

**WINNEBAGO COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, JUNE 16, 2020**

Chairman Shiloh Ramos called the ZOOM virtual meeting of the Winnebago County Board of Supervisors to order at 6:00 P.M. from the Winnebago County Administration Building at 112 Otter Avenue, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and the invocation by Supervisor Locke.

The following Supervisors were present: 36 - Konetzke, Brunn, Borchart, Eisen, Ramos, Defferding, Lenz, Neuhoff, Nussbaum, Spellman, Albrecht, Gabert, Binder, Konrad, Schorse, Bolante, Gordon, Wingren, Lautenschlager, Norton, Warnke, Zellmer, Schellenger, Buck, Powers, Locke, Wise, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Joas.

Motion by Supervisor Albrecht and seconded by Supervisor Ellis to adopt the agenda for tonight's meeting.
CARRIED BY VOICE VOTE.

PUBLIC HEARING

The following persons spoke in opposition to the Public Health Director Ordinance:

- Rachel Cabral-Guevara – 190 River Island Court, Appleton
- Calvin Lemieux – 9390 County Road H, Fremont
- Marcia Willming – 623 Fairview Avenue, Neenah
- Grant Stettler – 5875 Bonnie View Road, Oshkosh
- Bryan Stafford – 1132 Tullar Road, Neenah
- Eric Vlach – 404 Michigan Street, Oshkosh
- Kenna Nelson – 1385 Mason Street, Oshkosh
- Ed Hudak – 1207 Skyview Drive, Neenah

The following person spoke in support of the Public Health Director Ordinance:

- Pat Hallquist – 2030 Hazel Street, Oshkosh

The following person spoke in support of Zoning Report No. 003:

- Howard Wojahn – 8144 County Road M, Larsen

The following person spoke in regard to the new Airport Terminal Building:

- Albert Fisher – 100 Sunnyhill Avenue, Oshkosh

COMMUNICATIONS and PETITIONS

The following correspondence was presented to the board by Susan Ertmer, County Clerk:

- Thank you note from Regan Kraus – 2020 Scholarship Recipient
- Notices of Claims:
 - Notice of Claim from State Farm Mutual Automobile Insurance Company on behalf of Michael O. Cushman for damage to his vehicle was referred to the Personnel & Finance Committee.
 - Notice of Claim from Jilot Insurance Agency on behalf of Craig Kisser for damage to his vehicle's windshield was referred to the Personnel and Finance Committee.
 - Notice of Claim from Coralee Hanson for damage to her vehicle caused by flying debris being cleared off a county highway was referred to the Personnel and Finance Committee.
- Zoning Petition: Ryan and Amber Pheifer, Town of Clayton for zoning change from A-2 General Agriculture to R-1 Rural Residential for parcel no. 006-0015-03 was referred to the Planning & Zoning Committee.
- Resolution from Wood County - #20-5-8 – To support the 116th Congress Senate Bill 3020 and House of Representative Bill 5516 the "Commitment to Veterans Support and Outreach Act" (CVSO Act) was referred to the Legislative Committee.
- Letter from Matthew J. Olson, Town of Winchester Chairman, regarding rezoning of parcel no. 028-0768 from A2 to R1. Mr. Olson is requesting that the County Board deny the rezoning of this parcel.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Farrey announced the Director of Land and Water, Tom Davies, will be retiring on July 2, 2020.

Supervisor Binder announced that the Community Gardens opened on May 27, 2020.

Supervisor Defferding toured the Winnebago County Jail to see their COVID-19 procedures. He was able to see how the new robot works for screening inmates.

Supervisor Egan announced that there will be a Legislative Committee meeting on June 22, 2020 at 8:30 a.m. at the Sunnyview Expo Center.

Supervisor Gabert commented on the letter from Mr. Olson regarding Howard Wojahn's parcel #028-0768.

Supervisor Gabert reported on happenings at the County Airport. Ground breaking for the new terminal is scheduled for July 25.

Motion by Supervisor Farrey and seconded by Supervisor Gordon to approve the proceedings from the May 19, 2020 business meeting. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris spoke in regard to the Public Health Director's powers. The State Legislature empowered County Health officers to issue health orders--the County Board or the County Executive do not have that power. This was done many years ago. The verbiage in the ordinance was taken from the State General Code and the Department of Health Services. Without changing this, no one in the County would have the authority to do anything regarding COVID-19.

COUNTY EXECUTIVE'S APPOINTMENTS

Advocap Board of Directors

County Executive, Mark Harris, asked for the Board's approval of his re-appointments of Supervisor Susan Locke and Supervisor Michael Norton to the Advocap Board of Directors. This is a three-year term which will expire May 31, 2023. Motion by Supervisor Schellenger and seconded by Supervisor Egan to accept. CARRIED BY VOICE VOTE.

