

## **AGENDA**

Eau Claire County

### **• Committee on Administration •**

Tuesday, March 14, 2017

**4:30 p.m.**

Courthouse - **Room #1273**  
721 Oxford Avenue • Eau Claire, WI

1. Call to Order
2. Public Comment
3. Review/Approval of Committee Minutes – Discussion/Action ( pgs . 2 – 3 )  
- February 10, 2017
4. Veterans Tribute Trial Update – Adam K. – Discussion/Action
5. CDBG and Regional Business Fund Update – Discussion ( pgs 4 – 6 )
  - a. Eau Claire County as an entitlement community
  - b. Existing County funds
6. Broadband Forward – Community Model Ordinance - Discussion ( pgs . 7 – 12 )
7. County Board Tablet Devices – Discussion
8. Major Software Applications Planning – Discussion/Action
9. Strategic Plan Goal Review – Josh Pedersen – Discussion/Action ( pgs . 13 – 14 )
10. Proposed Ordinance 16-17/107 – County Code Title 1 Updates – Discussion/Action ( pgs . 15 – 22 )
11. Proposed Ordinance 16-17/106 – County Code Chapter 2.48, 2.50, 2.73 and 2.87 Updates – Discussion/Action ( pgs . 23 – 25 )
12. Proposed Resolution 16-17/079 – County Housing Agreement – Discussion/Action ( pgs . 26 – 33 )
13. Proposed Resolution 16-17/109 - Supporting Efforts to Close Commercial Property Assessment Loopholes – Discussion/Action ( pgs . 34 – 35 )
14. Future Meeting Dates – Discussion/Action
15. Adjourn

Post: 3/9/17 Media, Committee Members, Kathy Schauf, Adam Kohls, Dave Hayden, Josh Pedersen, Keith Zehms

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 8394710 (FAX) 8391669 or (TDD) 8394735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703.

## **MINUTES**

Eau Claire County

### **• Committee on Administration •**

Tuesday, February 10, 2017

1:30 p.m.

Courthouse - Room #1273

721 Oxford Avenue • Eau Claire, WI

Members Present: Gregg Moore, Colleen Bates, Kathy Clark and Mark Beckfield

Members Absent: Jerry Wilkie

Staff Present: Kathryn Schauf, County Administrator; Matt Theisen, Facilities Director; Keith Zehms, Corporation Counsel and Angie Harmon

Chairman Moore called the meeting to order at 4:32 p.m.

#### Review/Approval of Committee Minutes / Discussion-Action

- January 10, 2017

**ACTION:** Supervisor Beckfield made a motion to approve January 10, 2017 minutes as presented. Motion carried, 4-0.

#### Public Comment

None

#### Proposed Ordinance #16-17/096 - To Amend Section 2.12.140 B. of the Code: Medical Examiner System – Discussion/Action

The proposed ordinance was drafted to align with the annual US CPI percentage adjustment for medical examiner fees.

Gregg made a suggestion to review how the code is written so that it would comply with the annual increase and wouldn't need to be brought to committee every year. Keith will review and provide a draft before the next annual percentage increase.

**ACTION:** Supervisor Clark made a motion to approve the proposed ordinance as presented. Motion carried, 4-0.

#### Reform Commission Report – Informational Purposes - Discussion

The committee members were provided with a copy of the report for informational purposes only. It was recommended the report be forwarded to the full county board.

#### Legislative Breakfast – Discussion

The Eau Claire County Legislative Breakfast has been scheduled for Monday, March 20<sup>th</sup> beginning at 7:00 AM. The panel will be informed that that the items for discussion will be taken from the state biennial budget.

Board, Commissions, Council Appointments – Discussion/Action

- *City – County Board of Health*

John Paddock is vacating his membership on the City-County Board of Health. Applicants for the vacancy were shared with Lieske Giese and the BOH chair. The members discussed the three applicants. The committee recommended Joan Berlin for the appointment to the Board of Health.

- *Woodland Enhanced*

Nick Smiar would like to step down from the committee. Gregg recommended appointing Kim Cronk to the committee to replace Nick and the committee agreed.

Supervisor Per Diem Reimbursement – Discussion/Action

Kim Cronk attended the Woodland Enhanced meeting in place of Nick Smiar. Payment for per diem needs committee approval.

**ACTION:** Supervisor Beckfield made a motion to approve the per diem for Kim Cronk to attend the Woodland Enhanced meeting. Motion carried, 4-0.

Administrative Updates – Discussion/Action

- *Parking Lot Concerns*

Matt Theisen, Facilities Director, provided background on the government center parking lots concerns that have been brought to him by the public and staff. Matt will continue to monitor the lots. A future Facility Needs report will address these concerns.

- *Payroll Administration*

Kathryn and Jamie Gower, Human Resources Director, are working on dates to hold a Joint Committee meeting between the Human Resources and Finance & Budget Committees to discuss payroll administration and organizational structure.

- *WCA Legislative Exchange*

Kathryn and Gregg provided a brief summary of what the discussion was about at this weeks' Legislative Exchange in Madison. The biennial budget and transportation was a topic of discussion.

- *UW Extension Offices*

Dean Martin recently provided an announcement in regards to the UW Extension offices throughout the state.

The meeting was adjourned at 2:46 p.m. by unanimous consent.

Minutes respectfully submitted by,

Angie Harmon  
Committee Clerk

**Next meeting:** Tuesday, March 14<sup>th</sup> at 4:30 p.m.



## REGIONAL BUSINESS FUND, INC.

To: Dale Peters, City Manager, City of Eau Claire  
Kathryn Schauf, County Administrator, Eau Claire County

From: Tobi LeMahieu, Fund Manager, Regional Business Fund, Inc.

Re: Discontinuation of RBF Lending in the City of Eau Claire

Date: February 17, 2017

On September 17, 2008, the City of Eau Claire made a formal request to join the Regional Business Fund, Inc.'s (RBF) consolidated programs. The RBF Board of Directors voted on March 12, 2009 in favor of the request under a few conditions:

1. The City of Eau Claire's contribution would not be less than \$500,000. This could be contributed as a one-time lump sum or a combination of a \$350,000 initial contribution and the remaining \$150,000 contributed over the preceding two years.
2. The loan disbursements to businesses located in the City of Eau Claire were limited to an initial percentage of fund capitalization. This amount equated to approximately twice the City's contribution. The amount of allocations were applicable for two years and after two years, the effect of the City's inclusion was re-evaluated for consideration of future allocations. City of Eau Claire businesses were eligible for all RBF, Inc. programs.
3. The City of Eau Claire consented to comply with all existing program guidelines, policies, and requirements of the RBF, Inc. programs.

The City considered these conditions and had discussions with Eau Claire County regarding the \$500,000 contribution. The Eau Claire County Board of Supervisors, at its regular meeting on August 18, 2009, adopted a resolution authorizing the reallocation of \$150,000 from the County Revolving Loan Fund (administered by the Eau Claire Area Economic Development Corporation) to the Regional Business Fund. The County Industrial Development Agency (IDA) had previously met and recommended the County Board approve the resolution in order to match a pending \$350,000 City contribution.

The City of Eau Claire adopted a resolution on September 22, 2009 to approve allocating \$500,000 (\$350,000 from the City and \$150,000 from the County) to the RBF to allow City businesses access to all loan programs administered by the RBF.

ADMINISTERED BY:



800 WISCONSIN STREET • BUILDING D2-401 • MAIL BOX 9 • EAU CLAIRE, WI 54703-3606  
PHONE: 715.836.2918 • FAX: 715.836.2886 • EMAIL: [rbfinc@rbfinc.org](mailto:rbfinc@rbfinc.org) • WEBSITE: [www.rbfinc.org](http://www.rbfinc.org)

Funds were subsequently allocated to the RBF as follows:

11/9/2009	City of Eau Claire	\$350,000.00	Cash
1/8/2010	EC EDC	\$50,000.00	Cash
1/18/2010	EC EDC	\$50,000.00	Loan Assignment (Silvermine Stone)
7/13/2010	EC EDC	\$32,485.67	Loan Assignment (KingBuilt.com)
8/10/2010	EC EDC	\$17,514.33	Cash
	Total	\$500,000.00	

Several years after these initial actions were taken, at the March 12, 2015 RBF Board meeting, the Board agreed to amend the original agreement between the City of Eau Claire and RBF. The Board voted to remove the condition which limited the amount of disbursements to businesses in the City.

