications is the medium employed in transmitting the voice communications from one participant in the conversation to all others involved in the conversation.

5. Audio, Video, Data and Radio Transmissions and Communications - Although audio, video, data and radio transmissions and communications may be processed through county computers, the County does not routinely copy the data or maintain records of such communications. Whenever the County copies, records or maintains copies or recordings of such communications or transmissions, those copies may constitute public records that are subject to records requests and which must be maintained according to the appropriate records retention schedule. The Jefferson County Sheriff's Office is the custodian for police and fire radio communications.

6. Audio and Video Recordings - Unless otherwise provided herein, audio and video recordings are public records and subject to requests which must be maintained according to the Jefferson County records retention schedule.

a. Rewritable Recording Systems - Those systems where the recordings are routinely overwritten by newer recordings, such as in continuous loop videotape or digital video written to a camera's hard drive or memory, such data does not constitute a record unless it is further downloaded, printed or separately preserved to memorialize some event or proceeding. Until such time as these recordings are downloaded, printed or separately preserved, these recordings do not have to be preserved and, as the recording equipment programs/protocols may dictate, can be overwritten, erased or otherwise destroyed. However, if such data is downloaded, printed, or separately preserved it shall be treated as a record and shall be retained in accordance with the Jefferson County Records Retention Schedule.

b. Recordings Made for the Purpose of Preparing Minutes of Meetings – In accordance with sec. 19.21(7), Wis. Stats., any audio or video recording of a meeting, as defined in sec. 19.82(2), Wis. Stats., by any County body as defined by sec. 19.82(1), to include each County committee, board, commission or other body, may be destroyed, overwritten, or recorded over no sooner than ninety (90) days after the minutes have been approved and published if the purpose of the recording was to take minutes of the meeting.

7. Electronic Document Files - Where records, as that term is defined in sec. 19.32(2) Wis. Stats., exist in an electronic format only, such electronic records shall be maintained according to the appropriate retention schedule. Where both hard copy (i.e., paper) and electronic copies of a record exist they shall each be subject to public records requests. However, when the custodian has designated, pursuant to sub. (9) electronic records as the official records, only the electronic copy shall be retained and made available for inspection under the public records laws. Where the custodian has not made such a designation, only the hard copy shall be subject to inspection as a public record and the electronic copies shall be treated and disposed of as draft documents that do not need to be maintained beyond creation of the final hard copy.

8. Electronic Logs/Temporary Data Files - Electronic logs and temporary data files provide detailed information about the design and functionality of the county's computer network. These logs are routinely overwritten on a daily basis due to the high volume of traffic that is being logged. Unrestricted access to these logs and files would constitute a breach of system security and leave the system vulnerable to exploitation and hacking. In order to ensure network security, these logs are available to the Information Technology Manager and authorized staff only. These determinations apply to the following types of logs and data files:

a. Syslogs for Network Electronic Devices - All logs created by network devices such as firewalls, routers, switches, etc., which are used for monitoring and trending computer network traffic patterns and/or detecting unauthorized network traffic.

b. Network Server Security, Application and Event Logs - These logs are used to monitor activity on county network servers including successful/unsuccessful login attempts, file system access, hardware performance, etc. These logs provide detailed information about county network account ID's, file system structure, and hardware profiles.

c. Network Security Appliance Logs - All logs created by network security devices such as the anti-virus appliance, anti-SPAM appliance, content filtering appliance, etc., which are used to monitor specific types of unauthorized or malicious traffic on the city network. These logs identify specific network traffic patterns and/or protocols that are allowed or disallowed on the city network.

d. Application Logs - These logs are used to monitor activity on various database applications, but do not contain specific audits of database transactions. These logs can contain version information, program variables, and programming logic.

9. Emerging Technologies and Records Retention – As new information technologies emerge, the Information Technology Manager shall evaluate these technologies and their benefit to County operations. The Information Technology Manager shall consider whether any of these technologies provide the capacity to archive public records created by these technologies. Whenever it is economically and practically feasible to archive records created by such Technologies, such archiving shall be incorporated into any deployment of said technologies. Whenever the technologies do not provide for such archiving capabilities, the Information Technology Manager shall consider whether the benefits of employing such technologies outweigh the risks that some public records may not be retained by deployment of such technologies. Where such benefits outweigh these risks, County employees shall refrain from using such technologies for official communication purposes or for matters that would result in a public record if another format such as email or written communications were employed. In the event that such technologies are used for these communication purposes, the employee shall preserve a copy of such communication, by either copying them to their email account, downloading the communication to their county computer, making a computer file of the communication or by printing and retaining a hard copy of such communication. The Information Technology Manager shall also ensure that, as soon as practical and economically feasible, archiving systems are obtained for any information technology that is deployed without an archiving system.

