

2009-10 COUNTY BOARD PROCEEDINGS
MAY 7, 2009, 7:00 P.M. SESSION

The Dane County Board of Supervisors met pursuant to statute. Chair McDonell called the meeting to order. County Clerk Ohlsen called the roll:

PRESENT: Bayrd, Bruskewitz, de Felice, DeSmidt, Downing, Ferrell, Hampton, Hendrick, Hulsey, Levin Manning, Matano, O'Loughlin, Opitz, Richmond, Ripp, Rusk, Salov, Schlicht, Schmidt, Solberg, Stoebig, Stubbs, Vedder, Veldran, Wheeler, Wiganowsky, and McDonell. Supervisors Erickson, Gau, Kostelic, and Miles arrived after roll call.

EXCUSED: Hesselbein, Jensen, Martz, Vogel, and Willett

Supervisor Schmidt offered an inspirational message and led the Pledge of Allegiance.

SPECIAL MATTERS AND ANNOUNCEMENTS

RES. 1, 09-10

CELEBRATING MAUREEN ARCAND'S 80TH BIRTHDAY

WHEREAS Maureen Arcand is celebrating her 80th birthday this year, having dedicated her life to the betterment of the world around her, overcoming great odds to do so, and has served as a role model and mentor to so many in our community; and

WHEREAS Maureen served on the Dane County Board of Supervisors for three terms from 1986 to 1992, representing the old 16th District on Madison's northeast side, and was a member of many committees, boards and commissions, including Human Resources/Personnel, Real Estate and Space Needs, Coordinating Council, Board of Social Services, Community Long Term Support Planning Committee, Jail Population and Space Needs, Budget, Adult Community Services, and Economic Assistance and Work Services; and

WHEREAS Maureen became a tireless community leader dedicated to improving people's lives, helping to found the East Madison Community Center, organizing the Dane County Welfare Alliance, and advocating for independent living services for people with disabilities; and

WHEREAS Movin' Out, Inc., a non-profit organization Maureen once served as president, is on April 30th sponsoring a birthday celebration in honor of Maureen's life and all of her accomplishments and is presenting her with the first Maureen Arcand Lifetime Achievement Award.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby congratulates its former colleague Maureen Arcand on the occasion of her 80th birthday, and honors her for a lifetime of achievements successfully advocating for people in need; and

BE IT FINALLY RESOLVED that a copy of this resolution be presented to Maureen as a token of the esteem in which she is held by this board.

Action on Res. 1 was postponed to the next meeting.

RES. 15, 09-10

RECOGNIZING LUIS BIXLER,
2009 WISCONSIN TELECOMMUNICATOR OF THE YEAR

WHEREAS, Luis Bixler has been named by the Wisconsin Chapters of the Association of Public Safety Communications Officials International, Inc. and the National Emergency Number Association as the 2009 Wisconsin Telecommunicator of the Year, recognizing his daily good work as a communicator, his sense of esprit de corps and teamwork; and

WHEREAS, Luis began his career with the Dane County Public Safety Communications Department in 2005 and has maintained a high level of proficiency, understanding and dedication in all the roles he has served including as a Communications Training Officer and as the elected Chair of the department's Communicator Committee; and

WHEREAS, Luis holds several certifications in emergency dispatch protocols for both medical and fire call taking and has sought additional training in Emergency Police Dispatch which has helped the department make decisions involving the implementation of a law protocol; and

WHEREAS, last September 19th Luis answered a 9-1-1 call from a citizen reporting that her husband had collapsed and was unresponsive, and Luis was able to talk the very distraught caller through life saving CPR instructions while reassuring her that help was on the way, and his efforts were directly linked to the eventual recovery of the 51-year-old patient.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors extends its gratitude to Communicator Luis Bixler for his dedication to duty in the service of the citizens of Dane County and congratulates him on the honor of being named the 2009 Wisconsin APCO/NENA Telecommunicator of the Year; and

BE IT FINALLY RESOLVED that a copy of this resolution be presented to Luis Bixler as a token of the esteem with which he is held by this Board and the people of Dane County.

Moved by Supervisor Bayrd, seconded by Supervisor Rusk, to adopt Res. 15. Motion carried unanimously.

RES. 16, 09-10

RECOGNIZING BROOM STREET THEATER ON ITS 40TH ANNIVERSARY

WHEREAS, Broom Street Theater has produced more original theater than any other theater in the United States, and the citizens of Madison have voted Broom Street Theater their favorite more frequently than any other theater; and

WHEREAS, Broom Street Theater has been instrumental in defending freedom of expression for all artists, and has dedicated itself to challenging the cultural and intellectual assumptions of its audiences through unique and diverse productions, while welcoming community members to become active in the creation of theater artworks, and

WHEREAS, Broom Street Theater has been using green energy to power its building since 2005; and

WHEREAS, on May 9th, Broom Street Theater marks its 40th anniversary as a visionary institution known for its support of original and experimental theater.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors recognizes Broom Street Theater on the occasion of its 40th anniversary; and

BE IT FINALLY RESOLVED that a copy of this resolution be presented to the Broom Street Theater Board of Directors.

Moved by Supervisor Hendrick, seconded by Supervisor Richmond, to adopt Res. 16. Motion carried unanimously.

H1N1 Flu Update

Dr. Thomas Schlenker, Director, Public Health, Madison & Dane County gave an update on the H1N1 Flu.

Report on County's Financial Situation

County Executive Kathleen Falk reported on the County's financial situation.

Collection of Flower Fund

A collection was made for the flower fund.

APPROVAL OF BILLS AND ACCOUNTS

Claims Recommended for Approval

1. Band Box Cleaners-Linen Service-BPHCC.....	\$11,080.80
2. CDW-Lefthand SAN-Information Management	\$77,460.00
3. CDW-Microsoft Licenses-Information Management.....	\$1,343,628.20
4. Dane County Sheriff-Civil Process Fees-District Attorney.....	\$15,533.50
5. Dane County Sheriff-Civil Process Fees-District Attorney.....	\$14,438.90
6. Dane County Sheriff-Civil Process Fees-District Attorney.....	\$13,899.80
7. Fidar Companies-Quarterly Life Cycle-Register of Deeds.....	\$21,000.00
8. Glowac Harris Madison-2009 Marketing & Advertising-Airport.....	\$10,184.25
9. Mercury Marine-Boat Motor-Sheriff	\$12,977.00
10. Pro Tech Monitoring-Dane Co Camp Mar 09-Sheriff.....	\$29,727.78
11. Tennant Sales-Conveyor Assembly-Alliant Energy Center	\$14,401.44
12. UW Extension-Education Support 1/1-6/30/09-Extension	\$44,526.00
13. WI Dept of Administration-March Fleet Expense-Land & Water.....	\$11,491.40
Subtotal	\$1,620,349.07

14. Blueprints Inc.-Plans For New Facility-Badger Prairie Health Care Center	\$10,272.67
15. Fabco Equipment-Engine & Generator Recondition/Overhaul-Public Wks/Solid Waste	\$16,885.21
16. Flex-O-Lite Inc.-Standard Highway Safety Marking Spheres-Highway	\$14,124.00
17. Force America Inc.-Hydraulics Repair-Highway	\$23,515.15
18. Graef-Professional Services Through 2/28/09-Highway	\$27,534.25
19. Kalscheur Implement Co.-Tractor Purchase-Highway.....	\$34,559.00
20. Madison City Treasurer-DC Narcotics & Gang Task Force Reimbursement-Sheriff	\$38,951.45
21. Montgomery Associates-Babcock & Tenney Park Analysis-Public Works	\$11,059.12
22. Rick's Lawn & Garden-2009 Lawn Care Contract-Airport	\$12,857.14
23. The Sherwin Williams Co.-Yellow Road Paint-Highway	\$20,388.50
24. The Sherwin Williams Co.-White Road Paint-Highway	\$19,692.75
25. Waupun Equipment Co.-Tractor Rental-Highway.....	<u>\$36,000.00</u>
Total	\$1,886,188.31

Moved by Supervisor Ferrell, seconded by Supervisor Gau, to adopt the above amended bills and accounts. Motion carried unanimously.