From July 11 to July 21, 2016, Lisa Marks, Administrator with the Division of Energy, Housing, and Community Resources at the Wisconsin Department of Administration (DOA), had an email exchange with Beth Waldhart, Fund Manager of the RBF at the time. The conversation was initiated by Ms. Marks in response to a newspaper article mentioning RBF lending in the City of Eau Claire. The conversation concluded with Ms. Marks forwarding Policy ED 01-2916 to Ms. Waldhart. ED 01-2016 acknowledged the use of RBF loan funds in the Community Development Block Grant (CDBG) entitlement community of the City of Eau Claire, but also went on to state that the RBF's ability to lend within the City of Eau Claire would expire upon the Department of Housing and Urban Development's (HUD) approval of the Rural Economic and Area Development Initiative (READI) program. Such approval occurred in late fall of 2016.

The READI program provides funds to the state's non-entitlement communities and offers a mechanism for the funds to become defederalized. READI is a new program and specifically requires that non-entitlement CDBG funds not be expended in entitlement communities. Ms. Marks' communication made it clear that RBF funds would be falling under these guidelines once the new program was approved.

The RBF Board met and discussed the issue at a Board meeting on February 9, 2017. The RBF Board voted to return the City of Eau Claire's \$350,000 in cash; assist Eau Claire County Area Economic Development Corporation with deciding the use of their \$150,000 portion of funds—keeping them within the RBF's Consolidated Fund or returning them; and to cease lending within the City of Eau Claire as of March 1, 2017 in order to comply with the direction given by DOA. The RBF Board felt it necessary to return funds and cease lending so as not to jeopardize the full Consolidated Fund. The RBF Board also gave staff direction to assist the City and County in developing similar programs which could be administered by City or RBF staff utilizing the removed funds (if desired by the City and/or County).

We regretfully provide this information to you. Please know that we will continue to monitor the situation and will be in touch should any policies change that might allow the City to rejoin the RBF loan pool in the future. Please contact me with any questions.

Sincerely,



Tobi LeMahieu  
Fund Manager

Cc: Mike Schatz, Economic Development Administrator, City of Eau Claire  
Luke Hanson, Executive Director, Eau Claire Area Economic Development Corporation  
Joel Kraemer, Board President, Regional Business Fund, Inc.  
Lynn Nelson, Executive Director, West Central Wisconsin Regional Planning  
Commission

Attachments:

- Wisconsin Department of Administration Policy ED 01-2016
- List of RBF loans to City of Eau Claire businesses

# Broadband Forward! Community Model Ordinance



Public Service Commission of Wisconsin  
610 North Whitney Way  
Madison, WI 53705

# **BROADBAND FORWARD! COMMUNITY MODEL ORDINANCE**

## Introduction

Broadband access is increasingly important to our economy, education and daily life. The state as a whole—citizens, governments, providers, schools and businesses—have an interest in expanding broadband access and usage in underserved areas of the state. The Public Service Commission of Wisconsin (Commission) has been authorized to certify communities as being “broadband ready” by issuing a Broadband Forward! Certification that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

Under Wis. Stat. § 196.504(4) a city, village town or county may apply to the Commission for certification as a Broadband Forward! Community. The Commission has prepared this Broadband Forward! Community Model Ordinance and application form to facilitate certification and statewide consistency. If a political subdivision adopts this model ordinance, or enacts its own ordinance and submits a certification that its ordinance meets the statutory criteria in Wis. Stat. § 196.504(5), it is eligible for Broadband Forward! Certification.

Enacting the Broadband Forward! Community Model Ordinance and obtaining Broadband Forward! Certification ensures the local unit of government has streamlined its administrative procedures by appointing a single point of contact for all matters relating to a broadband network project, adhering to a timely approval process, charging only reasonable fees for reviewing applications and issuing permits, imposing only reasonable conditions on a permit and not discriminating between telecommunications service providers.

The Commission also encourages communities seeking Broadband Forward! Certification to apply for Broadband Expansion Grants that are awarded annually. Further information about the Broadband Expansion Grant Program, including application materials, is available at: <http://psc.wi.gov/utilityinfo/tele/broadband/grants/bbGrantApplicationPage.htm>.

For further information about the application process for Broadband Forward! Certification or for any questions about the Broadband Forward! Community Model Ordinance, please contact Angie Dickison at [Angie.Dickison@wisconsin.gov](mailto:Angie.Dickison@wisconsin.gov) or (608) 267-9138.



BROADBAND FORWARD! COMMUNITY ORDINANCE

ORDINANCE NO. [ ]

An ordinance to create Chapter [ ]; relating to approval of broadband network projects.

*The [political subdivision] does enact as follows:*

**1 Chapter 1. Broadband Network Project Applications**

**2 SECTION 1. GENERAL PROVISIONS.**

**3 1.1 Purpose and policy.** The purpose of this chapter is to encourage the development of  
4 broadband access in the [political subdivision] by reducing administrative obstacles to broadband  
5 service providers and coordinating the review of applications to ensure such applications are  
6 timely processed. This chapter shall at all times be construed consistent with the aforestated  
7 purpose.

**8 1.2 Definitions.** In this chapter:

9 (1) “Applicant” means a person applying for a permit for a broadband network project.

10 (2) “Broadband network project” means the construction or deployment of wireline or  
11 wireless communications facilities to provide broadband communications services in the  
12 [political subdivision].

13 (3) “Permit” means any local permit, license, certificate, approval, registration, or similar  
14 form of approval required by policy, administrative rule, regulation, ordinance, or resolution with  
15 respect to a broadband network project.

16 (4) “Written” or “in writing” means information that is inscribed on a tangible medium or  
17 that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

**18 1.3 Point of contact.** The [political subdivision] shall appoint a single point of contact for all  
19 matters related to a broadband network project. The [political subdivision] shall provide on its

1 public website the contact information, including the e-mail address, for the point of contact  
2 authorized to receive a broadband network project application.

3 **SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS.** An applicant may sign and file all  
4 forms, applications and documentation related to a broadband network project electronically.

5 **SECTION 3. REVIEW OF APPLICATIONS.** Notwithstanding any other provision in the [political  
6 subdivision's] ordinances, resolutions, regulations, policies or practices to the contrary, the  
7 following process shall apply exclusively upon receiving a broadband network project  
8 application:

9 **3.1 Completeness review.** Upon receiving a broadband network project application the  
10 [political subdivision] shall:

11 (1) Determine whether an application is complete and notify the applicant of the  
12 determination by the [political subdivision] in writing within 10 calendar days of receiving an  
13 application. If the [political subdivision] does not notify the applicant in writing of its  
14 completeness determination within 10 calendar days of receiving the application, the application  
15 shall be considered complete.

16 (2) If the [political subdivision] determines that an application is not complete, the  
17 written notification to the applicant shall specify in detail the required information that is not  
18 complete. The applicant may resubmit an application as often as necessary until the application  
19 is complete.

20 **3.2 Approval or denial of complete applications.**

21 (1) Within 60 calendar days of receiving an application that is complete, or considered  
22 complete under sub. (1), the [political subdivision] shall approve or deny the application and  
23 provide the applicant written notification of the approval or denial. If the [political subdivision]

1 does not notify the applicant of its approval or denial within 60 calendar days of receiving a  
2 complete application, the application shall be considered approved and any required permit shall  
3 be considered issued.