10. Use of Technologies to Avoid Duty to Preserve Public Records Prohibited - No employee or County official shall use or employ any form of communication or information technology with the intent or design to circumvent the records retention requirements of this ordinance. For example, Text Messaging shall not be used in lieu of email to share or create a public record unless the employee complies with the provisions of subparagraph (3) (b) (9), above.

10.04. ACCESS TO RECORDS; FEES. (1) The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of s. 19.35(1), Statutes.

(2) Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form pursuant to s. 19.35(1)(b), Statutes, or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to s. 19.35(1)(f), Statutes, with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(3) (a) Each authority shall impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law. Photocopies shall cost 25¢ per page.

(b) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(c) Except as otherwise provided by law or as authorized to be prescribed by law, an

authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

(d) Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

(e) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

(f) Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.00.

(4) Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in s. 19.35(4), Statutes.

10.05. SEPARATION OF INFORMATION. If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. Each authority shall consult with the County Corporation Counsel before releasing any information under this section.

10.06. Pursuant to Section 59.20(3)(c) of the Wisconsin Statutes and in order that processing, recording and indexing of documents may be completed to conform to the day of reception, the cutoff reception time for filing and recording of documents is hereby advanced by one hour in any official business day during which time the Register of Deeds Office is open to the public. The register of deeds may provide in his or her notice under s. 19.34(1) that requests for inspection or copying of the records of his or her office may be made only during a specified period of not less than 35 hours per week. For all other purposes, the office shall remain open to the public. [Amended 10/11/05, Ordinance No. 2005-26].

Section 2. This ordinance shall be effective after passage and publication as provided by law.

Ayes _____ Noes _____ Abstain _____ Absent _____ Vacant _____

Requested by
Administration & Rules Committee

Date of County Board Meeting

J. Blair Ward: 05-20-15

APPROVED: Administrator _____; Corp. Counsel _____; Finance Director _____

RESOLUTION NO. 2015 - _____

Supporting Adequate Funding for Rail Preservation

Executive Summary

The Wisconsin River Rail Transit Commission consists of appointed representatives from Crawford, Dane, Grant, Iowa, Jefferson, Rock, Sauk, Walworth, and Waukesha Counties for the purpose of ensuring that their communities have quality and reliable access to freight rail service. The Wisconsin River Rail Transit Commission also helps communities in southern Wisconsin to be economically competitive through connection to the national rail system. Rail lines in Wisconsin have been reduced and eliminated over the years, forcing increasingly heavier truck traffic to move goods from point to point. In an effort to preserve freight rail service, the Wisconsin Department of Transportation created a Freight Railroad Preservation Program which provides grants to local units of government, industries and railroads. Funding for this program has decreased in recent years and this resolution encourages the Governor to increase the proposed funding in the 2015-2017 biennium budget for the Freight Rail Preservation Program.

WHEREAS, Jefferson County is a member of the Wisconsin River Rail Transit Commission; and

WHEREAS, the Wisconsin River Rail Transit Commission's mission statement is "to preserve and protect the publicly-owned railroad corridors throughout southern Wisconsin and northern Illinois;" and

WHEREAS, rail lines in Wisconsin have been reduced and eliminated over the years, forcing increasingly heavier truck traffic to move goods from point to point; and

WHEREAS, the Wisconsin Department of Transportation oversees surface transportation as part of its statutory authority; and

WHEREAS, the Wisconsin Department of Transportation created a Freight Railroad Preservation Program to help communities and shippers preserve freight rail service during an era when widespread railroad bankruptcies and line abandonments threatened the availability of rail service in Wisconsin; and

WHEREAS, the Freight Rail Preservation Program provides grants to local units of government, industries and railroads for the purpose of preserving essential rail lines and rehabilitating them following purchase, and

WHEREAS, the 2009-2011 state budget provided \$60 million for the biennium in bonding authority for the Freight Rail Preservation Program, and

WHEREAS, the 2011-2013 state biennium budget for the Freight Rail Preservation Program was reduced to \$30 million, and

WHEREAS, the 2013-2015 state biennium budget for the Freight Rail Preservation Program was increased to \$52 million, and

WHEREAS, the Wisconsin River Rail Transit Commission has gone on record supporting increased funding for the Freight Rail Preservation Program.