APPROVAL OF PROCEEDINGS

Moved by Supervisor Matano, seconded by Supervisor de Felice, to approve the Proceedings of the County Board meetings of April 2 & 23, 2009. Motion carried unanimously.

CONSENT CALENDAR

All items on the consent calendar were approved on a voice vote. (The text and committee recommendations for each of the items follow.)

RES. 286, 08-09

AUTHORIZING AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MADISON AND DANE COUNTY CREATING THE CITY-COUNTY HEALTH DEPARTMENT

The Board of Health for Madison and Dane County (BOHMDC) and the Department of Public Health for Madison and Dane County were created by an Intergovernmental Agreement (IGA) between the City of Madison and Dane County dated November 20, 2007.

The BOHMDC is in the process of adopting Bylaws consistent with the IGA for governance of its operation. While drafting Bylaws, the BOHMDC has determined that two provisions of the IGA are not consistent with its effective governance and operation. Specifically, those provisions of the IGA are as follows:

Art. VI, Para. A (2)(c)(3)c which states that "The board member's term shall be automatically terminated and a vacancy created upon his or her absence from three (3) consecutive meetings."

Art. VI, Para. A(5) states that "By majority vote of members present the BOHMDC shall elect officers on an annual basis."

The BOHMDC has adopted a Resolution requesting that the City of Madison and Dane County amend Art. VI, Para. A(2)(c)(3)c of the IGA, to provide greater flexibility for dealing with absences and providing for excused absences. The BOHMDC further requests that Art. VI, Para A(5) be amended to provide that a majority of the members appointed to the BOHMDC elect officers on an annual basis.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors authorizes an amendment to Art. VI, Para. A(2)(c)(3)c of the IGA, to state:

The chair of the Board shall report to the County Executive and Mayor each instance in which a member is absent without excuse from three of four consecutive meetings. The County Executive and Mayor shall take appropriate action to secure the attendance of such members including, in their discretion, requesting their resignation.

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors authorizes an amendment to Art. VI, Para. A(5) of the IGA, to state:

5. Officers. By majority vote of the members appointed, the BOHMDC shall elect officers on an annual basis. Elected officials of the City and County may not serve as Board Officers.

BE IT FURTHER RESOLVED, that these amendments shall be effective upon adoption of resolutions of both the City and the County, and the appropriate officers of each may then sign the amendments.

Health & Human Needs, and Executive Committees and Board of Health recommended adoption of Res. 286. Motion carried unanimously.

RES. 293, 08-09

APPROVING LEASE WITH ICE AGE PARK AND TRAIL FOUNDATION

The Ice Age Park and Trail Foundation (IAPTF) and the Dane County Parks Division desire to enter into an agreement to allow county employees and volunteers to access IAPTF lands to burn and otherwise assist in their maintenance.

It was agreed that a five-year revocable lease was the best vehicle to achieve that end while limiting each party's liability and protecting each party's rights. The lease provides for access by the county at a rental rate of \$1.00 per year for five years. The lease may be terminated by either party with a 30-day written notice.

NOW, THEREFORE, BE IT RESOLVED that the County of Dane does hereby approve and authorize the above-described lease with the Ice Age Park and Trail Foundation, and

BE IT FINALLY RESOLVED that the Dane County Clerk and the County Executive are hereby authorized to execute the lease on behalf of the County of Dane.

Environment, Agriculture, & Natural Resources, and Personnel & Finance Committees and Park Commission recommended adoption of Res. 293. Motion carried unanimously with Supervisor Veldran abstaining.

RES. 295, 08-09

AUTHORIZING GRANT APPLICATIONS TO THE WI DEPARTMENT OF NATURAL RESOURCES

Several grant programs administered by the WI Department of Natural Resources support acquisition and development costs for projects identified in the *Dane County Parks & Open Space Plan*. These programs include: the Knowles-Nelson Stewardship Program, the Lake Protection Program, the River Protection Program, the Land & Water Conservation Fund and the Recreational Trails Program. The Department of Land and Water Resources intends to apply for these funds in order to off set expenditures.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Supervisors and County Executive hereby authorize applications to the WI Department of Natural Resources for financial assistance for the following projects:

1. Stewart County Park Lake Improvements
2. Donald County Park Rustic Cabin Development
3. Lake Farm County Park Rustic Camping Development
4. Lake Farm County Park Bicycle Pedestrian Trail
5. Indian Springs Hiking Trail Bridge
6. Recharge Area for Frederick Springs Acquisition
7. Sugar River Natural Resource Area Acquisition
8. Potential South Central Recreation Park Acquisition
9. Ice Age Trail Acquisition
10. Black Earth Creek Natural Resource Area Acquisition
11. Brigham County Park Acquisition

BE IT FURTHER RESOLVED that the County Board of Supervisors and County Executive hereby authorize the Conservation Fund Manager, Parks Planner, Water Resources Planner and Acquisition & Planning Specialist to submit grant applications to the State of Wisconsin Department of Natural Resources, submit reimbursement claims along with necessary supporting documentation within 6 months of project completion, submit signed documents and take necessary action to undertake, direct and complete approved projects.

BE IT FINALLY RESOLVED that the County Board of Supervisors and County Executive recognize and acknowledge the long-term ownership and management responsibilities of the Stewardship, Lake Protection, River Protection, Land and Water Conservation Fund and Recreational Trails Programs, and will comply with all Stewardship, Lake Protection, River Protection, Land & Water Conservation Fund and Recreational Trails laws and regulations and will meet their obligations under any grant agreements for the projects, including the financial obligations under any grants.

Environment, Agriculture, & Natural Resources, and Personnel & Finance Committees and Park Commission recommended adoption of Res. 295. Motion carried unanimously.

REPORTS ON ZONING PETITIONS

PETITION 10029 - ZONING CHANGE IN THE TOWN OF PLEASANT SPRINGS - ZONING ORD. AMDT. 10029

Petition 10029 by John Julseth to change the zoning from the A-1 EX Exclusive Agricultural district to the RH-1 Rural Homes district on property located north of 2461 Tower Road in part of the NE ¼ of the SE ¼ - Section 14, Town of Pleasant Springs.

The Zoning & Land Regulations Committee recommends that Petition 10029 be granted as modified, subject to the Conditions below and includes the condition that a certified survey map and the Deed Restriction below be recorded within 90 days, and Zoning Ord. Amdt. 10029 be adopted. Motion carried unanimously.

Conditions:

1. The owner shall create a separate parcel for the proposed rezone area, and shall submit a Preliminary Certified Survey Map and a final Certified Survey Map for approval to the Town of Pleasant Springs and to Dane County, which, when approved, shall be recorded with the Dane County Register of Deeds.
2. The final Certified Survey Map approved by the Town Board and Dane County must be recorded with the Dane County Register of Deeds within ninety (90) days of County approval of the rezoning petition.
3. If the owner fails to record the final Certified Survey Map within the ninety (90) day time limit, the town and county shall place a stop work order on construction of the replacement residence.
4. The owner shall obtain a demolition permit for the existing dwelling on parcel #046-0611-144-8001-0 from town Building Inspector Kittleson, and this demolition shall be completed before issuance of any local building permit for a replacement residence.