Aging & Disability Resource Center Committee

County Executive, Mark Harris, asked for the Board's approval of his correction to the re-appointment of Paul F. Janty, 1856 Doemel Street, Oshkosh to the Aging & Disability Resource Center Committee. This was printed as a six-year term which will expire May 31, 2026. It should be a three-year term which will expire May 31, 2023. Motion by Supervisor Gordon and seconded by Supervisor Lautenschlager to accept. CARRIED BY VOICE VOTE.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Ramos reminded the board that July 21, 2020 will be the second organizational meeting of the Winnebago County Board. This meeting will be to approve committee on committee assignments and review, debate and change county board rules that have been brought forward. There will be presentations regarding County Board procedures.

Chairman Ramos announced that the Committee on Committees will meet on Thursday, June 25, 2020 at 10:00 a.m. at the JP Coughlin Building.

Chairman Ramos anticipates an additional county board business meeting might be needed at the beginning of August.

Presentation on Amending Sec. 11.08 of the General Code of Winnebago County regarding the County Health Officer – Mary Anne Mueller, Corporation Counsel; Doug Gieryn, Public Health Director

Doug Gieryn, Public Health Director, updated and shared statistics regarding the COVID-19 virus with the board. Updates are available on the Winnebago County website on the Public Health page. Public Health has seen an increase in the 20 – 29 age range since "Safer at Home" was struck down. The Oshkosh-Neenah area was named #6 in the nation by the New York Times for the highest average daily growth rate of cases.

The statewide Safer at Home order was struck down because it did not comply with the state's rulemaking procedures; not because of its content. The decision only addressed Department of Health Services' authority in Wis. Stat. §252.02. That statute does not govern the authority of local health officers, which is separately set out in Wis. Stat. §252.03. Wisconsin Attorney General's opinion advised local order may not be enforceable unless a local ordinance is in place to permit enforcement. Institutions of Wisconsin State Government have determined that individual municipalities must take charge of managing enforcement of public health orders at a local level. The state legislature has indicated they will not take statewide action at this time and the outbreak response should be managed locally instead.

The purpose of the ordinance amendment would be to adopt the current state statute language at the local health department level. It would re-establish health department authority to enforce orders if necessary. The goal is to be the least restrictive as possible to adequately protect the public's health. This is not meant as a tool to shut down businesses. Wisconsin is moving into reopening phase orders.

If the amendment does not pass, there would be no way to enforce orders to help stop the spread of disease in an outbreak. If it is not passed, the state health department could take charge and expenses thus incurred shall be paid by the county or municipality. Director Gieryn stated that the Public Health Department would still provide services if the ordinance does not pass.

Ways in which Public Health is addressing COVID-19:

- Monitoring the State of COVID-19 Virus and other viruses in Winnebago County
- Making testing more available
- Increasing contact tracing capacity
- Maintaining availability of isolation and quarantine facilities as needed
- Working directly with businesses that have positive cases among their workforce

Pertinent information is available on the Winnebago County's website: www.co.winnebago.wi.us/health.

Corporation Counsel, Mary Anne Mueller, commented on the Supreme Court decision addressing only Department of Health Services authority in Wis. Stat. §252.02. This ordinance references Wis. Stat. §252.03.

Language in the ordinance tracks Statute 252.03. The Public Health Director would have to report to the County Board.

Mr. Gieryn then took questions from the board.

ZONING REPORTS AND ORDINANCES

Report No. 001 – Matthew J. and Megan J. Potratz – Town of Nekimi. Motion by Supervisor Keller and seconded by Supervisor Schellenger to approve. Vote on Report: AYES: 33; NAYES: 0; NOT RECORDED: 3 – Eisen, Locke and Warnke; ABSENT: 0. CARRIED.

- Amendatory Ordinance No. 06/01/20 – Rezoning from A-1/Agribusiness to A-2/General Agriculture for tax parcel no. 012-0399-01. Motion by Supervisor Keller and seconded by Supervisor Gabert to adopt. Vote on Ordinance: AYES: 33; NAYES: 0; NOT RECORDED: 3 – Locke, Neuhoff and Warnke; ABSENT: 0. CARRIED. (Effective Date: June 26, 2020)

Report No. 002 – Eileen E., Michael and Patrick Brennand; and Mary M. Wegener – Town of Algoma. Motion by Supervisor Buck and seconded by Supervisor Gabert to approve. Vote on Report: AYES: 33; NAYES: 0; NOT RECORDED: 3 – Finch, Locke and Powers; ABSENT: 0. CARRIED.

