

MINUTES
Oneida County Board of Supervisors
Tuesday, June 20, 2023 – 9:30 a.m.
County Board Meeting Room - 2nd Floor Oneida County Courthouse

CALL TO ORDER.

Chairman Holewinski called the meeting to order at 9:30 a.m. in the County Board Meeting Room of the Oneida County Courthouse. There was a brief moment of silence for our troops, law enforcement officers and emergency responders followed by the Pledge of Allegiance.

Members Present: Robb Jensen, Billy Fried, Jim Winkler, Mike Timmons, Linnaea Newman, Tommy Ryden, Russ Fisher, Scott Holewinski, Anthony Rio, Mike Roach, Steven Schreier, Bob Almekinder, Robert Briggs, Diana Harris, Ted Cushing, Collette Sorgel, Debbie Condado, Chris Schultz, Connor Showalter and Greg Oettinger.

Members Present: 20

Absent: Tom Kelly

Condado entered at 9:32 a.m.

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

- Please use a microphone when speaking.

ACCEPT THE MINUTES OF THE MAY 16, 2023 MEETING:

Motion/Second: Winkler/Cushing to accept the minutes of the May 16, 2023 meeting. All "Aye", Motion carried.

REPORTS/PRESENTATIONS:

- 30-Year Service Award to Human Resource Director Lisa Charbarneau. Supervisor Cushing presented a thirty-year service award to Charbarneau. He reported that she was hired in 1993. Cushing listed all of her involvements and achievements. Charbarneau received a standing ovation.
- Social Services 2022 Annual Report – Social Services Director Mary Rideout went over the highlights of the Social Services Report. Rideout reported that they will be returning \$77,000 to the county.
- Veterans Service Office 2022 Annual Report – Veterans Service Officer Tammy Javenkoski went over the 2022 Annual Report. Javenkoski reported that Oneida County Veterans received over \$59 Million in benefits in 2022. Javenkoski went over the donation fund run out of the office and how it is implemented. Javenkoski went over the DAV van and the benefit to local Veterans.
- Presentation by Mitch Olson, Hilbert Communications. Olson stated he is the Chief Development Officer for Hilbert Communication. Olson reported that this Resolution is to approve conduit bond financing for broadband expansion and authorizes the \$24 Million dollar bond. Olson went over how the debt works clarifying that Oneida County is cosigning to the debt issuance. Showalter questioned what percentage of the population would be covered by fiber and what percentage would be covered by wireless if this is implemented. Olson stated that a larger portion would be covered by wireless but it would not be a large percentage. Showalter questioned who is currently uncovered and questioned what would be covered under this expansion. Olson stated that the expectation is about 3500 customers would be covered with fiber-optic broadband under the initial deployment. Showalter questioned what an average revenue per user would be. Olson stated that they feel comfortable with the revenue but they do not have particularly reliable data. Olson stated that approximately 3000-3500 new customers and address points will be served after initial deployment. Schreier stated that he is concerned that bond counsel cannot tell us how much risk the County is taking. Schreier questioned what the value of the assets would be if they defaulted. Olson stated that the value is whatever someone is willing to pay for them. Olson stated that there is no mark up in the costs in this project. Olson stated that The Public Service Corp has first lien on the assets and Oneida County would be secondary. Holewinski questioned the assets of Northwood's Connect. Olson stated those are assets of Hilbert Communication. Schreier stated that Oneida County is the guarantor of the debt and Oneida County is taking all of the risk. Schreier questioned what risk Hilbert Communication is taking. Olson reported that Oneida County would have all of Hilbert Communications assets. Discussion regarding the cash-flow and what debt it would pay. Olson stated that each project supports itself with cash-flow generated. Olson stated that Hilbert as the parent company would back this up. Discussion regarding how the towers would work with the fiber attached. Discussion regarding the service area. Olson stated there will be an installation cost to customers but this will not be excessive.
- Broadband Presentation. Jeff Verdoorn of the Economic Development Corporation stated that based on the map 6,000 – 10,000 homes will be touched with this implementation. Verdoorn explained that the sheet distributed shows the benefits of this implementation. Verdoorn stated this is the first step in the process and sets up for future expansion. Discussion regarding potential duplication. Discussion regarding placement of the fiber. Sweeney clarified that he determines the value of the project should be approximately \$28 Million dollars.

Sweeney stated that his recommendation would be to have a standing committee for broadband as this is continually evolving. Discussion regarding why certain counties did not go with Bug Tussel.