4 (2) If the [political subdivision] denies an application, the written notification of the  
5 denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

6 **SECTION 4. FEES.** Any fee imposed by the [political subdivision] to review an application, issue  
7 a permit, or perform any other activity related to a broadband network project shall be  
8 reasonable. An application fee that exceeds \$100 is unreasonable.

9 **SECTION 5. INITIAL APPLICABILITY.** The treatment of this ordinance first applies to applications  
10 received by the [political subdivision] on or after the effective date of this ordinance.

11 **SECTION 6. EFFECTIVE DATE.** This ordinance takes effect on the day after publication.

# BROADBAND FORWARD! COMMUNITY CERTIFICATION PROGRAM

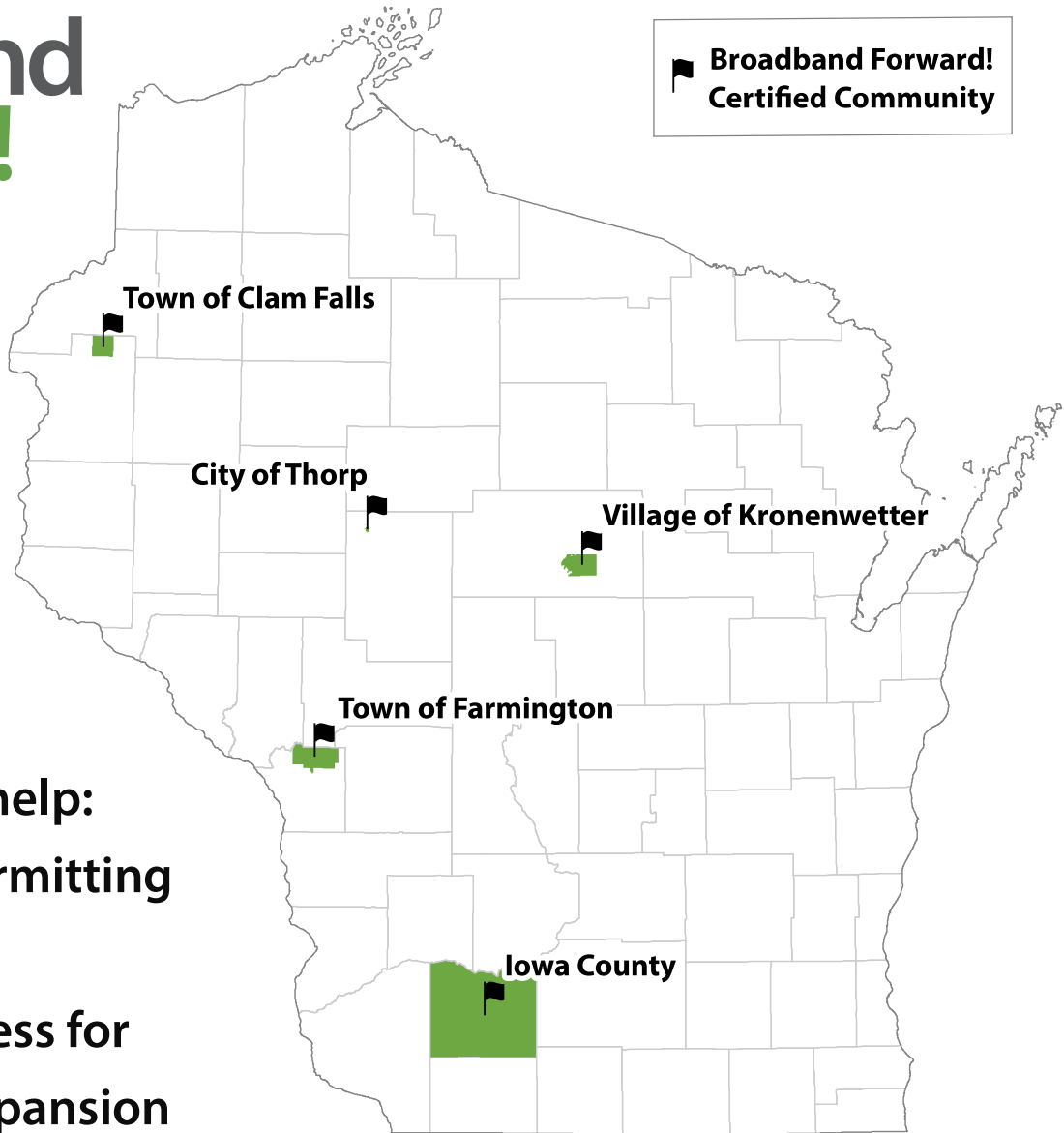
Presented by the Wisconsin Broadband Office



Take the first steps in reducing obstacles to broadband investment

Certification can help:

- ✔ Streamline permitting process
- ✔ Signal eagerness for broadband expansion



## CERTIFY YOUR COMMUNITY

TO GET STARTED VISIT:

[HTTP://PSC.WI.GOV/UTILITYINFO/TELE/BROADBAND/BBFORWARD.HTM](http://PSC.WI.GOV/UTILITYINFO/TELE/BROADBAND/BBFORWARD.HTM)



## Innovation Fund Application 2017 Information

As part of the 2016-2018 Strategic Plan, the county board made the following goal:

**Beginning with the 2017 budget, the county board will establish an innovation fund of \$50,000 annually to serve as seed money to support new and creative approaches to provide county services.**

The attached application is for projects which will help the county accomplish the goal for the priority to Innovate and Adapt. All applications that are submitted will be evaluated based on the values stated in the strategic plan:

- **Good Stewards of County Resources (10 Points)**  
*Plan and manage assets to enhance our community resources for the benefit of current and future generations.*
- **Fiscally Responsible (10 Points)**  
*Invest in innovative programming while balancing short and long term needs.*
- **Responsive to Our Citizens (10 Points)**  
*Listen to the diverse voices in our community. Create programming that aligns with changing needs.*
- **Open and Accountable (10 Points)**  
*We will listen and invite community input and access; and communicate all decisions, actions, and outcomes in a clear, respectful, timely, and transparent way.*
- **Innovative (10 Points)**  
*Take risks; explore options before deciding on a solution. Value persistence and continually improve the way we do our work.*

Applications are accepted throughout the year. Projects will be evaluated and scored by the committee on administration in March, July, and November. All funded projects will be required to provide a written summary report on their projects upon completion.

Amount of funds requested: \_\_\_\_\_

Will you accept partial funds? \_\_\_\_\_

## Innovation Fund Application 2017

Name: \_\_\_\_\_ Department: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Name of Project:**

Goal of the project:

How does this benefit the county/community?

Provide Cost/Benefit analysis:

How does this project align with the county's strategic plan?

Please provide a project timeline:

Will you provide any matching funds for the project?

## FACT SHEET

### TO FILE NO. 16-17/107

The review of Title 1 is part of the strategic plan process.

**SECTION 1.** Updates the location of the seat of county government to incorporate the new jail and reconfiguration of city streets surrounding it.

**SECTION 2.** Updates definition of employee to be consistent with the Employee Policy Manual.

**SECTION 3.** Updates the definition of gender to be consistent with state statutes.

**SECTION 4.** Changes reference to dictionary. More recent Wisconsin cases cite The American Heritage Dictionary of the English Language.

**SECTION 5.** Updates code to be consistent with state statutes and current practice.

**SECTION 6.** Updates statutory reference.

**SECTION 7.** Updates wording to be consistent with statutory reference.

**SECTION 8.** Updates language to reflect due process standards and to reference statutory provision regarding issuance of special inspection warrants.

**SECTION 9.** Updates statutory reference.

**SECTION 10.** Corrects typos.

**SECTION 11.** Updates statutory references.

**SECTION 12.** Corrects wording.

**SECTION 13.** Updates code to conform to with state statutes and current practice.

**SECTION 14.** Corrects wording.

**SECTION 15.** Corrects wording.

**SECTION 16.** Changes reference to dictionary. More recent Wisconsin cases cite The American Heritage Dictionary of the English Language.