- Amendatory Ordinance No. 06/02/20 – Rezoning from R-1 Rural Residential and A-2/General Agriculture to R-1/Rural Residential for tax parcel nos. 002-0359-01 and 002-0359. Motion by Supervisor Buck and seconded by Supervisor Gabert to adopt. Vote on Ordinance: AYES: 32; NAYES: 0; NOT RECORDED: 4 – Borchart, Finch, Locke and Warnke. CARRIED. (Effective Date: June 26, 2020)

Report No. 003 – Howard Wojahn – Town of Winchester. Motion by Supervisor Joas and seconded by Supervisor Gabert to approve. Motion by Supervisor Eisen to refer back to the Planning & Zoning Committee. Motion died for lack of a second. Vote on Report No. 003: AYES: 29; NAYES: 3 – Eisen, Finch and Schorse; NOT RECORDED: 4 – Bolante, Brunn, Buck and Locke; ABSENT: 0. CARRIED.

- Amendatory Ordinance No. 06/03/20 – Rezoning from A-2/General Agriculture to R-1/Rural Residential for tax parcel no. 028-0768(p). Motion by Supervisor Joas and seconded by Supervisor Egan to adopt. Vote on Ordinance: AYES: 33; NAYES: 1 – Eisen; NOT RECORDED: 2 – Locke and Zellmer; ABSENT: 0. CARRIED. (Effective Date: June 26, 2020)

Report No. 004 – Judy A. & Richard L. Christianson - Town of Clayton. Motion by Supervisor Farrey and seconded by Supervisor Joas to approve. Vote on Report: AYES: 32; NAYES: 0; NOT RECORDED: 4 – Eisen, Farrey, Lautenschlager and Locke; ABSENT: 0. CARRIED.

- Amendatory Ordinance No. 06/04/20 – Rezoning from A-2/General Agriculture to R-1/Rural Residential for tax parcel no. 006-0519-03(p). Motion by Supervisor Farrey and seconded by Supervisor Joas to adopt. Vote on Ordinance: AYES: 34; NAYES: 0; NOT RECORDED: 2 – Finch and Locke; ABSENT: 0. CARRIED. (Effective Date: June 26, 2020)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 021-062020: Commendation for Becky Sawicki

WHEREAS, Becky Sawicki has been employed with the Winnebago County Sheriff's Department for the past twenty-six (26) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Becky Sawicki has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that sincere appreciation and commendation be and is hereby extended to Becky Sawicki for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Becky Sawicki.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Ellis to adopt. Vote on Resolution: AYES: 32; NAYES: 0; NOT RECORDED: 4 – Bolante, Defferding, Nussbaum and Warnke. CARRIED.

RESOLUTION NO. 022-062020: Commendation for Jonathan Phillip

WHEREAS, Jonathan Phillip has been employed with the Winnebago County Department of Human Services for the past thirty-four (34) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Jonathan Phillip has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge his years of service.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that sincere appreciation and commendation be and is hereby extended to Jonathan Phillip for the fine services he has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Jonathan Phillip.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Ellis to adopt. Vote on Resolution: AYES: 33; NAYES: 0; NOT RECORDED: 3 – Bolante, Brunn and Locke; ABSENT: 0. CARRIED.

RESOLUTION NO. 023-062020: Authorize a Transfer of \$24,410 from the Winnebago County Boat Trailer Parking Permit Fee Fund Balance to the Winnebago County Parks Professional Services Account for the Development of a Grundman Boat Landing Master Plan

WHEREAS, Winnebago County is interested in providing quality recreational opportunities for visitors utilizing Winnebago County boat landings; and

WHEREAS, numerous citizens who use Grundman Boat Landing have reported that the traffic pattern design and the parking facilities at the site are both inadequate and sometimes hazardous to boaters who launch at the facility; and

WHEREAS, associated reports of vehicular problems at Grundman Boat Landing has resulted in Parks Department staff becoming more concerned with the increasing use of the boat landing over the past decade, as well as the likelihood that the improvements being made to County Highway A will promote further residential growth west of the road corridor which will only compound the aforementioned vehicular load problem; and

WHEREAS, in correcting the vehicular problems occurring at Grundman Boat Landing it is desirable for Winnebago County to develop a Master Plan for the property to not only serve in providing direction in upgrading the facility, but to also act as a platform for citizens to register their concerns and make recommendations for improving the site; and

WHEREAS, development of a Grundman Boat Landing Master Plan is required for Winnebago County to become eligible for cost sharing aid programs administered by the State of Wisconsin; and

WHEREAS, the Boat Trailer Parking Permit Fee Fund balance as of December 31, 2019, is \$195,224.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer of \$24,410 from the Winnebago County Boat Trailer Parking Permit Fee fund balance to the Winnebago County Parks Professional Services account for the development of a Grundman Boat Landing Master Plan.