PUBLIC COMMENT (time limit of three minutes):

- Sign attendance form at the podium. Chuck Buchheit, Minocqua resident spoke in favor of fiber. Adam Redmond of Minocqua spoke in favor of broadband. Tom Kroepelin of Minocqua spoke in favor of connectivity. Patrick Reagan, City Administrator of the City of Rhinelander spoke in favor of broadband. Chris Hanus mayor of Rhinelander spoke in support of broadband. Kathleen Cooper of Pelican spoke regarding Resolution # 25 – 2023 stating the comments that were made were disrespectful and insulting. Pete Otis of Minocqua spoke regarding the history of internet service in Minocqua. Lee Calvey of Minocqua spoke regarding internet coverage. Landis Holdorf from Tom Tiffany's office stated that if there are any Federal questions to get ahold of Tiffany. Patrick Mcnamar of Woodruff spoke in favor of high speed internet. Martha Simenstad spoke in favor of better connectivity.

CONSENT AGENDA:

Amended Resolution # 42 – 2023: Offered by the Supervisors of the Land Records Committee to convey excess county lands Part of PL-145-6 to Amy Ruth Steele and Part of PL-145-6 to the Town of Pine Lake.

Resolution to convey excess county lands to Steele and Town of Pine Lake.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Land Records Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Oneida County retained a 100 foot strip of land on each side of the center line of existing roads crossing the SE ¼ - SE ¼ of Section 24, Township 37 North, Range 8 East, as recorded in the Register of Deeds, Volume 64 of Deeds on Page 378, Document # 112091, recorded on December 27th, 1941; and,

WHEREAS, a request has been made to Oneida County from the adjoining landowner listed in Exhibit A requesting that a portion of said strip of land described above adjacent to River Road be conveyed to them as they are the present adjoining owners of the land, and they have paid the \$250.00 administrative fee to process this request; and,

WHEREAS, the Town of Pine Lake has been notified of such request, and if the Town has no objection to conveying the excess lands to the adjoining landowner; and if the Town has no objection to accepting a conveyance for a portion of **River Rd** right-of-way for highway purposes, the Land Records Committee recommends that the parcels described in Exhibit A be conveyed to the adjoining landowner and the Town; and,

~~**WHEREAS**, the Town of Pine Lake has been notified of this request and the Land Records Committee recommends that the parcel described in Exhibit A be conveyed to the adjoining landowner, provided the Town of Pine Lake does not have any objection to said conveyance; and,~~

THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby approves conveying the parcels described in Exhibit A to the adjoining landowner and the Town of Pine Lake, and authorizes the County Clerk, upon receipt of the \$30 deed recording fees, to issue a quit claim deed conveying any interest the County has in the description noted below in Exhibit A.

Offered and passage moved by: Mike Timmons, Robert Briggs, Chris Schultz, Connor Showalter, Greg Oettinger

Resolution # 62 – 2023: Offered by the Supervisors of the Land Records Committee to convey tax foreclosed property PL-572-9 to Jacqueline M. Skubal.

Resolution to convey tax foreclosed and other county real estate.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Land Records Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the tax foreclosed real estate parcel identified in Exhibit A listed below has been offered for public sale pursuant to the procedures in Chapter 18 of the General Code of Oneida County, WI; and,

WHEREAS, the tax foreclosed real estate listed in Exhibit A had no successful bids submitted and the Land Records Committee has authorized the direct sale of said parcel to an adjoining land owner; and

WHEREAS, the Town of Pine Lake has been notified of this parcel and has no objection to conveying the excess lands to the adjoining landowner, the Land Records Committee has determined it would be in the best interest of Oneida County to convey the parcel by quit claim deed to Jacqueline M. Skubal listed in Exhibit A; and,

THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby approves the sale of the parcel described in Exhibit A and approves conveying the parcel described in Exhibit A to Jacqueline M. Skubal and the Board authorizes the County Clerk, upon receipt of the \$30 deed recording fee, to issue a quit claim deed conveying any interest the County has in the description described in Exhibit A.

**Approved for presentation to the County Board by the Land Records Committee this 13th day of June, 2023.
Offered and passage moved by: Mike Timmons, Robert Briggs, Chris Schultz, Connor Showalter, Greg Oettinger**

Resolution # 63 – 2023: Offered by the Social Services Committee to amend Resolution # 74 – 2017 Children’s Community Option Program (CCOP).

Resolution offered by the Supervisors of the Social Services Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, The Oneida County Board of Supervisor approved Resolution 74-2017 to allow for funds held by Oneida County Department of Social Services in the Community Options Program (COP) Risk Reserve to be transferred to a fund established by the Human Service Center in accordance with Wisconsin Statute 46.272(13)(f) as the CCOP Risk Reserve; and

WHEREAS, Resolution 74-2017 required that funds transferred from Oneida County CCOP be earmarked specifically for services under Wisconsin Statute 46.272, Children’s Community Options Program, and will be used only for eligible Oneida County youth with the recommendation of the Department of Social Services; and

WHEREAS, the funds held by The Human Service Center as CCOP funds have been significantly reduced by the Department of Health Services as the funds exceeded the maximum allowable funds in the CCOP Risk Reserve; and