**SECTION 17.** Corrects reference to county code section.

**SECTION 18.** Updates code to reflect current practice since the Journal of Proceedings is now available on the County website.

**SECTION 19.** Updates code to recognize the fact that electronic copies of the journal of proceeds are now available.

**SECTION 20.** The county clerk no longer sells copies of the county code nor the updates to the county code.

**SECTION 21.** Updates the code to reflect correct code citations including a code section that has been repealed and one that is a duplicate.

**SECTION 22.** Updates the list of enforcement officials to reflect other code provisions and current position titles.

Fiscal Impact: No fiscal impact.  
Respectfully Submitted,

Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/16-17.107 Fact



4 - TO AMEND SECTION 1.01.020 A. OF THE CODE: COUNTY COURTHOUSE; TO  
 5 AMEND SECTION 1.02.010 A. 2. d. OF THE CODE: DEFINITIONS AND GRAMMATICAL  
 6 INTERPRETATIONS; TO AMEND SECTION 1.02.010 C. 1. OF THE CODE: DEFINITIONS  
 7 AND GRAMMATICAL INTERPRETATIONS; TO AMEND SECTION 1.02.040 D. OF THE  
 8 CODE: CONSTRUCTION OF LEGISLATION; TO REPEAL AND RECREATE SECTION  
 9 1.04.030 OF THE CODE: METHOD OF FILLING VACANCIES ON THE COUNTY BOARD;  
 10 TO AMEND SECTION 1.08.001 A. OF THE CODE: STATEMENT OF AUTHORITY AND  
 11 INTENT; TO AMEND FOOTNOTE FOR CHAPTER 1.08: COUNTY SUPERVISORY  
 12 DISTRICTS; TO AMEND REPEAL AND RECREATE SECTION 1.12.010 OF THE CODE:  
 13 RIGHT OF ENTRY; TO AMEND SECTION 1.16.010 C. OF THE CODE: GENERAL  
 14 FORFEITURE ASSESSMENT; TO AMEND SECTION 1.16.020 OF THE CODE:  
 15 NONPAYMENT OF FEES CHARGED FOR COUNTY SERVICES; TO AMEND  
 16 FOOTNOTE FOR CHAPTER 1.16 OF THE CODE: FORFEITURES AND ASSESSMENTS;  
 17 TO AMEND SECTION 1.22.020 OF THE CODE: DEFINITIONS; TO REPEAL AND  
 18 RECREATE SECTION 1.22.030 OF THE CODE: PUBLICATION OF ORDINANCES; TO  
 19 AMEND SECTION 1.22.040 A. OF THE CODE: PUBLICATION OF PROCEEDINGS; TO  
 20 AMEND SECTION 1.22.045 A. OF THE CODE: JOURNAL OF PROCEEDINGS; TO  
 21 AMEND SECTION 1.22.055 C. OF THE CODE: CORRECTING OF TYPOGRAPHICAL  
 22 ERRORS; TO AMEND SECTION 1.22.058 A. OF THE CODE: CERTIFIED COPIES OF  
 23 PROCEEDINGS AND ACTS BY CLERK; TO REPEAL AND RECREATE SECTION  
 24 1.22.058 D. OF THE CODE: CERTIFIED COPIES OF PROCEEDINGS AND ACTS BY  
 25 CLERK; TO AMEND SECTION 1.22.059 OF THE CODE: LEGAL PRESUMPTION OF  
 26 VALIDITY; TO REPEAL SECTION 1.22.100 OF THE CODE: SALE OF COUNTY CODE  
 27 AND ANNUAL UPDATES BY COUNTY CLERK; TO AMEND SECTION 1.50.020 A. OF  
 28 THE CODE: SCHEDULE OF DEPOSITS; TO AMEND SECTION 1.50.030 OF THE CODE:  
 29 SCHEDULE OF DEPOSITS-

30 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

31  
 32 **SECTION 1.** That Subsection A. of Section 1.01.020 of the code be amended to read:

33  
 34 A. The official name of the seat of county government is designated as the county  
 35 courthouse which shall refer to the composite structure located on the ~~block~~ parcel of land  
 36 bordered by Oxford Avenue, Grand Avenue, Second Avenue, First Avenue, and Lake Street.

37  
 38 **SECTION 2.** That subparagraph d. of paragraph 2. of Subsection A. of Section 1.02.010  
 39 of the code be amended to read:

40  
 41 d. "Employee" means a person, ~~other than an elected official, who~~  
 42 ~~provides the county certain defined services in exchange for regular county wages or salary and~~  
 43 ~~benefits and who is subject to the control and direction of a supervisor. as defined in the~~  
 44 Employee Policy Manual.  
 45  
 46  
 47  
 48

1           **SECTION 3.** That paragraph 1. of Subsection C. of Section 1.02.010 of the code be  
2 repealed and recreated to read:

3  
4           1.           Gender. Words importing one gender extend and may be applied to any  
5 gender.

6  
7           **SECTION 4.** That Subsection D. of Section 1.02.040 of the code be amended to read:

8  
9           D.        On questions of common and approved definitions of words not specifically  
10 defined in the code of general ordinances, ~~Webster's New International Dictionary~~ The American  
11 Heritage Dictionary of the English Language shall be the standard.

12  
13           **SECTION 5.** That Section 1.04.030 of the code be repealed and recreated to read:

14  
15           1.04.030 Method of filling vacancies on the county board.

16           A.        Vacancies in the office of county supervisor may be filled by appointment of the  
17 county board chair, subject to confirmation by the county board. Persons interested in being  
18 appointed shall submit a resume in accord with 2.05.002, and shall attend the hearing. A person  
19 so appointed and confirmed shall hold office until his or her successor is elected as provided in  
20 this chapter

21           B.        The board by resolution may order a special election if the requirements of Wis.  
22 Stat. §§ 59.10(3)(e) and 8.50 are met.

23  
24           **SECTION 6.** That Subsection A. of Section 1.08.001 of the code be amended to read:

25  
26           A.        Pursuant to Wis. Stat. § 59.10~~(2)(a) and (3)(b)~~, the county board by ordinance  
27 duly certified by the county clerk and filed in the clerk's office, hereby adopts the supervisory  
28 district reapportionment plan based upon the 2010 decennial federal census.

29  
30           **SECTION 7.** That the footnote for Chapter 1.08 of the code be amended to read:

31  
32           \*        For statutory provisions regarding ~~compositions~~, election and terms of county board, see  
33 WSA 59.10.

34  
35           **SECTION 8.** That section 1.12.010 of the code be repealed and recreated to read.

36  
37           1.12.010 Right of entry. Authorized officials of the county, defined as "peace officers"  
38 in Wis. Stat. § 66.0119(1)(b), shall have the right of entry for purposes of carrying out duties or  
39 powers imposed upon them by statute or ordinance. Such officials shall, except in the case of  
40 emergencies, seek consent from the owner and/or occupant to inspect the property or premises.  
41 The owner and/or occupant, if they can be located after reasonable effort, shall be given 24 hours  
42 written notice of the authorized official's intention to inspect. The notice transmitted to the  
43 owner and/or occupant shall state that the property owner has the right to refuse entry and that in  
44 the event such entry is refused, inspection may be made only upon issuance of a special  
45 inspection warrant pursuant to Wis. Stat. § 66.0119.

1           **SECTION 9.** That Subsection C. of Section 1.16.010 of the code be amended to read:

2  
3           C.     No ordinance violation shall be construed as a misdemeanor nor shall  
4 imprisonment be imposed as a punishment for violation of any ordinance except that one  
5 convicted of violating an ordinance may be imprisoned for a period not to exceed six months as a  
6 means of enforcing payment of the forfeiture and costs. Subject to the discretion of the  
7 corporation counsel, costs shall be assessed against a convicted violator under Wis. Stat. §  
8 814.04(1)(b), and in the event of his or her failure to pay the forfeiture and costs assessed by the  
9 court, the judgment may be enforced by execution under Wis. Stat. ch. 815.