Deed Restriction:

1. The balance of the A-1 exclusive land shall be deed restricted prohibiting further residential development.

PETITION 10033 - ZONING CHANGE IN THE TOWN OF WINDSOR - ZONING ORD. AMDT. 10033

Petition 10033 by William Schwartz to change the zoning from the R-3 Residential district to the R-4 Residential district on property located at 4429 Windsor Road in part of the NW ¼ of the SW ¼ - Section 29, Town of Windsor.

The Zoning & Land Regulations Committee recommends that Petition 10033 be granted as modified subject to the Condition below and includes the condition that a certified survey map be recorded within 90 days, and Zoning Ord. Amdt. 10033 be adopted. Motion carried unanimously.

Condition:

1. The certified survey map shall have minimum 12,000 sq. ft. lots.

PETITION 10037 - ZONING CHANGE IN THE TOWN OF DEERFIELD - ZONING ORD. AMDT. 10037

Petition 10037 by Dale Liebert to change the zoning from the A-1 EX Exclusive Agricultural district to the RH-1 Rural Homes district on property located at 3996 Oak Park Road in part of the SE ¼ of the SW ¼ - Section 17, Town of Deerfield.

The Zoning & Land Regulations Committee recommends that Petition 10037 be granted and includes the condition that a certified survey map be recorded within 90 days, and Zoning Ord. Amdt. 10037 be adopted. Motion carried unanimously.

ORDINANCES

ORD. AMDT. 24, 08-09

AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, INCORPORATING THE GRANDVIEW-FITCHRONA NEIGHBORHOOD PLAN INTO THE DANE COUNTY COMPREHENSIVE PLAN

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 82.55(29) is amended to read as follows:

82.55 INCORPORATION OF TOWN PLANS. The following town plans are incorporated into the Dane County Comprehensive Plan:

- (29) Town of Verona Comprehensive Plan, including:
 - (a) the Cross Country Neighborhood Plan;
 - (b) the Grandview-Fitchrona Neighborhood Plan; and
 - (c) all amendments adopted by the county board of supervisors as of [insert date of county board adoption of this amendment].

[EXPLANATION: This amendment adopts the Grandview-Fitchrona Neighborhood Plan amendment to the Town of Verona Comprehensive Plan and incorporates it into the Dane County Comprehensive Plan.]

NOTE: This proposed amendment was drafted and introduced to the County Board after introduction but before adoption of Ord. Amend. 18, 2008-2009, which adds the Cross Country Neighborhood Plan. This amendment was drafted as though the language of O.A. 18 has already been adopted, with the assumption that it will be adopted.

Zoning & Land Regulation, and Environment, Agriculture, & Natural Resources Committees recommended denial of Ord. Amdt. 24. Motion carried unanimously.

ORD. AMDT. 39, 08-09

AMENDING CHAPTERS 2, 11,12 AND 14 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING EROSION CONTROL PROVISIONS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 2.06(2) is amended to read as follows:

2.06 SCHEDULE OF DEPOSITS.

Sub. No.	Ordinance No.	Offense	Deposit
(2)	Ch. 11	Various violations of shoreland and flood plain regulations	+50.00 <u>400.00</u>

ARTICLE 3. Subsection 11.05(2) is amended to read as follows:

11.05 SHORELAND EROSION CONTROL.

(2) *Exemptions and waivers:*

(a) Shoreland erosion control permits are not required for:

1. soil conservation, stream and adjacent wetland protection and restoration practices such as terraces, run-off diversions, grassed waterways, cattle and equipment crossings, cattle watering access, water control structures, dikes, ditch plugs, tile breaks and sediment removal catchments, when construction is overseen by and implemented according to plans and designs approved by the Natural Resources Conservation Service or U.S. Fish & Wildlife Service of the U.S. Department of the Interior, Wisconsin Department of Natural Resources or the Dane County Land and Water Resources Department, provided that any such project involving land disturbing activity equal to or greater than one acre shall also comply with the performance standards in s. 14.50(3); and
2. tillage directly related to planting, growing and harvesting of agricultural or horticultural crops, including crop fields and gardens.

(b) The director may waive requirements for an engineer's stamp and allow for the use of a simplified erosion control checklist if the project meets all of the following criteria:

- ~~1. The project results in no change to existing topography;~~
- ~~2. The addition of impervious surface does not exceed 200 square feet;~~
- ~~3. The total area of disturbance does not exceed 500 square feet;~~
- ~~4. No work occurs within thirty-seven and one half (37.5) feet of the ordinary high water mark;~~
- ~~5. The slope of the land does not exceed six percent (6%); and~~
- ~~6. Soil will be exposed for less than 15 days.~~
1. There are no adverse stormwater or erosion impacts to adjacent properties.
2. Soil will be disturbed for less than 30 days.
3. Soil on slopes steeper than 6% will be disturbed for less than 15 days.
4. There is no soil disturbance within 15 feet of the ordinary high water mark.
5. Total area of soil disturbance will not exceed 1,000 square feet.
6. New impervious surfaces will not exceed 500 square feet.
7. There is minimal risk for erosion and stormwater impact to receiving waters.

(c) The director may waive requirements for an engineer's stamp ~~after a preliminary review if the project meets all of~~ if the following criteria are met:

- ~~1. There are no adverse stormwater or erosion impacts to adjacent properties;~~
- ~~2. Soil will be exposed for less than 30 days if slopes are less than 12 percent (12%);~~
- ~~3. Soil will be exposed for less than 15 days if slopes are 12% or greater;~~
- ~~4. No work occurs within 15 feet of the ordinary high water mark;~~
- ~~5. The addition of impervious surface does not exceed 500 square feet;~~
- ~~6. The total area of disturbance does not exceed 2,000 square feet; and~~
- ~~7. The project presents minimal risk for erosion and stormwater impact to receiving waters.~~

1. Soil disturbance will not exceed 60 days.
2. Soil disturbance on slopes steeper than 12% will not exceed 30 days.
3. Soil disturbance within 15 feet of the ordinary high water mark will not exceed 200 square feet.
4. Soil disturbance will not exceed 2,000 square feet.
5. New impervious surfaces will not exceed 1,000 square feet.

(d) The director may waive requirements for an engineer's stamp and allow for the use of a simplified erosion control checklist for agricultural waterway, ditch, and tile maintenance projects if soil disturbance lasts less than 30 days.

ARTICLE 4. Subsection 11.05(4)(b)3. is amended to read as follows:

11.05 SHORELAND EROSION CONTROL. (4) *Shoreland Erosion control permits and administration.*

(b) *Application materials.* The applicant must provide the following materials when applying for a permit:

3. An erosion control plan, stamped by a qualified professional engineer registered in the State of Wisconsin, that meets all of the requirements of s. 14.50, or if waived by the director under sub. (2)(b), a simplified checklist on a standard form approved by the department. All erosion control plans and simplified checklists shall include provisions for a stable outlet as described in s. 14.51(2)(d);

a. The requirement for a professional engineer's stamp shall not apply to permits for areas that are more than 300 feet from the ordinary high water mark of any lake or pond.