WHEREAS, the funds provided by Oneida County Department of Social Services to the CCOP Risk Reserve no longer exist within the Reserve; and

NOW, THEREFORE, BE IT RESOLVED, that Resolution 74-2017 be amended to remove line 39 starting at “These funds will be earmarked specifically for services under Wisconsin Statute 46.272, Children’s Community Options Program, and will be used only for eligible Oneida County youth with the recommendation of the Department of Social Services:” and ending at line 42 and line 46 starting at “and will provide monthly updates on the use of these funds to the Director of the Department of Social Services who will provide the reports to the Social Service Committee monthly” and ending at line 48 (see attached); and

All other provision of Resolution 74-2017 remain in effect and are not being amended by this resolution.

Offered and passage moved by: Linnaea Newman, Jim Winkler, Ted Cushing, Tony Rio

Resolution # 64 – 2023/Ordinance Amendment # 01 – 2023: Offered by the Supervisors of the Planning and Development Committee to amend Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 4, Section 9.43 Home Occupations.

Resolution to amend 9.43 Home Occupations.

Ordinance Amendment offered by the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #01-2023, which was filed May 18, 2023 (copy attached) to amend Section 9.43 of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon May 17, 2023 and pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, the Planning and Development Committee and staff observed a need to be more flexible for owner or residential tenant-occupied businesses in a residential district and;

WHEREAS, tradespersons requested to utilize entire detached accessory structures for their owner-occupied business for equipment or storage and;

WHEREAS, all other provisions of Section 9.43 Home Occupations still apply and;

WHEREAS, the Planning and Development Committee held a public hearing and nobody spoke in favor or opposition of the proposed changes and;

WHEREAS, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.43 HOME OCCUPATIONS

A. Purpose

The purpose of this section is to provide limited and reasonable accommodation for owner or residential tenant-occupied businesses in a residential district without the necessity of obtaining a rezoning into a commercial district, while also balancing the interests of the residential users.

B. Home Occupation Standards

A home occupation is an allowed accessory use in all residential districts, subject, however, to review and approval by the Zoning Administrator and compliance with the provisions of this ordinance. The following special standards shall be complied with:

1. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached or detached garage.
2. There shall be no exterior alterations that change the character of the dwelling unit or an attached or detached garage. Nor shall there be any visible evidence from the exterior of the dwelling unit or an attached or detached garage that indicates it is being utilized for any purpose other than that of a dwelling unit or an attached or detached garage, other than those signs permitted in the district.
3. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
4. The home occupation must not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, electrical emissions, any nuisance not associated with the normal residential use in such a district, or other fire or safety hazards that are noticeably out of character with those normally associated with the typical residential use of such a district.
5. The home occupation shall not require the use of commercial vehicles for more than occasional delivery of materials to or from the property, and traffic generated by the home occupation may not exceed that which is normally associated with the typical residential use of such a district.
6. The sale of goods from the location of the home occupation shall be limited to items produced on-site, and the sale of personal care and home care products made off-site, such as Tupperware, Shaklee, Amway and Avon, or other similar products that are customarily sold from a residence, as determined by the Zoning Administrator.
7. A home occupation shall not occupy more than ~~25%~~ 50% of the total floor area of the dwelling unit (excluding the garage). If a an attached or detached garage or other accessory structure is used for a home occupation, ~~no more than 25% of the total~~ the entire floor area of the attached or detached garage or accessory structure ~~shall~~ can be occupied by the home occupation.
8. Persons employed at the home occupation site shall be limited to resident family members and not more than one (1) non-resident employee at any given time.
9. Under no circumstances shall a vehicle repair or bodywork business qualify as a home occupation.
10. The home occupation must be clearly secondary and incidental to the residential use of the property.
11. The home occupation must not unreasonably interfere with residential occupancy of other parcels in the neighborhood.
12. Signage for the home occupation is governed by the sign regulations of this ordinance.
13. Garage sales as a type of home occupation are allowed in all residential districts provided that not more than three (3) such sales are held at a single dwelling unit per calendar year and that each sale shall not exceed four (4) consecutive days in duration.
14. Day care is allowed as a home occupation on residential premises. Standards may be imposed, and conditional use approval may be required, however, consistent with ~~see~~ s. 66.304, Wis. Stats., if applicable.
15. No production of items on-site shall be conducted if that production is of a type typically permitted only in the industrial zoning districts.
16. For home occupations conducted by a residential tenant, the property owner's written permission is required as part of the compliance checklist required below.