Submitted by:
PARKS & RECREATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Konetzke and seconded by Supervisor Lautenschlager to adopt. Vote on Resolution: AYES: 32; NAYES: 0; NOT RECORDED: 4 – Finch, Locke, Neuhoﬀ and Norton. ABSENT: 0. CARRIED.

RESOLUTION NO. 024-062020: Authorize the Public Health Department to Accept Reimbursements from the Wisconsin Department of Health and Human Services in the Amount of \$90,000, and Appropriate the Funds to COVID-19 Temporary Employee Expenses

WHEREAS, the Winnebago County Public Health Department will receive reimbursements from the Wisconsin Department of Health and Human Services; and

WHEREAS, cases of COVID-19 continue to rise and have tripled to over 300 in the past few weeks; and

WHEREAS, testing and contact tracing are the first lines of defense when disease is spreading; and

WHEREAS, accepting the additional funding allows Public Health to hire additional support for this pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Public Health Department to accept reimbursements from the Wisconsin Department of Health and Human Services in the amount of \$90,000 and appropriate the funds to COVID-19 temporary employee expenses.

Submitted by:
BOARD OF HEALTH
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Norton and seconded by Supervisor Egan to adopt. Vote on Resolution: AYES: 34; NAYES: 0; NOT RECORDED: 2 – Locke and Zellmer; ABSENT: 0. CARRIED.

RESOLUTION NO. 025-062020: Amend the Table of Organization for Park View Health Center to Replace One Full-Time Equivalent Nurses Aide Position and Add One Full-Time CNA Coordinator Position

WHEREAS, the current Table of Organization for Park View Health Center includes 98.4 full-time equivalent (“FTE”) Nurses Aide positions; and

WHEREAS, there is a severe nationwide shortage of certified Nurses Aides, thus making it very difficult to keep Park View Health Center adequately staffed, and also making it very important to improve recruitment and retention efforts with regard to Nurses Aides; and

WHEREAS, onboarding and training of new employees at Park View Health Center is a primary responsibility of the Staff Development Coordinator, who currently does not have sufficient time to ensure a smooth and positive onboarding experience for the high volume of new employees, particularly Nurses Aides; and

WHEREAS, replacing one FTE Nurses Aide position, which will generally be vacant because of the shortage of such employees, with a full-time CNA Coordinator position, will provide a new position that is focused on assisting with new employees and serving as a mentor and a coach, thus contributing to better retention;

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the Table of Organization for Park View Health Center is hereby amended, effective immediately, by deleting one FTE Nurses Aide position and adding one full-time CNA Coordinator position.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Koneczke to adopt. Vote on Resolution: AYES: 33; NAYES: 0; NOT RECORDED: 3 – Finch, Locke and Neuhoff; ABSENT: 0. CARRIED.

RESOLUTION NO. 026-062020: Authorize Payment of Shift Premiums for Highway Employees Doing Night Work on Highway 41

WHEREAS, Highway Department employees will be performing maintenance work on Highway 41 this summer, and the State now requires such work to be done at night, when traffic volume is lower; and

WHEREAS, night work involves some increased risk to employees, as well as disruption of their personal schedules and sleeping habits; and

WHEREAS, a shift differential of \$2.00 per hour for such work is within the range of shift differentials we offer for some other employees in the County, such as RN’s at Park View Health Center, and will provide a modest compensation to Highway Department employees engaged in this night work;

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that effective immediately shift premiums of \$2.00 per hour worked may be paid to Highway Department hourly employees for non-winter maintenance activities performed on Highway 41 between the hours of 8:00 p.m. and 5:00 a.m.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Koneczke to adopt. Vote on Resolution: AYES: 34; NAYES: 0; NOT RECORDED: 2 – Bolante and Locke; ABSENT: 0. CARRIED.

ORDINANCE NO. 028-062020: Amend Section 9.14 of the General Code of Winnebago County: Smoking in County Buildings

WHEREAS, a core function of public health is policy development to ensure that the public interest is served by measures that are adopted.ⁱ

WHEREAS, a Health Focus Area of *Healthiest Wisconsin 2020* is tobacco use and exposure.ⁱⁱ

WHEREAS, commercial tobacco use is the single most preventable cause of death in the United States.ⁱⁱⁱ

WHEREAS, tobacco still costs Wisconsin \$4.7 billion in health care and lost productivity.^{iv}

WHEREAS, Wisconsin implemented its Clean Indoor Air Act in 2010, and since then e-cigarette types and brands have proliferated.^v

WHEREAS, from 2014 to 2018 in Wisconsin, there was a 272% increase in e-cigarette use among middle school students and a 154% increase among high school students.^{vi}