ARTICLE 5. Section 11.50 is created to read as follows:

11.50 PERMIT FEES. (1) For applications submitted under s. 11.05(2)(b) the fee shall be \$100.

(2) For applications submitted under s. 11.05(2)(c) the fee shall be \$200, plus \$.004 per square foot of disturbed area.

(3) The fee for all other applications under this chapter shall be \$400, plus \$.004 per square foot of disturbed area.

(4) Late filing fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(5) Municipal street and road projects are exempt from fees required in this section.

ARTICLE 6. Section 11.99 is amended to read as follows:

11.99 ENFORCEMENT AND PENALTIES. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the corporation counsel for prosecution. A violator shall, upon conviction, forfeit a penalty of not less than ~~\$25200~~ and not more than ~~\$200~~ \$1,000, together with the costs of such action. Each day of violation shall constitute a separate offense. Any violation of this ordinance may be enforced by injunctive order at the suit of the county.

ARTICLE 7. Subsection 12.05(10) is rescinded.

12.05 OTHER PERMIT AND REVIEW FEES.

~~(10) (a) When no structure is being built, the fee for an application for a shoreland erosion control permit shall be \$200.00, plus \$.004 per square foot of disturbed area.~~

~~(b) When a structure is being built or replaced, the fee for an application for a shoreland erosion control permit shall be \$400, plus \$.004 per square foot of disturbed area.~~

~~(c) The fee for projects receiving a waiver under s. 11.05(2)(b) shall be \$50, plus \$.004 per square foot of disturbed area.~~

~~(d) Late filing fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.~~

~~(e) Municipal street and road projects are exempt from fees required in this section.~~

ARTICLE 8. Subsection 14.41(5a) is created to read as follows:

14.41 DEFINITIONS. As used in subchapter II:

(5a) *Development* means any of the following activities:

(a) Structural development, including construction of a new building or other structure;

(b) Expansion or alteration of an existing structure that results in an increase in the ground surface dimensions of the building or structure;

(c) Land disturbing activities; or

(d) Creation or expansion of impervious surfaces.

ARTICLE 9. Subsection 14.41(22) is amended to read as follows:

14.41 DEFINITIONS. As used in subchapter II:

(22) *New development* means any of the following activities:

- (a) Structural development, including construction of a new building or other structures;
- ~~(b) Expansion or alteration of an existing structure that results in an increase in the surface dimensions of the building or structure;~~
- ~~(eb)~~ Land-disturbing activities; or
- ~~(ec)~~ Creation or expansion of impervious surface.

ARTICLE 10. Subsection 14.47(2) is amended to read as follows:

14.47 EXEMPTIONS AND CLARIFICATIONS.

(2) The following activities are exempt from the construction site erosion control provisions of sec. 14.45:

- (a) One- and two-family dwelling units regulated under the Wisconsin Uniform Dwelling Code. Land disturbing activities in excess of one (1) acre, or not associated with the construction of a dwelling, are not exempt from this chapter.
- (b) Projects specifically exempted from local erosion control ordinances under state or federal statute. It is the responsibility of the landowner to demonstrate such exemption with documentation acceptable to the local approval authority.
- (c) Projects subject to an approved shoreland erosion control permit under chapter 11.
- (d) Agricultural development with less than one acre of land disturbing activity, and not subject to s. 14.46(1m).
- (e) Municipal road or county highway projects not exempted under s. 14.47(2)(b) are exempt from s. 14.51(2)(c) where all of the following conditions are met:
 1. The purpose of the project is only to meet current state or federal design or safety guidelines;
 2. All activity takes place within existing public right-of-way;
 3. All other requirements of s. 14.51 are met; and
 4. The project does not include the addition of new driving lanes.

(f) Soil conservation, stream and adjacent wetland protection and restoration practices such as terraces, run-off diversions, grassed waterways, cattle and equipment crossings, cattle watering access, water control structures, dikes, ditch plugs, tile breaks and sediment removal catchments, when implemented according to plans and designs approved by the Natural Resources Conservation Service or U.S. Fish & Wildlife Service of the U.S. Department of the Interior, Wisconsin Department of Natural Resources or the Dane County Land and Water Resources Department, provided that any such project involving land disturbing activity equal to or greater than one (1) acre shall also comply with the performance standards in s. 14.50(3).

ARTICLE 11. Subsections 14.49(5)(e) and (f) are amended to read as follows:

14.49 EROSION AND STORMWATER CONTROL PERMITS AND ADMINISTRATION. (5) *Inspections*.

- (e) Within 10 days after installation of all practices in an approved stormwater management plan, the permittee shall notify the local approval authority and submit drawings documenting construction. ~~The person who designed the stormwater management plan for the permittee~~ A professional engineer shall submit as-built certification to ensure that constructed stormwater management practices and conveyance systems comply with the specifications included in the approved plans. At minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed. Other information shall be submitted as required by the local approval authority.
- (f) The local approval authority shall inspect the property to verify compliance within ~~40~~ 30 days of notification.

ARTICLE 12. Subsection 14.50(1)(r) is amended to read as follows:

14.50 EROSION CONTROL PLAN REQUIREMENTS. (1) *Plan materials*. Erosion control plans required under section 14.45 may include consideration of adjoining landowners' cooperative efforts to control transport of sediment and except as specifically exempted below, shall include at a minimum, the following information:

- (r) existing and proposed elevations (referenced to the ~~National Geodetic Vertical Datum of 1929~~ North American Vertical Datum of 1988, where available) and existing and proposed contours in the area, where deemed necessary;

ARTICLE 13. Subsection 14.50(2) is amended to read as follows:

14.50 EROSION CONTROL PLAN REQUIREMENTS.

(2) *Simplified plan checklist*. Applicants may submit erosion control proposals using simplified checklists of standard erosion control practices, on a standard form approved by the local approval authority, wherever all of the following conditions exist:

- (a) The site does not exceed 20,000 square feet in area; ~~and~~
- ~~(b) the slope of the land does not exceed six percent (6%);~~ Soil on slopes steeper than 6% will be disturbed for less than 15 days; and
- ~~(c) Soil on slopes less than 6% will be exposed for less than 6 months.~~

ARTICLE 14. Subsection 14.51(2)(c) is amended to read as follows:

14.51 STORMWATER MANAGEMENT PLAN REQUIREMENTS. (2) *Storm-water management performance standards.* Proposed design, suggested loca-tion and phased implementation of effective, practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:

(c) *Runoff rate control - hydrologic calculations.* All runoff calculations shall be according to the methodology described in the Natural Resources Conservation Service’s Technical Release 55, “Urban Hydrology for Small Watersheds” (commonly known as TR-55), or other methodology approved by the Dane County Conservationist. For agricultural land subject to this section, the maximum runoff curve number (RCN) used in such calculations shall be 51 for HSG A, 68 for hydrologic soil group B, 79 for HSG C, and ~~84~~ 83 for HSG D. The TR-55-specified curve numbers for other land uses shall be used. Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to pre-developed conditions, no permeability class modification is required.

ARTICLE 15. Subsection 14.51(2)(e)3. is amended to read as follows:

14.51 STORMWATER MANAGEMENT PLAN REQUIREMENTS. (2) *Storm-water management performance standards.* Proposed design, suggested loca-tion and phased implementation of effective, practicable stormwater management measures for plans shall be designed, engineered and implemented to achieve the following results:

(e) *Infiltration.*

3. *Pre-treatment.* Before infiltrating runoff, pre-treatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pre-treatment shall conform to the design standards in s. 14.53 and be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality.