10  
11           **SECTION 10.** That Section 1.16.020 of the code be amended to read:

12  
13           1.16.020 Nonpayment of fees charged for county services. Any person who fails or  
14 refuses to pay, when appropriately billed for or requested to pay, a fee charged for the provision  
15 of a particular county service, pursuant ~~therefore~~ to a schedule established ~~therefore~~ whether  
16 under an ordinance or a rule of the city-county board of health, shall be subject to a forfeiture of  
17 \$50 for each such offense.

18  
19           **SECTION 11.** That the footnote for Chapter 1.16 of the code be amended to read:

20  
21 \*       For statutory provisions where a statute requires the penalty under a county ordinance to  
22 conform to the penalty provided by statute, such ordinance may impose only a forfeiture and  
23 may provide for imprisonment in case of default, see WSA ~~66.115~~ 66.0109; for the provisions  
24 regarding civil actions to collect forfeitures and penalties, see WSA ~~66.12~~ 66.0114.

25  
26           **SECTION 12.** That Section 1.22.020 of the code be amended to read:

27  
28           1.22.020 Definitions. In ~~construction of~~ construing the provisions of this chapter, the  
29 following definitions shall be utilized:

30  
31           **SECTION 13.** That Section 1.22.030 of the code be repealed and recreated to read:

32  
33           1.22.030 Publication of ordinances.

34           A.     Each ordinance and resolution shall be properly enrolled and duly attested by the  
35 county clerk immediately after adoption by the county board.

36           B.     Immediately upon adoption by the county board, each enrolled ordinance shall be  
37 published in the official newspaper by the county clerk as a class 1 notice under Wis. Stat. ch.  
38 985 or as a notice under Wis. Stat. § 59.14(1m).

39           C.     The full text of ordinances enacted by the county board shall be available in the  
40 office of the county clerk. A complete set of ordinances shall be available in the office of the  
41 county clerk and on the official Eau Claire County web site.

42  
43           **SECTION 14.** That Subsection A. of Section 1.22.040 of the code be amended to read:

44           A.     A duly attested copy of the official proceedings of each county board meeting  
45 shall be published by the county clerk in the official newspaper as a class 1 notice under Wis.  
46 Stat. ch. 985, within 10 days after approval thereof by the county board. Publication of the  
47 journal of proceedings shall, in no case, be later than 60 days after the adjournment completion  
48 of such meeting the last session year.

1           **SECTION 15.** That Subsection A. of Section 1.22.045 of the code be amended to read:

2  
3           A.     The county clerk shall prepare ~~printer's a hard~~ copy of the journal of proceedings  
4 of the board subsequent to board approval of the official proceedings recorded by the clerk for  
5 each meeting, in the following manner:

6  
7           **SECTION 16.** That Subsection C. of Section 1.22.055 of the code be amended to read:

8  
9           C.     On questions of orthography ~~Webster's New International Dictionary~~ The  
10 American Heritage Dictionary of the English Language shall be taken as the standard.

11  
12           **SECTION 17.** That Subsection A. of Section 1.22.058 of the code be amended to read:

13  
14           A.     Prior to the printing of the journal of proceedings, the clerk shall, upon request,  
15 prepare certified copies of acts adopted during the session from the enrolled copies and of the  
16 proceedings from the official copy published under 1.22.040 A. After printing of the journal, the  
17 clerk shall prepare certified copies from the official journal of proceedings or the certified copy  
18 thereof as designated in 1.22.045 ~~D~~: B.

19  
20           **SECTION 18.** That Subsection D. of Section 1.22.058 of the code be repealed and  
21 recreated to read:

22  
23           D.     A copy of the journal of proceedings will be available on the County website.

24  
25           **SECTION 19.** That Section 1.22.059 of the code be amended to read:

26  
27           1.22.059 Legal presumption of validity. The certified copies of the journals of  
28 proceedings under 1.22.045 A. shall be conclusively accepted for all intents and purposes as  
29 being as valid as the official journals. Printed and electronic copies of said journals are prima  
30 facie evidence of the official proceedings and acts of the county board.

31  
32           **SECTION 20.** That Section 1.22.100 of the code is repealed.

33  
34           **SECTION 21.** That Subsection A. of 1.50.020 of the code be amended to read:

35  
36           1.50.020 Schedule of deposits.

37			
38	2.52.050	Board of health regulations	\$ 100.00
39	4.35.100	<del>Telecommunications facility fees</del>	<del>500.00</del>
40	9.60.040 9.60.030	Prohibitions - Clean indoor air act	25.00
41	16.30.520 A.4	<del>Forest use regulations</del>	<del>100.00</del>

42  
43           **SECTION 22.** That Section 1.50.030 of the code be amended to read:

44  
45           1.50.030 Issuance of citations.

46           A.     Any law enforcement officer in the county as defined in 9.46.005 B. may issue  
47 citations for enforcement of any ordinance authorized under this chapter.

48           B.     The following officials of Eau Claire County are authorized to issue citations for  
49 enforcement of those ordinances specified which are directly related to their official

1 responsibilities. Such officials may delegate this authority to their subordinates in writing and  
2 filed with the clerk of circuit court.

3  
4 ORDINANCE NUMBER AND TITLE

ENFORCEMENT OFFICIAL

5  
6 Title 8, Health and Safety

Director, city-county  
health department, county sheriff  
for 8.12.060 only

7  
8  
9  
10  
11 Chapter 9.40, Assemblies

County sheriff, city-county health  
department director, planning &  
development department  
director or land use manager

12  
13  
14  
15  
16 Chapter 9.60, Clean Indoor Air Act

~~County officials in charge of the  
various county buildings~~ County  
sheriff

17  
18  
19  
20 Chapter 9.80, Juvenile offenses

County sheriff, municipal  
police and superintendents of  
schools, ~~or their designees.~~

21  
22  
23  
24 Chapter 10.04, Vehicles and  
25 Traffic

County sheriff and deputy sheriffs

26  
27 Chapter 10.81  
28 Courthouse Parking  
29 Regulations

~~Courthouse superintendent  
of buildings and grounds  
and county sheriff~~ Facilities  
director and Eau Claire Police  
Department

30  
31  
32  
33 Title 12, Subtitle 1. Aeronautics

~~Airport director and airport  
security police~~

34  
35  
36 Chapter 12.73, Mandatory Separation  
37 of Recyclables from Refuse

County sheriff, ~~assoeiatesenior,~~  
planner, city-county health  
department director

38  
39  
40 Chapter 12.74, County Residential  
41 Brush Disposal Site Regulations

County sheriff, ~~assoeiatesenior~~  
planner, city-county health  
department director

42  
43  
44 Chapter 15.01, Building Code

Building inspector,  
land use technician

45  
46  
47 Title 16 I., Parks and Forest

Director, parks and forest  
department

1 Title 17, Land Conservation and Surveying

~~LCD Supervisor or designee~~  
Planning & development  
department director, land  
conservation manager

2  
3  
4  
5

6 Title 18, Zoning

Planning and development  
department director, land  
use manager

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11 ADOPTED:

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22

Committee on Administration

23 KRZ/ch/yk

24  
25

26 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

27  
28  
29

ORDINANCE/16-17/107

## FACT SHEET

### TO FILE NO. 16-17/106

The review of Chapters 2.48, 2.50, 2.73 and 2.87 is included as part of the strategic plan process.

**Section 1-4.** Corrects and updates four sections of the code that refer to a section of the code that no longer exists.