WHEREAS, in 2018, 29% of Winnebago County high school students reporting using an electronic vapor product in the past month, compared to 21% in 2016.^{vii}

WHEREAS, nicotine found in tobacco products including e-cigarettes slows brain development in adolescents.^{viii}

WHEREAS, the use of any non-cigarette tobacco product, including e-cigarettes, predicts smoking cigarettes a year later.^{ix}

WHEREAS, two chemicals found in some e-cigarette flavors – diacetyl and 2,3-pentanedione – have been shown to cause irreparable lung disease.^x

WHEREAS, the Wisconsin State Health Officer issued a Public Health Advisory in January 2019, to inform the public about the alarming statistics on current e-cigarette use among youth in Wisconsin.^{xi}

WHEREAS, e-cigarette aerosol can contain potentially harmful chemicals, including nicotine, heavy metals, volatile organic compounds (VOCs), and ultrafine particulates.^{xii}

WHEREAS, e-cigarette use increases airborne concentrations of particulate matter and nicotine in indoor environments compared with background levels.^{xiii}

WHEREAS, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), the international standards setting body and cognizant authority on ventilation and acceptable indoor air quality, has updated its recommended standard to include e-cigarette prohibition in smoke-free workplaces laws.^{xiv}

WHEREAS, the City of Neenah and the City of Appleton have already incorporated electronic smoking devices into their clean indoor air laws.^{xv}

WHEREAS, the updated definitions were provided by the Wisconsin Tobacco Prevention and Control Program and are considered best practice.

WHEREAS, definitions in Sections 9.14 and 9.31 should be consistent.

NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS: Section 9.14 of the General Code of Winnebago County is hereby amended and shall read as follows:

9.14 SMOKING IN COUNTY BUILDINGS

(1) Authority. This Section of the Code is adopted under the authority granted by §101.123(2), Wis. Stats.

(2) Definitions. As used in this Section.

(a) "Assisted Living Facility" means a community-based residential facility, as defined in §50.01(1g), Wis Stats, a residential care apartment complex, as defined in §50.01(6d), Wis Stats, or an adult family home as defined in §50.01(1)(b), Wis Stats.

(b) "Building" means any enclosed, indoor area of a structure owned by the County or any enclosed, indoor area of that part of a structure leased by the County.

(c) "County-owned" means any buildings, as defined in this Section, owned by the County.

(d) "County-leased" means any part of a building, as defined in this Section, which is leased by the County.

(e) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

(f) "Enclosed Indoor Area" means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether opened or closed, covering more than fifty percent (50%) of the combined surface area of the vertical planes constituting the perimeter of the area.

(g) "Entrance" means a doorway which gives direct access to a building from a contiguous street, plaza, sidewalk or parking lot, opened windows, and any building ventilation systems.

(h) "Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation smoking equipment in any manner or in any form. "Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

(i) "Sports Arena" means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

(j) "Vehicle" means any automobile, truck, or other motorized piece of equipment owned, leased, or operated by the county.

(k) "Workplace" means any enclosed indoor area that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, a storage area, or an employee cafeteria. A private residence shall not be considered a place of employment unless it is used as a child care, adult day care, or health care facility.

(3) Smoking Prohibited.

(a) No person shall smoke in any County-owned or County-leased building, work place or vehicle at any time.

(b) Smoking is prohibited within all sports arenas on county-owned or county-lease property.

(c) Smoking is prohibited within twenty (20) feet of any entrance of a county-owned or county-leased building, sports arena or workplace.

(d) No person shall smoke within the building or the campus area of Park View Health Center.

1. The "campus of Park View Health Center" shall be defined for the purpose of this ordinance as those areas, both indoors and outdoors, falling within the perimeter of the campus boundary surrounding the skilled nursing facility building at Park View Health Center, as is indicated in Exhibit "A", attached.

- (4) Exceptions. The prohibition in Subsection (3) shall not apply to the following structures or the following areas:
 - (a) County-owned or County-leased residential rooms in assisted living facilities, which are designated smoking as defined in §§101.123(3)(i) and 101.123(3)(j), Wis. Stats.
 - (b) Private residences in buildings owned or leased by the Winnebago County Housing Authority, unless the building is otherwise designated as smoke free.
 - (c) Outside smoking areas, designated as such by the County Executive after conferring with the County Health Director, upon county-owned and leased property and sports arenas.
- (5) Responsibilities. The County shall post signs prohibiting smoking at least twenty (20) feet from the public entrance of County-owned and County-leased buildings, sports arenas, and work places. The signs shall be:
 - (a) of uniform dimensions and other characteristics required under §101.123(2m), Wis. Stats., specified by §101.123(6), Wis. Stats.
 - (b) be posted at doorway entrances of county-owned and county-leased buildings, sports arenas and work places.
- (6) Penalties and Enforcement.
 - (a) Any person who shall violate any provision of this Section of the Code shall, upon conviction thereof, forfeit \$100.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution.
 - (b) Citations may be issued for violations of this Section of the General Code as provided for in Section 25.04(4) of the General Code of Winnebago County.
- (7) Effective Date. This ordinance shall become effective as of the date following the date of its publication.