ARTICLE 16. Subsection 14.55(2)(a) is amended to read as follows:

14.55 PERMIT FEES.

(2) (a) For areas under Dane County jurisdiction according to s. 14.44(2) and s. 14.44(3)(c) and (d), the erosion control and stormwater management permit fee shall be a ~~\$200~~ \$100 base fee for projects eligible for a simplified checklist under s. 14.50(2). The base fee for ~~all other projects shall be \$200~~ other projects subject to the erosion control requirements of s. 14.45 shall be \$200, and the base fee for projects subject to the stormwater management requirements of s. 14.46 shall be \$400.

[EXPLANATION: This amendment revises many of the erosion control provisions of Chapters 11 and 14 to achieve consistency between those chapters and with applicable state law. The amendment also increases the forfeiture range and deposit amount for violations of Chapter 11, to be consistent with Chapter 14 and moves the erosion control permit fees from Chapter 12 to Chapter 11.]

Environment, Agriculture, & Natural Resources Committee recommended adoption of Ord. Amdt. 39 with the following amendments: In Article 5. Section 11.50(2) Change \$.004 to \$.005 per square foot and in 11.50(3) change \$.004 to \$.005 per square foot of disturbed area.

Land Conservation Committee recommended adoption of Ord. Amdt. 39 as amended by Environment, Agriculture, & Natural Resources.

Moved by Supervisor Hulsey, seconded by Supervisor Matano to postpone action on Ord. Amdt. 39 to the next meeting. Motion carried unanimously.

AWARD OF CONTRACTS

RES. 258, 08-09

AUTHORIZING THE ACQUISITION OF LAND FROM THE LYMAN F. ANDERSON FAMILY

The Department of Land & Water Resources (LWRD) has negotiated the acquisition of land in the Town of Oregon owned by the family of Lyman F. Anderson. Anderson, who passed away in 2005, was a former County Board Supervisor and also served in the Wisconsin State Legislature. In his 28-year tenure on the County Board, Supervisor Anderson served on innumerable committees, boards and commissions and attended countless meetings. Many of his committee assignments reflected his interest and dedication to agricultural, natural resource, and land use issues.

The property will be acquired in partial response to the need identified in the *Dane County Parks & Open Space Plan* for additional recreational lands in the Oregon vicinity. LWRD strives to provide an even distribution of recreational opportunities throughout Dane County. Additionally, the property is located along a rail corridor that has been identified as a future regional bicycle and pedestrian trail that will connect to the Capital City State Trail.

The complete vision for the acquisition is up to 400 acres. However, the County will work with the family to purchase the land in phases. The first phase will be approximately 127 acres. LWRD has negotiated a purchase price of \$12,000 per acre, for a total cost of approximately \$1,524,000. The property appraised at \$20,000 per acre or \$2,540,000 total. The County will also

receive the option to purchase an additional approximate 207 acres. The cost to secure this option through December 31, 2010 will be \$10,000. The option may be extended through December 31, 2011 for an additional \$10,000. Funds for the purchase and option are available in the Conservation Fund.

Patricia Anderson, Lyman’s widow, also intends to make two charitable acts:

1. The establishment of an endowment for the purpose of planning, developing and maintaining the property. The endowment fund will be roughly equivalent to \$1,000 for every acre purchased by the County.
2. The donation of 60 acres that is currently operated as a quarry. This land may be donated to the County at the time that the quarry is mined out and reclaimed. LWRD intends to work closely with both the family and the quarry operator, Payne & Dolan, Inc., to incorporate an educational component regarding both the benefit of locally produced aggregate and the geological history of the property into plans for the property.

The lands, if purchased, will be managed under the authority of the Dane County Park Commission. The Park Commission looks forward to working with both the County Board and Anderson Family to establish an appropriate name for the property.

NOW THEREFORE BE IT RESOLVED, that the Dane County Board of Supervisors and the Dane County Executive hereby authorize the purchase of the approximately 127 acres from the Anderson Family (Patricia E. Anderson Living Trust/ Lyman F. Anderson Family Trust) for \$12,000 per acre along with an option to purchase an additional 207 acres for \$10,000 (\$5,000 to the Patricia E. Anderson Living Trust/Lyman F. Anderson Family Trust and \$5,000 to Jerry Anderson and Lynette Anderson) according to Wis. Stats. Chapter 27.05(3).

BE IT FURTHER RESOLVED that the County Board authorizes this purchase in advance of the 2009 annual borrowing.

BE IT FINALLY RESOLVED, that the Dane County Real Estate Officer or Conservation Fund Manager are authorized to administer the closing and the transfer of the above-mentioned rights to Dane County and the Controller is authorized to issue checks necessary to effectuate the transactions.

Public Works and Transportation, Environment, Agriculture, & Natural Resources, and Personnel & Finance Committees and Park Commission recommended adoption of Res. 258.

Bill White of Madison representing Patricia Anderson spoke in support of Res. 258
Patricia Anderson of Oregon registered in support of Res. 258
Lynette Anderson of Oregon registered in support of Res. 258

Moved by Supervisor Hulsey, seconded by Supervisor DeSmidt to re-refer Res. 258 to Personnel & Finance Committee. Motion carried unanimously.

RES. 284, 08-09

AUTHORIZING EMPLOYMENT AGREEMENT FOR DIRECTOR OF PUBLIC SAFETY COMMUNICATIONS CENTER (JOHN DEJUNG)

A candidate has been selected to serve as the director of the public safety communications center. Consistent with the budget, county ordinances, and existing practice for employment contracts, a contract has been negotiated with John Dejung. This contract is similar to contracts negotiated with other department heads.

NOW, THEREFORE, BE IT RESOLVED that the county executive is hereby authorized to execute, on behalf of the County of Dane, an employment contract with John Dejung to serve as director of the public safety communications center for a five-year period ending May 23, 2014, at a beginning base salary of \$120,000.00.

Public Protection & Judiciary, and Personnel & Finance Committees recommended adoption of Res. 284. Roll call requested:

AYES: 25 – Bayrd, de Felice, DeSmidt, Downing, Erickson, Hampton, Hendrick, Hulsey, Kostelic, Levin, Manning, Matano, Miles, O’Loughlin, Opitz, Richmond, Rusk, Schmidt, Solberg, Stoebig, Stubbs, Vedder, Veldran, Wheeler, and McDonell.

NOES: 7 – Bruskewitz, Ferrell, Gau, Ripp, Salov, Schlicht, and Wiganowsky.

ABSENT: 5 – Hesselbein, Jensen, Martz, Vogel, and Willett.

Motion carried.

RES. 296, 08-09

AWARD OF CONTRACT FOR TENANT IMPROVEMENTS 1st & 3rd FLOOR - CCB

Executive, Public Works and Transportation, and Personnel & Finance Committees recommended adoption of Sub. 1 to Res. 296.

Sub. 1 to RES. 296, 08-09

AWARD OF CONTRACT FOR TENANT IMPROVEMENTS 1st & 3rd FLOOR - CCB

The Department of Public Works, Highway & Transportation reports the receipt of bids for the Tenant Improvements on the 1st & 3rd Floor of the City-County Building, 210 Martin Luther King, Jr. Blvd., Madison, WI, Bid No. 309001.

A complete tabulation is on file at the Department of Public Works office. The low qualified bidder is:

Miron Construction Company, Inc.
1471 McMahon Drive
Neenah, WI 54956

Base Bid:	\$465,261.00
Alt. Bid 1:	<u>\$ 29,417.00</u>
TOTAL AMOUNT	\$494,678.00

The Public Works staff finds the amount to be reasonable and recommends the bid be awarded to Miron Construction Company, Inc.