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Board of Supervisors, supports increasing the proposed funding in the 2015-2017 biennium budget for the Freight Rail Preservation Program, and

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to Governor Walker, the Joint Finance Committee of the Wisconsin Legislature, the state legislators for Jefferson County, Secretary of Transportation Mark Gottlieb, the Wisconsin Counties Association and the Wisconsin River Rail Transit Commission.

Fiscal Note: This resolution will have no fiscal impact.

Ayes _____ Noes _____ Abstain _____ Absent _____ Vacant _____

Requested by
Administration and Rules Committee

05-27-15

J. Blair Ward 05-27-15

APPROVED: Administrator _____; Corp. Counsel _____; Finance Director _____

**County Administrator's
Monthly Activity Report
May 2015**

1. Department Head Meeting

A Department Head meeting was held on May 13th. Focus was on Task Force providing a presentation as to status of area of emphasis and reviewing feedback from engagement sessions.

2. County Finances

Work continues on the 2016 Budget. Initial reviews of the MIS and Department Capital requests have been made along with reviewing updated 5 year capital budget. Auditors are wrapping up their work on the 2014 CAFR. The CAFR should be ready to be released shortly. I have received high praise for all staff involved and the amount of work completed pre-filed work which helped the process, specifically by the Finance Department.

3. Highway Department Facilities

Great progress has been made on the salt storage facilities, which are ahead of schedule. Final landscaping has been complete. Highway and Park Department have worked closely in the final cleaning and development of the bike path along W. Furniture install is occurring and most operations should be shifted by next week. Working through final close out with Maas and sub-contractors. Will begin the next phase for old facility. This past month has been focused working with the city on their redevelopment plan for the area. This included a series of meetings with developers on "checking-in" on the market.

4. Community/Professional Events/ Other Mis.

There were several events or activities that took place over the past month I participated in. These included:

- Continued work with the Jefferson County Library Board on their affiliation process including discussions with Waukesha.
- Attended WMMIC Annual Board and Quarterly Board meetings.
- Attended retirement gathering for five Health Department employees.
- Attended several meeting associated with the medical college.
- Met with MadRep and M-7. Focus was on the medical college but also discussed feedback received on roles and responsibilities in economic development. Will continue to work on developing a regional approach with the two organizations focused on I-94.
- Met with the executive director for the Community Action Coalition; focused on some of the housing needs and how to partner.

Ben Wehmeier
County Administrator

State Budget Highlights:

- Week of May 25th Scheduled to be final week. Meetings will be held on Wednesday, Friday and Saturday if necessary.

- Revised revenue projections were released by LFB at \$0.

- Highlights:
 - o \$701,400 restored funding for car killed deer removal under oversight of the DNR
 - o Intoxicated drive grant program shifted from DOT to DHS; must utilize existing appropriation for program.
 - o Recycling grant program reduced by \$4 million for 15-16 but \$4 million of proposed cuts restored for 16-17.
 - o POWTS – responsibility stays with Department of Safety and Professional Service and will not transfer to DNR. The Wisconsin Fund was restored at \$1.645 million in 15-16 and \$840,000 in 16-17.
 - o CARPC – County’s water quality program authority transferred to the DNR.
 - o Local Crime Prevention Program – new State wide program funded through \$20 surcharge. Program approved but amended to allow counties who do not have a non-profit crime prevention group to provide 100% of funding to law enforcement versus a 50/50 split as originally called for.
 - o Mental Health – modified language of who can perform crisis assessments and how that may be performed.
 - o Remove proposed changes to Family Care, IRIS and preserve ADRC. Authorizes DHS to explore changes with limited authority concerning Family Care to integrate long term and medical care but requires public and stakeholder input before any changes are made; requires self-directed care to be defined in statute; requires a regional model with multiple Integrated Health Agencies per region; requires an independent actuarial study to set rates; and accept any willing provider.
 - o Property Tax Disclosure – less onerous requirement which would require property tax bills to show the amount of non-recurring referenda that passed during the prior calendar year.
 - o Special Charges – delinquent utility, sidewalk and sewerage charges could no longer be placed on property tax bill as special charges, similar in nature to razing legislation.
 - o Levy Limit Carry Forward – Up to 5% of unused levy authority will be allowed to carryover as long as debt in not increase from previous year.
 - o Public Bidding Requirements – increased from \$25,000 to \$100,000
 - o Service Transfer Adjustments – currently a 1 for 1; new language allows local government to maintain half of the service transfer savings with goal of creating an incentive to collaborate versus current model where one loses levy.
 - o An additional \$1.35 million was added for Land and Water Programs.
 - o Drug Testing approved with some amendments for certain benefit programs