**Section 5.** The existing provision regarding veteran's transportation is outdated and has not been offered for a number of years. The new language recognizes that the veteran services director has been successful in having the Veterans Administration provide funding for a vehicle including maintenance costs. Please note that providing this service is contingent on the Veteran's Administration continuing to fund vehicle purchase and maintenance costs. This program currently involves collaboration with the sheriff's office, for holding the keys and distributing them to the van drivers. New software will also be purchased to facilitate and manage the riders and drivers of the van. Transportation will be provided to veterans facilities as determined by the veteran services director.

**Section 6.** Repeals an outdated Chapter of the code regarding use of computer numbers for lottery credit conveyances. This is regulated solely by the State of Wisconsin.

**Section 7.** This chapter on distribution and mailing system is outdated in some respects and is entirely operational in nature, not requiring policy adoption by the county board. The process is managed by the Purchasing Director.

Fiscal Impact: No fiscal impact.  
Respectfully Submitted,

Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/16-17.106 Fact

2  
3 - TO AMEND SECTION 2.48.110 OF THE CODE: AQUATIC RECREATION  
4 PROVISIONS—APPLICABILITY AND ENFORCEMENT; TO AMEND SECTION  
5 2.48.130 OF THE CODE: AQUATIC RECREATION PROVISIONS-BOATING  
6 REGULATIONS; TO AMEND SECTION 2.48.140 C. OF THE CODE: AQUATIC  
7 RECREATION PROVISIONS—MARKERS AND NAVIGATIONAL AIDS; TO AMEND  
8 SECTION 2.48.150 A. OF THE CODE: AQUATIC RECREATION PROVISIONS—  
9 VIOLATION—PENALTIES; TO REPEAL AND RECREATE SECTION 2.50.500 OF  
10 THE CODE: VETERANS TRANSPORTATION; TO REPEAL SECTION 2.73 OF THE  
11 CODE: USE OF COMPUTER NUMBERS FOR LOTTERY CREDIT CONVEYANCES;  
12 TO REPEAL SECTION 2.87 OF THE CODE: DISTRIBUTION AND MAILING  
13 SYSTEM -

14  
15 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

16  
17 **SECTION 1.** That Section 2.48.110 of the code be amended to read:

18  
19 2.48.110 Aquatic recreation provisions--Applicability and enforcement. The provisions  
20 of ~~2.48.090~~ 2.48.110 through 2.48.150 shall apply to the waters of Lake Altoona, within the  
21 territorial jurisdiction of the city of Altoona, town of Washington, and town of Seymour; and the  
22 waters of Eau Claire Lake, within the territorial jurisdiction of the town of Ludington and the  
23 town of Bridge Creek. The provisions of ~~2.48.090~~ 2.48.110 through 2.48.150 shall be enforced  
24 by the sheriff and the DNR.

25  
26 **SECTION 2.** That Section 2.48.130 of the code be amended to read:

27  
28 2.48.130 Aquatic recreation provisions--Boating regulations. In addition to the traffic  
29 rules in Wis. Stat. § 30.65, adopted in 2.48.120 of this chapter, the following rules shall apply to  
30 boats using the waters covered by ~~2.48.090~~ 2.48.110 through 2.48.150:

31  
32 **SECTION 3.** That Subsection C. of Section 2.48.140 of the code be amended to read:

33  
34 C. Interference with Markers Prohibited. No person shall without authority remove,  
35 damage or destroy or moor or attach any watercraft to any buoy, beacon or marker placed in the  
36 waters of any lake by the authority of the United States, state, county or town, or by any private  
37 person pursuant to the provisions of ~~2.48.090~~ 2.48.110 through 2.48.150.

38  
39 **SECTION 4.** That Subsection A. of Section 2.48.150 be amended to read:

40  
41 2.48.150 Aquatic recreation provisions--Violation--Penalties.  
42 A.—Any person who violates any provision of ~~2.48.090~~ 2.48.110 through 2.48.150  
43 shall upon conviction thereof be punished as provided in 1.16.010.

44  
45 **SECTION 5.** That Section 2.50.500 of the code is repealed and recreated to read:

46  
47 2.50.500 Veterans transportation. Contingent on the Veterans Administration funding a  
48 vehicle, including maintenance costs, transportation will be provided to veterans facilities as  
49 determined by the veteran services director.



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**SECTION 6.** That Chapter 2.73 of the code be repealed.

**SECTION 7.** That Chapter 2.87 of the code be repealed.

ADOPTED:

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\_\_\_\_\_  
\_\_\_\_\_  
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Committee on Administration

**KRZ/yk**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ORDINANCE/16-17.106

## FACT SHEET

### TO FILE NO. 16-17/079

This resolution authorizes an agreement to legally separate the County from the Housing Authority effective January 1, 2019. References to the federal regulation, Wisconsin Statutes and law regarding the autonomy of the two entities are set forth in the resolution. The Housing Authority has also adopted a resolution approving the attached Agreement.

A work group consisting of members of the Housing Authority Board of Commissioners, the executive director of the housing authority, the planning and development director, purchasing director and corporation counsel have met on a regular basis since October of 2016 to create and finalize this resolution and the attached Agreement.

The attached Agreement in Article IV.A., outlines the steps the Housing Authority must take to transition employees to become Housing Authority employees no later than January 1, 2018 as well as other steps it must take to separate from the County and addresses its ongoing responsibilities. In Article IV. B., the ongoing and in some cases time-limited responsibilities of the County and resources available from the County to the Housing Authority are provided in detail. Unless otherwise stated in the Agreement the ongoing administrative costs incurred by each party are borne solely by each party.

In addition to transitioning employees to become Housing Authority employees, the work group worked through a number of transitional issues including:

- drafting county code amendments to recognize the move to independent agency status
- relocating the Housing Authority to the first floor of the courthouse
- initiation of recruitment efforts to address staff turnover due to retirement
- analysis of Housing Authority financials to address retirement payouts and review of financial solvency of Housing Authority, revisions to position descriptions, creation of Housing Authority Bylaws and Employee Manual, completion and submittal of required paperwork with federal and state agencies for filing withholding taxes, employee benefits and insurance.

Fiscal Impact:

Respectfully Submitted,

Keith R. Zehms  
Corporation Counsel

KRZ/yk

Ordinance/16-17.079 Fact

2  
3 - **AUTHORIZING AN AGREEMENT BETWEEN EAU CLAIRE COUNTY AND THE**  
4 **EAU CLAIRE COUNTY HOUSING AUTHORITY LEGALLY SEPARATING THE**  
5 **ENTITIES EFFECTIVE JANUARY 1, 2019; AUTHORIZING THE COUNTY**  
6 **ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE**  
7 **INTENT OF THIS RESOLUTION-**  
8

9 WHEREAS, the Eau Claire County Housing Authority was established by Resolution No.  
10 64-73 passed by the Eau Claire County Board of Supervisors on March 20, 1973; and  
11

12 WHEREAS, under state law, housing authorities are autonomous, not-for-profit public  
13 corporations. This organizational structure allows housing authorities to work in conjunction with  
14 local governments and agencies to develop long-term housing strategies for communities. Though  
15 independently run, housing authorities are required to follow federal regulations. In addition,  
16 housing authorities receive a subsidy from the U.S. Department of Housing and Urban Development  
17 (HUD) and/or Rural Development (RD). Housing authorities may receive funds from state or local  
18 governments; and  
19

20 WHEREAS, a county housing authority is a “public body and a body corporate and politic,  
21 exercising public powers.” Wis. Stat. § 66.1201 (9). A county housing authority is not a part of the  
22 administrative structure of county government. As stated by the Wisconsin Attorney General in 37  
23 Wis. Op. Att’y Gen. 626, 627 (1948), a county housing authority is an independent autonomous  
24 unit.” And, as stated more recently, in 64 Wis. Op. Att’y Gen. 106, 108 (1975); Wis. Stat. § 66.1201  
25 Stats., provides that when a county housing authority is created it is a “public body corporate and  
26 politic.” In 62 Wis. Op. Att’y Gen. 333 [303] (1973), it was stated that such authority is not an arm,  
27 department, or agency of the municipality which created it but is an independent entity and distinct  
28 from such municipality. 45 Wis. Op. Att’y Gen. 180 (1965); 37 Wis. Op. Att’y Gen. 626 (1948).  
29 These are also referenced in Wis. Stat. §66.1201 (4)(a) and (9); and  
30