NOW, THEREFORE, BE IT RESOLVED that a Contract be awarded to Miron Construction Co., Inc. in the amount of \$494,678.00; and

BE IT FURTHER RESOLVED that the County Executive and the County Clerk be authorized and directed to sign the Contract; and

BE IT FURTHER RESOLVED that the Department of Public Works, Highway & Transportation be directed to ensure complete performance of the Contract; and

BE IT FINALLY RESOLVED that the Public Works & Transportation Committee shall approve all change orders to the Contract, subject to submission of change orders to the County Board for approval where the sum involves \$20,000 or more than 10% of the original approved Contract amount, whichever is smaller.

Moved by Supervisor Matano, seconded by Supervisor Hendrick to re-refer Res. 296 to Personnel & Finance Committee. Motion carried unanimously.

RESOLUTIONS

RES. 294, 08-09

APPROVING BILLBOARD LEASE ON COUNTY LAND

When Dane County purchased the former Sunnyside property in the Town of Middleton, it was subject to a multi-year lease to a billboard company. That lease ended December 31, 2008, but weather and soil conditions prevented the lessee from removing the billboards timely. The lessee requested an extension of the lease for the current year, and Land Acquisition Division stipulated that any extension would be for no more than one year and that the billboards would have to be removed at the end of the current year.

Following is a lease for 1 year, commencing January 1, 2009.

Black Earth Creek Natural Resource Area – Town of Middleton
\$ 11,307.71 for one year
Lessee: The Lamar Companies

The revenue from this lease is to be included in the 2009 Land and Water Resources budget in Account LWRPKOP 84915.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors and the Dane County Executive and County Clerk be authorized to execute the lease contract set forth above.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the payment of the lease contract be accepted as revenue in the 2009 Land and Water Resources budget as set forth above.

BE IT FINALLY RESOLVED that the Conservation Fund Manager be authorized to act as the County's representative in administering the lease.

Public Works and Transportation, Environment, Agriculture, & Natural Resources, and Personnel & Finance Committees and Park Commission recommended adoption of Res. 294. Motion carried with Supervisor Hendrick voting no.

RES. 300, 08-09

URGING EQUITABLE FUNDING FOR LONG TERM CARE

Frail elderly and adults with physical or developmental disabilities in Dane County are currently eligible for community-based services under the state-funded Community Options Program (COP) and the federal, state and county-funded MA-Waiver Programs as an alternative to traditional nursing home care. An estimated 1,850 adults in Dane County receive services through these COP and MA-Waiver programs at a cost of about \$80 million.

Since start-up of the COP and MA-Waiver Programs more than 20 years ago, some counties including Dane increasingly added local funding to these waiver programs to provide better services and reduce waiting lists. Statewide, county contributions to adult long term care services totaled approximately \$100 million in 2006. Referred to as the "overmatch", an estimated \$19.5 million in mostly county tax levy was allocated in 2006 in Dane County as the required match for federal Medicaid dollars to serve adults with developmental disabilities, by far the largest single county investment in Wisconsin.

In 1997, the State of Wisconsin initiated on a pilot basis a capitated rate, managed long term care program for frail elders and adults with physical and developmental disabilities, called Family Care. The state's goal is to replace COP and the various MA-Waiver Programs and provide an entitlement to long term care in Wisconsin that would eliminate current waiting lists and combine current levels of county, state and federal funding to accomplish this task. Currently, the Wisconsin Department of Health Services (DHS) intends to phase-in Family Care implementation on a statewide basis over a five-year period. To accomplish this, state law requires each county, beginning on the date of entry into Family Care, to return its current local "overmatch" to the state.

The disparity in the amount of county investment for long term care statewide has been a significant issue for many counties, especially Dane County. To assuage these county concerns, state law was revised to gradually lessen this local impact over a five-year period through a state "buy down" of the county contribution to eventually equal 22% of a county's Community Aids allocation. Thus, Dane County would continue to return about \$3.9 million to the state for Family Care after year-five following program start-up, barring any legislative change to the contrary.

In the Governor's proposed biennial budget, Dane County is expected to begin Family Care enrollment on January 1, 2011 at which time we will forfeit an estimated \$19.5 million to the state. Three major issues must be resolved as Dane County negotiates its participation in Family Care:

- Dane County must backfill the funding gaps created by the take-away of our current county tax levy and local revenue support for long term care services, including funding for Madison Metro for paratransit services. Start-up of Family Care in Dane County will also mean the loss of Medicaid waiver administrative revenues that currently support many areas of the County Human Services Department, including portions of management salaries that help to support current COP and MA-Waiver programs.
- Dane County needs reimbursement for the initial costs to establish the required Aging and Disability Resource Center (ADRC) and sufficient continuing operating support. Prior to participation in Family Care, Dane County will be required to reorganize many elements of County Human Services Department and to contract for many currently provided county government functions to establish an Aging and Disability Resource Center (ADRC). As part of its Family Care planning efforts, Dane County has estimated preliminary start-up funds for an ADRC of \$367,000. Reports from existing ADRCs have indicated insufficient state funding allocations for start-up and continuing support of these critical operations.
- Dane County needs reimbursement for start-up costs if the county chooses to operate the required Care Management Organization. The Dane County Developmental Disabilities Coalition strongly supports and recommends that Dane County should operate the required Care Management Organization (CMO) under Family Care rather than relinquish this responsibility to a private entity. As part of its planning efforts, the Dane County Human Services Department has projected as much as \$8.4 million in start-up costs if we decide to administer a Family Care CMO on our own.

Lastly, while Dane County continues to devote resources for planning Family Care participation, the county is severely impacted financially by other state biennial budget proposals that impair the quality of long term care support services. One such proposal relates to the higher Medicaid reimbursement levels available to states under the American Reinvestment and Recovery Act. Currently, the Wisconsin Department of Health Services has proposed to prohibit counties, such as Dane, from receiving the higher federal MA reimbursement rates for long term care programs, such as the CIP 1B and Brain Injury local match programs, in which the county is the sole source of the required non-federal match for receiving Medicaid reimbursement. Although Dane County provides the non-federal match for these programs as well as an additional local contribution for other programs, the state would retain the increased federal MA reimbursement rather than passing it on to the level of government providing the service. This proposal has an estimated \$4 million fiscal impact on Dane County.

NOW, THEREFORE, BE IT RESOLVED, that the Dane County Board of Supervisors requests the Governor and Wisconsin Legislature to extend higher federal MA reimbursement rates under the federal economic stimulus package to current county-administered long term care MA waiver programs where county revenues comprise the non-federal match; and

BE IT FURTHER RESOLVED, that the Dane County Board of Supervisors requests the Governor and Wisconsin Legislature, as part of the 2009-2011 biennial budget, to freeze further county participation in Family Care until the state can fully fund county program start-up costs and find more equitable ways of funding Family Care without penalizing counties, such as Dane, for the substantial financial commitment and innovative approaches already taken to meet the long term care needs of its residents; and

BE IT FINALLY RESOLVED, that a copy of this resolution be sent to Governor James Doyle and members of Dane County's state legislative delegation, and members of the Joint Finance Committee.

Executive Committee recommended adoption of Res. 300 with the following amendment:

Amend fifth paragraph, third bullet item to read as follows:

"Dane County needs reimbursement for start-up costs. As part of its planning efforts, the Dane County Human Services Department has projected as much as \$8.4 million in start-up costs if it administers a Family Care CMO."