Submitted by:
BOARD OF HEALTH

Motion by Supervisor Norton and seconded by Supervisor Konetzke to adopt. Vote on Ordinance: AYES: 34; NAYES: 0; NOT RECORDED: 2 – Bolante and Locke; ABSENT: 0. CARRIED

**ORDINANCE NO. 029-062020: Amend Section 9.31 of the General Code of Winnebago County:
Prohibition of Smoking in Certain Places**

WHEREAS, a core function of public health is policy development to ensure that the public interest is served by measures that are adopted.^{xvi}

WHEREAS, a Health Focus Area of *Healthiest Wisconsin 2020* is tobacco use and exposure.^{xvii}

WHEREAS, commercial tobacco use is the single most preventable cause of death in the United States.^{xviii}

WHEREAS, tobacco still costs Wisconsin \$4.7 billion in health care and lost productivity.^{xix}

WHEREAS, Wisconsin implemented its Clean Indoor Air Act in 2010, and since then e-cigarette types and brands have proliferated.^{xx}

WHEREAS, from 2014 to 2018 in Wisconsin, there was a 272% increase in e-cigarette use among middle school students and a 154% increase among high school students.^{xxi}

WHEREAS, in 2018, 29% of Winnebago County high school students reporting using an electronic vapor product in the past month, compared to 21% in 2016.^{xxii}

WHEREAS, nicotine found in tobacco products including e-cigarettes slows brain development in adolescents.^{xxiii}

WHEREAS, the use of any non-cigarette tobacco product, including e-cigarettes, predicts smoking cigarettes a year later.^{xxiv}

WHEREAS, two chemicals found in some e-cigarette flavors – diacetyl and 2,3-pentanedione – have been shown to cause irreparable lung disease.^{xxv}

WHEREAS, the Wisconsin State Health Officer issued a Public Health Advisory in January 2019, to inform the public about the alarming statistics on current e-cigarette use among youth in Wisconsin.^{xxvi}

WHEREAS, e-cigarette aerosol can contain potentially harmful chemicals, including nicotine, heavy metals, volatile organic compounds (VOCs), and ultrafine particulates.^{xxvii}

WHEREAS, e-cigarette use increases airborne concentrations of particulate matter and nicotine in indoor environments compared with background levels.^{xxviii}

WHEREAS, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), the international standards setting body and cognizant authority on ventilation and acceptable indoor air quality, has updated its recommended standard to include e-cigarette prohibition in smoke-free workplaces laws.^{xxix}

WHEREAS, the City of Neenah and the City of Appleton have already incorporated electronic smoking devices into their clean indoor air laws.^{xxx}

WHEREAS, the updated definitions were provided by the Wisconsin Tobacco Prevention and Control Program and are considered best practice.

WHEREAS, definitions in Sections 9.14 and 9.31 should be consistent.

NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS: Section 9.31 of the General Code of Winnebago County is hereby amended and shall read as follows:

9.31 PROHIBITION OF SMOKING IN CERTAIN PLACES

- (1) Authority: This ordinance is adopted pursuant to that authority provided by §101.123(4m), Wis Stats.
- (2) Section 101.123, Wis Stats, Incorporated by Reference: §101.123, Wis Stats, to the extent such statutory section requires any act be performed/prohibited, is hereby adopted and herein by reference made a part of this section of the General Code of Winnebago County as if fully set forth herein. Any act required to be performed or prohibited by §101.123, Wis Stats, is required/prohibited by this section of the Code.
- (3) Definitions: *The following definitions shall apply instead of the definition found in state statutes.*
 - (a) *“Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.*
 - (b) *“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation in any manner or in any form. “Smoking” includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.*
- (4) Penalty: Any person who violates any provision of this section of the Code shall be subject to forfeitures of no less than \$100.00 but no greater than \$250.00 as is set forth in §101.123(8), Wis Stats.
- (5) Applicability: The provisions of this ordinance shall apply in all unincorporated areas of Winnebago County.
- (6) Effective Date: This ordinance shall become effective as of the date following the date of its publication.