31 WHEREAS, because the executive director and other employees of a county housing  
32 authority are subordinate to the commissioners, they hold positions of employment, not office.  
33 *Martin v. Smith*, 239 Wis. 332-33. The employees of a county housing authority are not employees  
34 of the municipality which created the authority, 64 Wis. Op. Att’y Gen. 106 (1975) and 45 Wis. Op.  
35 Att’y Gen. 180 (1956), but they are nevertheless public employees and the executive director of a  
36 county housing authority hold a position of public employment. See also 35 Wis. Op. Att’y Gen. 58  
37 (1946) (funds of municipal housing authorities are subject to the public deposits law); and  
38

39 WHEREAS, although separately funded, the Eau Claire County Housing Authority has been  
40 operated as a division of the planning and development department, which is inconsistent with  
41 Wisconsin Law; and  
42

43 WHEREAS, the attached Agreement authorized by this Resolution provides for the legal  
44 separation between Eau Claire County and the Eau Claire County Housing Authority effective  
45 January 1, 2019 changing the status of the housing authority employees from county employees to  
46 housing authority employees; and  
47  
48  
49

1 WHEREAS, the attached Agreement between Eau Claire County and the Eau Claire County  
2 Housing Authority be authorized by this Resolution from Eau Claire County authorizes provision of  
3 legal services as per Wis. Stats. §§ 66.1201(5)(c) and to provide services to the Eau Claire County  
4 Housing Authority from county resources as in-kind services as set forth in the attached Agreement  
5

6 NOW THEREFORE BE IT RESOLVED by the Eau Claire County Board of Supervisors that  
7 it authorizes an Agreement between Eau Claire County and the Eau Claire County Housing  
8 Authority providing for the legal separation of the two entities effective January 1, 2019.  
9

10 BE IT FURTHER RESOLVED that the Eau Claire County Administrator is authorized to  
11 sign the attached Agreement, any amendments thereto and a successor Agreement and take all  
12 actions necessary to effectuate the intent of this Resolution.  
13

14 FISCAL IMPACT: None.  
15  
16

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27 Committee on Administration

28 **KRZ/yk**  
29

30 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
31

32 ORDINANC/16-17/079

**AGREEMENT BETWEEN EAU CLAIRE COUNTY AND THE HOUSING  
AUTHORITY OF THE COUNTY OF EAUCLAIRE**

**WHEREAS**, on March 20, 1973 the Eau Claire County Board of Supervisors of Eau Claire County (“County”) a Wisconsin quasi-municipal corporation, passed Resolution No. 64-73 establishing the Eau Claire County Housing Authority (“Housing Authority”) a public body and a body corporate and politic, exercising public powers. This Resolution authorized the appointment and confirmation by the County of the original 5 members of the Housing Authority’s Board of Commissioners; and

**WHEREAS**, the Housing Authority is a non-profit government agency under Wis. Stat. §66.1203 and operates and may transact business and exercise any powers granted to it under Wis. Stat. §66.1201(4).

**WHEREAS**, the Housing Authority operates with federal funds received through the Department of Housing and Urban Development (HUD) and the Wisconsin Department of Administration, Division of Energy, Housing, and Community Resources (DEHCR).

**WHEREAS**, under Wis. Stat. §66.1201(5), the Housing Authority of the County of Eau Claire is a separate public body and a body corporate and politic, and Housing Authority employees are employees of the Housing Authority and not the County; and

**WHEREAS**, an Agreement to delineate and detail the relationship and responsibilities of both the Housing Authority and the County is needed for a clear understanding of the parties. The County and the Housing Authority both deem it in their mutual interest to cooperate in assuring that the maximum possible benefit is achieved in housing programs within all of Eau Claire County.

**I. PARTIES**

This Agreement is between Eau Claire County, Wisconsin, a quasi-municipal corporation, (“County”) located at 721 Oxford Avenue, Eau Claire, WI 54701, and Eau Claire County Housing Authority, (“Housing Authority”) located at 721 Oxford Avenue, Suite 1219, Eau Claire WI 54701.

**II. TERM OF CONTRACT**

This Agreement shall commence upon adoption of Resolution 16-17/079. This Agreement shall remain in full force and effect until such time as the Housing Authority shall discontinue activities legally authorized under the programs it administers and or the dissolution of the Housing Authority pursuant to Wis. Stat. § 66.1201(5).

**III. PURPOSE OF CONTRACT**

The purpose of this contract is to delineate and detail the relationship and responsibilities of the County and the Housing Authority.

**IV. SCOPE OF SERVICES**

A. The Housing Authority agrees to:

1. Take all steps necessary to insure that Housing Authority employees are employees of Housing Authority and not employees of the County no later than January 1, 2018. This

includes responsibility for reviewing position descriptions, determining wages, initiating recruitment efforts, and selecting candidates for any vacancies or new positions created prior to and through the transition date included within this agreement.

2. Transition the existing Housing Authority employees, who have previously been considered County employees, to Housing Authority employees on or before January 1, 2018. On and after the date of this Agreement all new and future employees of the Housing Authority will be Housing Authority employees.

3. Contract with accounting/payroll consultants or legal counsel to process all necessary paperwork with Social Security Administration (SSA) and State of Wisconsin to become an employer with an active FEIN.

4. Comply with open meeting laws.

5. Fulfill its mission and mandates, to operate its units and programs to insure diverse, affordable and integrated housing that is available to the residents in all areas of Eau Claire County.

6. Be subject to applicable portions of the Wisconsin State Statutes and that the Housing Authority will continue to abide by all housing rules and regulations as set forth by the applicable: Code of Federal Regulations; Housing and Urban Development Regulations; Rural Development Regulations; and Accessibility Regulations as amended from time to time.

7. Resolve issues associated with the Housing Authority through its board of commissioners, and continue to oversee the overall operations of the Housing Authority. As a separate independent entity, the authority of the Housing Authority; properties; administration; and employees, shall be vested in the Board of Commissioners of the Housing Authority.

8. Being an independent entity distinct from the County therefore the Housing Authority is eligible for Non-County Agency funds and as a recipient of Non-County Agency funds, the Housing Authority may have to present/prepare reports for the County that support accountability for those funds.

B. The County agrees to provide:

1. Legal services as authorized in Wis. Stat. § 66.1201(5) through the Office of Corporation Counsel upon request at no charge.

2. Human resources only until transition to Housing Authority employees is completed consisting of assistance for recruitment, hiring, termination, disciplinary, or other human resource needs.

3. "In-Kind-Services" as follows: The Housing Authority, all Housing Authority employees, and the Housing Authority Board of Commissioners will be authorized to use the following county resources in addition to those authorized by law. The Housing Authority and its subordinates have the option to opt out of some "In-Kind-Services" due to financial costs or operational efficiency with a 30 day written notice to the County.

a. Purchasing Department Services

- general advice on purchasing/bids/contract issues
- provision for internal mailbox within mail room.

- Access to postage for outgoing mail, large project copying or printing, use of county phone system and lines with costs charged back to Housing Authority.
  - Continue to provide property, liability, boiler, fidelity, workers comp insurance through ECC with costs charged back until Housing Authority becomes legally recognized and registered employer through SSA and State of Wisconsin, or January 1, 2018, whichever occurs first.
- b. Information System Department Services
- general advice on technology purchases, compatibility, security, and use at discretion of County IS.
  - provision of network, security, email, office productivity application services and support.
  - migrate webpage out of Planning and Development Departmental page.
  - direct costs of equipment or software applications will be charged back to Housing Authority.
- c. Maintenance Department
- Services Security access and keys to Suites 1205, 1219 and 1201.
- d. Finance Department
- Print Housing Assistance Payment checks until notified by the Housing Authority or July 1, 2017, whichever is sooner. The Housing Authority will reimburse the County on a monthly basis.