Health & Human Needs Committee recommended adoption of Res. 300 as amended by Executive Committee.

The following spoke in opposition to Res. 300:

Paul H. Kusuda of Madison representing Dane County SOS Senior Council
Tom Frazier of Middleton representing Coalition of WI Aging Groups

The following spoke in support of Res. 300:

Kim Turner of Madison, representing Developmental Disabilities Coalition of Dane County

The following registered in support of Res. 300.

Chris Sarbacker of Madison
Charlotte Holzman of Madison representing Dane County SOS Senior Council.
JoAnn Russell of Fitchburg
Kevin Keisling of Oregon
Summer Wilker of Madison

The question before the Board was adoption of Res. 300 as amended. Motion carried.

RES. 13, 09-10

UPDATING DANE COUNTY PRIVACY POLICY CONCERNING ACCESS TO COUNTY SERVICES

It is the policy of Dane County to promote the utilization of its services by all who are entitled to and in need of them; and

Individuals should know that they may seek and obtain the assistance of county agencies regardless of personal or private attributes, without negative consequences to their personal lives; and

Obtaining pertinent information, which is essential to the performance of a wide variety of governmental functions, may in some cases be difficult or impossible if some expectation of confidentiality is not preserved, and preserving confidentiality in turn requires that governments regulate the use of such information by their employees; and

In furtherance of this policy, confidential information in the possession of county agencies relating to immigration status or other personal or private attributes should be disclosed only as provided herein;

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby approves the following privacy policy regarding individuals seeking access to county services:

Section 1. As used herein, "confidential information" means any information obtained and maintained by a county department or agency relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status, and shall include all information contained in any individual's income tax records.

Section 2. No county officer or employee shall disclose confidential information, unless

- (a) such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or
- (b) such disclosure is required by law; or
- (c) such disclosure is to another county officer or employee and is necessary to fulfill the purpose or achieve the mission of any county department or agency; or
- (d) in the case of confidential information other than information relating to immigration status, such disclosure is necessary to fulfill the purpose or achieve the mission of any county department or agency; or
- (e) in the case of information relating to immigration status, (i) the individual to whom such information pertains is suspected by such officer or employee or such officer's or employee's agency of engaging in criminal activity other than mere status as an undocumented alien or (ii) the dissemination of such information is necessary to apprehend a person suspected of engaging in criminal activity, other than mere status as an undocumented alien or (iii) such disclosure is necessary in furtherance of an investigation of potential terrorist activity.

County departments and agencies shall promulgate such rules as may be appropriate to detail circumstances in which confidential information may or may not be disclosed pursuant to this policy. Any county officer or employee other than law enforcement officers with a question relating to the disclosure of confidential information under this section shall consult with the Corporation Counsel.

Section 3. Information regarding immigration status.

- (a) A county officer or employee, other than law enforcement officers, shall not inquire about a person's immigration status unless:
 - (1) Such person's immigration status is necessary for determination of program, service or benefit eligibility or the provision of county services; or
 - (2) Such officer or employee is required by law to inquire about such person's immigration status.
- (b) Law Enforcement Officers.
 - (1) For purposes of this subsection, "criminal activity" means unlawful activity other than status as an undocumented alien.
 - (2) Law enforcement officers shall not disclose any and all information relating to a person's immigration status unless such disclosure is mandated by law.
 - (3) Law enforcement officers shall continue to cooperate with federal authorities in their investigation of criminal activity when requested, unless such cooperation is prohibited by Section 3(b)(2) of this resolution.
 - (4) Law enforcement officers and other employees shall not inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.

Kathy Walsh of Madison spoke in support of Res. 13
Steve Books of Mt. Horeb registered in support of Res. 13

Public Protection and Judiciary recommended Res. 13 be indefinitely postponed, therefore it was not before the Board.

RES. 14, 09-10

CREATING THE DANE COUNTY IMMIGRATION TASK FORCE

It is the policy of Dane County to promote the use of its services by all who are entitled to and in need of them. Individuals may seek and obtain the assistance of county agencies regardless of personal or private attributes, without negative consequences to their personal lives.

Obtaining pertinent information, which is essential to the performance of a wide variety of governmental functions, may be difficult or impossible if some expectation of confidentiality is not preserved. Preserving confidentiality requires that governments regulate the use of confidential information by their employees. In September 2004, the Dane County Board of Supervisors adopted Res. 65, 04-05, "Dane County Privacy Policy Concerning Access to County Services," which defined confidential information and specified that county employees not disclose such information except in certain situations.

Concern remains among community members regarding disclosure of confidential information, particularly immigration status, to law enforcement officers. According to the Sheriff's Office, individuals removed by the United States Immigration and Customs Enforcement (ICE) generally committed serious offenses. Of the 14,142 bookings into the Dane County jail during 2008, there were 315 instances where the individual was not a U.S. citizen and notification was sent to ICE. ICE placed a hold

on a third of these individuals (105), and in 75 cases ICE removed the individuals from the Dane County jail. The majority were removed as a result of a Statute crime, such as dealing drugs, theft, or domestic violence, or as a result of repeated drunk driving.

The National Association of Counties (NACo) currently has an initiative to encourage counties to engage in a civil dialogue on immigration. The president of NACo has made immigration issues a priority and hopes counties can build consensus on the local level.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby emphasizes that it is the county’s policy on privacy not to disclose “confidential information” including immigration status, for individuals seeking access to county services, including those who are victims or witnesses of crime, are involved in traffic stops, or are seeking public health services or other services.

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors hereby establishes the Dane County Immigration Task Force.

BE IT FURTHER RESOLVED that the task force shall have nine members representing the range of community interest including members of the immigrant community and faith community, as well as representatives of the criminal justice system, schools, and public health, appointed by the County Board Chair.

BE IT FURTHER RESOLVED that the task force shall have the following duties and mission:

- Insure that Dane County complies with the federal requirements of U.S. Immigration and Customs Enforcement.
- Improve relations between Dane County law enforcement and the immigrant community; and
- Work with the National Association of Counties to identify examples from other counties throughout the country regarding approaches to improve relations between the criminal justice system and the immigrant community.

BE IT FINALLY RESOLVED that Office of the Corporation Counsel shall provide administrative and technical support for the task force.

The following spoke in support of Res. 14:

- Kathleen O. Walsh of Madison
- Steve Books of Mt. Horeb
- Jonathon Hawkins of Madison

The following registered in support of Res. 14.

- Jacque Pokorney of Monona representing Progressive Dane

The following spoke in opposition of Res. 14:

- Alex Gillis representing Immigrant Workers Union
- Marisol Gonzalez
- Samir Jaber of Madison
- Laurie Mlatawou of Madison
- David Alvarado of Madison

The following registered to speak in opposition of Res. 14, but did not speak:

- Sochil Enciso Lopez of Madison

The following registered in opposition of Res. 14:

- Jorge F. Rodriguez of Madison
- David L. Williams of Madison
- Pat Di Blase of Madison
- Allen Ruff of Madison
- Anna Slate of Madison
- Sara Lyons of Madison
- Victor Rojas
- Yvonne Geerts of Madison
- Summer Wilker of Madison
- Esmeralda Rodriguez of Madison
- Adam Breihan of Madison
- Sofia Snow of Madison
- Dominique Chestand of Madison
- Kyle Szarzynski of Madison
- Genya Erling of Madison
- Danez Smith of Madison

Brandon Glamann of Madison
Jan Van Tol of Madison
Samuel B. Stevenson of Madison
Eugenia Highland of Madison
Laura Randall of Madison
Rosalita Mendoza of Madison
Blaine White of Madison
Ovidio Rojas of Madison
Cydney Edwards of Madison
Katrina Flores of Madison
Adam Porton of Madison
Karl Iglesias of Madison
Muhammad Sankeri of Madison
Jehad Algharabli of Madison representing Justice for Palestine UW student group
Yared Torres
Ted Voth Jr of Madison
Alida Cardos Whaley of Madison
Yosenna Lepe-Ortiz of Madison
Michael Johnson of Madison
Anne Chacon of Madison

Public Protection & Judiciary Committee recommended adoption of Res. 14.