Submitted by:
BOARD OF HEALTH

Motion by Supervisor Norton and seconded by Supervisor Konetzke to adopt. Motion by Supervisor Farrey and seconded by Supervisor Konetzke to refer back to the Board of Health regarding language in Section 9.31(3)(a-b).
Vote to Refer Back: AYES: 9 – Albrecht, Binder, Defferding, Egan, Farrey, Finch, Gabert, Konetzke and Snider;
NAYES: 26; NOT RECORDED: 1 – Locke; ABSENT: 0. FAILED.

Vote on Ordinance: AYES: 29; NAYES: 6 – Albrecht, Binder, Defferding, Farrey, Gabert and Snider; NOT RECORDED: 1 – Locke; ABSENT: 0. CARRIED.

RESOLUTION NO. 030-062020: Support the Commitment to Veterans Support and Outreach (CVSO) Act

WHEREAS, the number of veteran suicides continues to rise nationwide. Approximately fourteen (14) of the twenty (20) veterans who die by suicide each day are not under the care of the Department of Veterans Affairs (VA). We must undertake a national approach to identify these veterans and where they live; and

WHEREAS, County Veterans Service Officers (CVSOs) are normally the first point of contact when a veteran transitions from active duty status to civilian life. CVSOs provide assistance on a wide range of benefits, including service-connected benefits, enrollment in the VA health care system, VA home loans, VA education benefits, and assistance with job placement where available; and

WHEREAS, transitioning veterans are not always aware of benefits they may be eligible for, and CVSOs are often the first to inform veterans of these available benefits; and

WHEREAS, CVSOs are employed by counties and are nationally accredited to prepare, present, and prosecute these claims on behalf of veterans; and

WHEREAS, there is no direct federal funding currently available for CVSOs and TVSOs (Tribal Veterans Service Officers); and

WHEREAS, there is legislation currently pending in both houses of Congress, known as the “Commitment to Veteran Support and Outreach Act (SB-3020 / AB-5516), which would authorize the Secretary of Veterans Affairs to enter into contracts with the individual states, or to award grants to states to promote health and wellness, help prevent veteran suicide, and improve outreach to veterans; and

WHEREAS, the CVSO Act would provide for \$50 Million annually for five (5) years to expand outreach and support CVSOs, TVSOs, or similar entities who currently assist veterans in obtaining over \$50 Billion annually; and

WHEREAS, Winnebago County has been a front-runner in working with our federal legislators in the development and presentation of said legislation since 2017.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports this pending legislation in both houses of Congress, known as the “Commitment to Veteran Support and Outreach Act (SB-3020 / AB-5516) that authorizes the Secretary of Veterans Affairs to enter into contracts or award grants directly to individual states to help prevent suicide, and to promote the health and wellness and improve outreach to veterans.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it directs the Winnebago County Clerk to forward a copy of this Resolution to all other Wisconsin counties, the Winnebago County Veterans Service Officer, all tribal veterans service officers, the Secretary of the Wisconsin Department of Veteran Affairs, the National Association of Counties (NACo), Veterans and Military Services Committee, the National Association of County Veterans Service Officers (NAVCVSO), the County Veterans Service Officers Association of Wisconsin (CVSOA-WI), and the Wisconsin State Association of County Veterans Service Commissions (WSACVSC)

Submitted by:
VETERANS SERVICE COMMISSION

Motion by Supervisor Snider and seconded by Supervisor Konetzke to adopt. Vote on Resolution: AYES: 34; NAYES: 0; NOT RECORDED: 2 – Locke and Schellenger; ABSENT: 0. CARRIED.

RESOLUTION NO. 031-062020: Authorize Payment of Excess Committee Days (April 1, 2019 through March 31, 2020)

WHEREAS, §59.13(2)(b), Wis Stats, provides that in counties with a population of 25,000 persons or more, the Board of Supervisors may, by a two-thirds vote of the members present, increase the number of days for compensation and mileage that may be paid in any year and fix the compensation for each additional day or portion thereof; and

WHEREAS, your undersigned Committee recommends that a per diem payment be made to those committee members who have committee days in excess of thirty (30) days for the period between April 1, 2019, through March 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a per diem compensation for persons serving on committees for more than thirty (30) days as is shown in the attached report, which is hereby made a part of this Resolution, for the period of April 1, 2019, through March 31, 2020.

Submitted by:
PERSONNEL & FINANCE COMMITTEE
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Farrey to adopt. Vote on Resolution: AYES: 28; NAYES: 5 – Gabert, Joas, Neuhoff, Rasmussen and Wingren; NOT RECORDED: 2 – Bolante and Locke; ABSENT: 0. CARRIED.