4. Appointment of Commissioners. As a matter of law (Wis. Stat. § 66.1201(5)(b)), the County will continue to appoint members to the Housing Authority Board of Commissioners. As a matter of law, (Wis. Stat. § 66.1201 (5)(b)), and County Board Resolution 64-73, adopted March 20, 1973, the County will continue to provide per diems and mileage to county supervisors and citizen members on the Housing Authority's Board of Commissioners along with reimbursement of other necessary expenses incurred in the discharge of their duties at rates established by the County until such time the Housing Authority of the County of Eau Claire is dissolved by statute.

**V. PAYMENTS FOR COSTS**

The parties agree that any and all administrative costs incurred by either party in carrying out the terms of this Agreement shall be born solely by each party, respectively unless otherwise provided in this Agreement.

**VI. NOTICES**

Notices required or deemed advisable under this Agreement shall be placed in writing and delivered personally or by registered or certified mail upon the County to: the County Administrator, Eau Claire County Courthouse, 721 Oxford Avenue, Suite 3520, Eau Claire, WI 54703; and upon the Housing Authority to: Executive Director, Eau Claire County Courthouse, 721 Oxford Avenue, Suite 1219, Eau Claire, WI 54703.

**VII. INDEPENDENT STATUS.**

The County and Housing Authority recognize they are independent agencies for all purposes, including workers compensation, and not employees, or agents of each other.

**VIII. MUTUAL INDEMNIFICATION.**

The parties agree fully to indemnify and hold one another harmless from and against all claims, actions, judgments, costs, and expenses, arising out of damages or injuries to third persons or their property, caused by the fault or negligence of the said party, its agents, or employees, in the performance of this Agreement. The parties shall give to each other prompt and reasonable notice of any such claims or actions and the other party shall have the right to investigate, compromise, and defend the same.

**IX. WAIVER OF BREACHES**

No waiver of any breaches of this Agreement shall be held to be a waiver of any other or any subsequent breaches. All remedies afforded in this Agreement shall be considered to be cumulative and in addition to any other remedies provided by law.

**X. SEVERABILITY**

Should any article or any part of any article of this Agreement be rendered void, invalid, or unenforceable by a court of law, for any reason, such a determination shall not render void, invalid, or unenforceable any other article or any part of any article in this Agreement.

**XI. JURISDICTION AND VENUE**

The laws of the State of Wisconsin shall govern this Contract and executed amendments thereto. Venue for all legal proceedings arising out of this Contract, or breach thereof, shall be exclusively in Eau Claire Circuit Court, Eau Claire, Wisconsin.

**XII. SECTION HEADINGS**

The headings of the several sections, and any table of contents appended hereto, shall be solely for convenience of reference and shall not affect the meaning, construction or effect hereof.

**XIII. STATUTORY PROTECTIONS.**

It is agreed by the parties that nothing in this contract, including but not limited to indemnification and hold harmless clauses, shall in any way constitute a waiver on the part of the Lessor of any immunity, liability limitation or other protection available to the Lessor under any applicable statute or other law. To the extent that any provision of this contract is found by any court of competent jurisdiction conflict with any such legal protection, then whichever protections, either statutory or contractual, provide a greater benefit to the Lessor shall apply unless the Lessor elects otherwise.

**XIV. NON-ASSIGNMENT OF AGREEMENT**

The parties agree that there shall be no assignment or transfer of this Agreement, nor of any interests, rights or responsibilities herein contained, except as agreed to in writing.

**XV. MODIFICATIONS TO AGREEMENT**

There shall be no modifications to this Agreement, except in writing, signed by both parties.

**XVI. EXECUTION**

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.



**XVII. INTEGRATION OF AGREEMENT**

The entire agreement of the parties is contained herein, and this Agreement supersedes all previous agreements, whether written or oral and all negotiations as well as any previous agreements presently in effect between the Lessee and the Lessor relating to the subject matter.

**XVIII. AUTHORITY TO ENTER INTO AGREEMENT**

By signing below, the parties affirm and acknowledge that they have read and understand this Agreement and its Attachments, if any, consisting of five (5) typewritten pages; they have authority to enter into this Agreement on behalf of the Entity, Corporation, or Lessor they are signing for; they are knowingly, freely, and voluntarily entering into this Agreement; and that they accept and agree to be bound by the terms and conditions of this Agreement and its Attachments as outlined in this Agreement.

**EAU CLAIRE COUNTY BY:**

\_\_\_\_\_  
KATHRYN A. SCHAUF, COUNTY ADMINISTRATOR

\_\_\_\_\_  
(Date)

**HOUSING AUTHORITY BY:**

\_\_\_\_\_  
KAY HESTEKIN, EXECUTIVE DIRECTOR

\_\_\_\_\_  
(Date)

**FACT SHEET**

File No. 16-17/109

The Wisconsin Counties Association (WCA) is working in partnership with the League of Wisconsin Municipalities to address a property assessment strategy employed by big box retailers throughout the country and the state.

The strategy, commonly referred to as "Dark Store," is being successfully used by commercial businesses to significantly reduce their property tax assessments. In many cases, assessments have been reduced by half following retailer challenges. This creates a financial challenge for municipalities and counties as well as places additional burden on residential homeowners who are being forced to compensate for lost commercial property taxes.

Respectfully submitted,

Kathryn Schauf  
County Administrator

4 -EAU CLAIRE COUNTY SUPPORTS THE EFFORTS TO CLOSE COMMERCIAL  
5 PROPERTY ASSESSMENT LOOPHOLES-

6 WHEREAS, homeowners in Wisconsin already pay 70% of the total statewide property  
7 tax levy; and

8  
9 WHEREAS, the disproportionate burden is about to get much worse unless the  
10 Legislature addresses tax avoidance strategies that national chains and big box establishments are  
11 using across the country to gain dramatic reductions in their property tax bills at the expense of  
12 homeowners and other taxpayers; and

13  
14 WHEREAS, a carefully-orchestrated wave of hundreds of lawsuits in Wisconsin is  
15 forcing assessors to slash the market value of thriving national retail stores, shifting their tax  
16 burden to local mom and pop shops and homeowners; and

17  
18 WHEREAS, some stores in Wisconsin have argued in communities across the state that  
19 the assessed value of their property for property tax purposes should be less than half of their  
20 actual sale prices on the open market; and

21  
22 WHEREAS, there are over 200 Walgreens stores located in Wisconsin; and.

23  
24 WHEREAS, some big box chains are using what is known as the "Dark Store Theory" to  
25 argue that the assessed value of a new store in a thriving location should be based on comparing  
26 their buildings to sales of vacant stores in abandoned locations for a different market segment;  
27 and

28  
29 WHEREAS, the Indiana Legislature has on two occasions in the last two years  
30 overwhelmingly passed legislation prohibiting assessors from valuing new big box stores the  
31 same as nearby abandoned stores from a different market segment; and

32  
33 WHEREAS, the Michigan State House overwhelmingly passed similar legislation in May  
34 of 2016.

35  
36 NOW, THEREFORE, BE IT RESOLVED that Eau Claire County does hereby urge the  
37 Governor and State Legislature to protect homeowners and main street businesses from having  
38 even more of the property tax burden shifted to them by passing legislation clarifying that:

- 39  
40 1. Leases are appropriately factored into the valuation of leased properties; and  
41  
42 2. When using the comparable sale method of valuation, assessors shall consider as  
43 comparable only those sales within the same market segment exhibiting a similar  
44 highest and best use rather than similarly sized but vacant properties in abandoned  
45 locations.

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Committee on Administration

Dated this \_\_\_\_ day of March, 2017