Moved by Supervisor Stoebig, seconded by Supervisor Hulseley to amend Res. 14 as follows:

Insert the following before the final resolved clause: "Be it further resolved that the task force report its findings and recommendations to the Dane County Board of Supervisors no later than November 1, 2009."

Moved by Supervisor Vedder, seconded by Supervisor Hendrick to amend the Stoebig amendment to read: "no later than September 15th" Roll call requested:

AYES: 10 – Downing, Erickson, Hendrick, Hulseley, Manning, Matano, Richmond, Stoebig, Vedder, and McDonell.

NOES: 19 – Bayrd, Bruskevitz, de Felice, DeSmidt, Ferrell, Gau, Hampton, Kostelic, Levin, Miles, O'Loughlin, Opitz, Ripp, Rusk, Salov, Stubbs, Veldran, Wheeler, and Wiganowsky.

ABSENT: 8 – Hesselbein, Jensen, Martz, Schlicht, Schmidt, Solberg, Vogel, and Willett.

Motion failed.

Supervisor Miles offered the following friendly amendment to the Stoebig amendment: insert "initial" instead of "its." Supervisors Stoebig and Hulseley accepted the friendly amendment. Roll call requested:

AYES: 26 – Bayrd, Bruskevitz, de Felice, DeSmidt, Downing, Erickson, Ferrell, Hampton, Hendrick, Hulseley, Levin, Manning, Matano, Miles, O'Loughlin, Opitz, Richmond, Ripp, Rusk, Salov, Stoebig, Stubbs, Vedder, Veldran, Wheeler, and McDonell.

NOES: 3 – Gau, Kostelic, and Wiganowsky.

ABSENT: 8 – Hesselbein, Jensen, Martz, Schlicht, Schmidt, Solberg, Vogel, and Willett.

Motion carried.

The question before the Board was approval of Res. 14 as amended.

Moved by Supervisor Levin, seconded by Supervisor Bayrd to strike the original amendment. Roll call requested:

AYES: 15 – Bayrd, de Felice, DeSmidt, Hendrick, Hulseley, Levin, Manning, Matano, Richmond, Stoebig, Stubbs, Vedder, Veldran, Wheeler, and McDonell.

NOES: 13 – Bruskevitz, Downing, Ferrell, Gau, Hampton, Kostelic, Miles, O'Loughlin, Opitz, Ripp, Rusk, Salov, and Wiganowsky.

ABSENT: 9 – Erickson, Hesselbein, Jensen, Martz, Schlicht, Schmidt, Solberg, Vogel, and Willett.

Motion carried.

The question before the Board was approval of Res. 14 (original resolution) as amended by Supervisor Levin. Motion carried.

ADJOURNMENT

Moved by Supervisor Opitz, seconded by Supervisor Ferrell, to adjourn to Thursday, May 21, 2009, at 7:00 p.m., or at the call of the Chair. Motion carried unanimously at 10:17 p.m. Subsequent to adjournment, Chair McDonell referred the following matters:

- Ord. Amdt. 2, 09-10 – Amending Ch. 75, Regarding Lots Exempt from the Requirement of a Subdivision Plat or Certified Survey Map. Submitted by Supervisors Vogel and Hendrick. Referred to ZONING/LAND REGULATION.
- Ord. Amdt. 3, 09-10 – Amending Ch. 17, Regarding Official Map Revisions Incorporating a Dam Failure Analysis Approved by the WDNR for across Moen Creek in Stewart Park. Submitted by Supervisors Miles, and Gau. Referred to ZONING/LAND REGULATION.
- Res. 12, 09-10 – Authorizing Employment Agreement for Director of the Department of Administration (Travis Myren). Submitted by Supervisor McDonell. Referred to PERSONNEL/FINANCE
- Res. 13, 09-10 – Updating Dane County Privacy Policy Concerning Access to County Services. Submitted by Supervisors Hendrick, McDonell, and Richmond. Referred to PUBLIC PROTECTION/JUDICIARY.
- Res. 14, 09-10 – Creating the Dane County Immigration Task Force. Submitted by Supervisor McDonell. Referred to PUBLIC PROTECTION/JUDICIARY.
- Res. 17, 09-10 – Buy Local, Buy American with Economic Recovery Funds. Submitted by Supervisors Miles, Gau, Downing, Wheeler, Solberg, Levin, Rusk, Salov, Hendrick, Vedder, Erickson, Stoebig, O’Loughlin, Ferrell, Richmond, Wiganowsky, DeSmidt, Schlicht, Manning, Stubbs, de Felice, Opitz, Hampton, Schmidt, Hulsey and Veldran. Referred to PERSONNEL/FINANCE.
- Res. 18, 09-10 – Supporting Legislation Regarding Loans For Energy Efficiency Improvements. Submitted by Supervisors McDonell, Downing, Schmidt, Veldran, Ripp, Erickson, Vedder, Hulsey, Gau, Salov, de Felice, Hendrick, Opitz, Richmond, O’Loughlin, and Stoebig. Referred to EXECUTIVE.
- Res. 19, 09-10 – Change Order for Stewart Lake Shoreline Dredge. Submitted by Supervisors Opitz, Veldran, Schmidt, Downing, Wiganowsky, and Gau. Referred to PERSONNEL/FINANCE, and PUBLIC WORKS/TRANSPORTATION.
- Res. 20, 09-10 – Approving Short-Term Lease for Interim Space During Job Center Remodeling. Submitted by Supervisors Vedder, Levin, Wheeler, and Bruskevitz. Referred to HEALTH/HUMAN NEEDS, PERSONNEL/FINANCE, and PUBLIC WORKS/TRANSPORTATION.
- Res. 21, 09-10 – Providing Support for Town of Vienna High Water Relief. Submitted by Supervisors Ripp, O’Loughlin, Gau, and Opitz. Referred to PERSONNEL/FINANCE, PUBLIC PROTECTION/JUDICIARY, and PUBLIC WORKS/TRANSPORTATION.
- Claim from AT&T against Public Works for damage to vehicle caused by plow truck. Referred to PUBLIC PROTECTION/JUDICIARY.
- Notice of Entry of Order US Bank vs. Aimee K. Haas. Referred to PUBLIC PROTECTION/JUDICIARY.
- Claim from Cammie Tracy against Sheriff for damage to property. Referred to PUBLIC PROTECTION/JUDICIARY.
- Forest County – Resolution Opposing the Governor’s Proposed Changes to Insurance Laws and 2009 Senate Bill 20. Referred to EXECUTIVE.
- Chippewa County Resolution 9-09 – Requesting that the State of Wisconsin Department of Corrections Increase Reimbursement Payments for State Probation and Parole Prisoners Held in the Chippewa County Jail. Referred to EXECUTIVE.