RESOLUTION NO. 032-062020: Declare June as “Pride Month in Winnebago County”

WHEREAS, Winnebago County supports the right of every citizen to experience equality and freedom from discrimination; and

WHEREAS, all people regardless of age, gender identity, race, ethnicity, religion, marital status, national origin, sexual orientation, or physical abilities have the right to be treated on the basis of their intrinsic value as human beings; and

WHEREAS, in January 2019 the Williams Institute at the UCLA School of Law reported that 3.8 percent of the population of Wisconsin identifies as LGBTQ+; and

WHEREAS, assuming that state statistics hold true locally, and 3.8 percent of Winnebago County residents identify as being LGBTQ+, they represent one of the larger minority/marginalized groups in the County; and

WHEREAS, June 28, 2019, marked the 50th anniversary of the “Stonewall Uprising,” a turning point in the struggle for civil rights of the LGBTQ+ community; and

WHEREAS, in 1982, Wisconsin was the first state to ban discrimination based on sexual orientation in employment, housing, education, credit, and all public accommodations. Governor Lee S. Dreyfus said “It is a fundamental tenet of the Republican Party that government ought not intrude in the private lives of individuals where no state purpose is served, and there is nothing more private or intimate than who you live with and who you love”; and

WHEREAS, we recognize that diversity and inclusiveness is key to the future economic and social success of Winnebago County; and

WHEREAS, we recognize and embrace the responsibility for Winnebago County to set a positive example for the community in ensuring that our employment practices and work environments are respectful of all people, regardless of age, gender identity, race, color, religion, marital status, national origin, sexual orientation, and/or physical challenges.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the month of June shall be proclaimed as “Pride Month in Winnebago County,” starting with June 2020 and for every year thereafter, when all Winnebago County residents are invited to reflect on ways that we can live and work together with a commitment to mutual respect and understanding.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Executive is hereby directed to evaluate Winnebago County Government's employment policies/practices and facilities/work environments to ensure that they meet the County's expectation of being open and inclusive to people who identify as LGBTQ+.

Submitted by:
BRIAN DEFFERDING, District 6
JULIE GORDON, District 17
MICHAEL NORTON, District 20

Motion by Supervisor Defferding and seconded by Supervisor Konetzke to adopt. Vote on Resolution: AYES: 22; NAYES: 9 – Albrecht, Borchart, Brunn, Ellis, Finch, Joas, Nussbaum, Rasmussen and Wise; NOT RECORDED: 2 – Gabert and Locke; ABSENT: 0. CARRIED.

RESOLUTION NO. 033-062020: Request Sheriff to Read Declaration of Independence on Courthouse Steps on July 4, 2020

WHEREAS, the Continental Congress, by a Declaration of Independence, dated July 4, 1776, declared the inhabitants of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, were no longer colonial subjects to be exploited arbitrarily by servants of the King and Parliament of Great Britain, but now were free citizens of their own territories, and that free citizens should constitute the governments for those territories; and

WHEREAS, the Continental Congress provided that same day, by orders of their House, that their Declaration should be proclaimed aloud and published to the free citizens of the territories represented in their Congress; and

WHEREAS, responsible citizens were notified of the Declaration by sheriffs who proclaimed it on the courthouse steps, by clergymen who read it from their pulpits, and by printers who printed it in their gazettes; and

WHEREAS, the Continental Congress thus initiated a process that has created the Constitutions and state governments of our Union including the Constitution and government of the State of Wisconsin.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby requests Sheriff John Matz to read the Declaration of Independence from the steps of the Winnebago County Courthouse at 8:00 a.m. on the morning of July 4, 2020, as this was the custom in the early history of our country.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that we ask Sheriff John Matz to read the document without further comment or speech. This event is intended for those present to hear the words of the Declaration as we begin to celebrate our Day of Independence. (Social distancing and masks will be respectfully maintained.)

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Wingren and seconded by Supervisor Ellis to adopt. Motion by Supervisor Schellenger and seconded by Supervisor Snider to amend Line 8 to read as follows: "exploited arbitrarily by servants of the King and Parliament of Great Britain, but now some were free citizens of their own territories,". Vote on Amendment: AYES: 21; NAYES: 14 – Albrecht, Borchart, Brunn, Egan, Eisen, Ellis, Farrey, Gabert, Keller, Konetzke, Rasmussen, Schorse, Warnke and Wingren; NOT RECORDED: 1 – Locke; ABSENT: 0. CARRIED. Vote on Resolution: AYES: 35; NAYES: 0; NOT RECORDED: 1 – Locke; ABSENT: 0. CARRIED.

Motion by Supervisor Albrecht and seconded by Supervisor Konetzke to adjourn until the July 21, 2020 business meeting at 6:00 p.m. The meeting was adjourned at 10:22 p.m.

Submitted by:
Julie A. Barthels
Winnebago Deputy County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Julie A. Barthels, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held June 16, 2020.

Julie A. Barthels
Winnebago Deputy County Clerk