C. Home Occupation Compliance Checklist / Review Fee

Prior to commencing any home occupation in a residential district, a compliance checklist shall be completed on a form approved by the Committee and available from the Department. The compliance checklist shall be signed by the owner and/or residential tenant of the property on which the home occupation takes place. The completed compliance checklist shall be filed with the Department, along with the review fee as periodically designated by the County Board. The completed checklist shall be reviewed by the Zoning Administrator to determine compliance with the requirements of this ordinance. If the proposed home occupation complies, the Zoning Administrator shall approve the home occupation and sign the checklist. If the proposed home occupation does not comply with this ordinance, the Zoning Administrator shall not approve the home occupation and shall not sign the checklist.

D. Continuing Compliance

If, at any time, the Zoning Administrator believes that any of the above standards or other provisions of this ordinance are being violated, the general enforcement, violation and penalty provisions of this ordinance shall apply.

- 9.44 [Reserved for future use]
- 9.45 [Reserved for future use]
- 9.46 [Reserved for future use]
- 9.47 [Reserved for future use]
- 9.48 [Reserved for future use]
- 9.49 [Reserved for future use]

Article 10 remains the same except:

~~**Business, Service:** Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity. Examples of service business include, but are not limited to offices for physicians, accountants or attorneys.~~

~~**Service Business:** Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity. Examples of service business include, but are not limited to offices for physicians, accountants or attorneys.~~

~~**Light Industry:** Those industries that have very little or no air, water, or noise pollution, such as, assembly plants for bug zappers, assembly plants for computers, assembly plants for coin machines, machine shops and woodworking shops.~~

~~**Light Industry:** The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create unreasonable noise, smoke, fumes, odors, glare or other health and safety hazards outside of the building or property where such assembly, fabrication or processing takes place.~~

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #01-2023 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved for presentation to the County Board by the Planning and Development Committee this 31st day of May, 2023.

Offered and passage moved by: Scott Holewinski, Mike Roach, Mike Timmons, Bob Almekinder, Tommy Ryden

Resolution # 65 – 2023: Offered by the Supervisors of the Administration Committee to Request Local Fiscal Recovery Fund (CLFRF) allocated to Oneida County through the American Rescue Plan Act (ARPA) for the Purpose of the Courthouse Annexed Roof Replacement.

Resolution to Request Coronavirus Local Fiscal Recovery Fund (CLFRF) allocated to Oneida County through the American Rescue Plan Act (ARPA) for the Purpose of the Courthouse Annexed Roof Replacement.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Administration Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, The American Rescue Plan Act (ARPA) amends Title VI of the Social Security Act by adding Sections 602 and 603 establishing the Coronavirus Local Fiscal Recovery Fund (CLFRF); and

WHEREAS, Oneida County receives funds through CLFRF to assist the County in responding to the public health emergency or its negative economic impacts; to provide premium pay to eligible workers; to make necessary investments in infrastructure; and/or to provide government services; and

WHEREAS, certain restrictions of the use of these funds are determined by the United States Treasury (UST) Department including the prohibition of depositing the funds into any pension fund; directly or indirectly offsetting tax revenue; and does limit the amount of CLFRF funding to be used for “government services” to a not-to-exceed revenue reduction cap; and

WHEREAS, the County established the Funding Opportunities Committee (FOC) to provide direction and guidance on the use of the CLFRF; and

WHEREAS, the FOC developed an Oneida County Relief Funding Plan dated September 27, 2021 which ranked certain requests as “high” indicating the project or program resolves long-term, pressing issues; and / or addresses serious health and public safety risks; and / or has a widespread impact; and / or addresses a financial burden on the County; and / or has well-defined ancillary benefits; and

WHEREAS, the FOC, after thoughtful consideration of USTD regulations, further recommends County program funding thresholds by CLFRF category as follows: Public Health / Economic Development \$2,000,000; Premium Pay \$0; Infrastructure \$1,700,000; Government Services \$3,000,000; and Contingency of \$200,000; and

WHEREAS, due to the administrative burden of tracking and reporting expenditures under the program only those projects or programs with an aggregate value over a three-year period of \$100,000 is considered; and

WHEREAS, only those projects or programs which are "shovel-ready" or set to commence, if funded, upon approval of this Resolution are entertained at this stage to ensure UST requirements of funding obligation no later than December 31, 2024 and fully expended by December 31, 2026; and

WHEREAS, The County Facilities Committee has reviewed the guidance issued by the UST, given consideration to the request from the Buildings & Grounds Department, and supports funding the Courthouse Annexed Roof Replacement under the Government Services category, and

WHEREAS, the roof over the annexed section of the Courthouse needs to be replaced. The rubber membrane has become permeable and cannot be replaced or repaired anymore. The breakdown of the rubber has caused the underlying insulation board to absorb water and become sponge-like. The roof over the Planning and Zoning stairwell is leaking which resulted in the closing of the staircase due to safety concerns with ice being formed on the stairs. The leaking is also causing damage to paint, drywall and ceiling tiles which can result in mold which would be a health hazard for the public and employees, and

WHEREAS, the Courthouse Annexed Roof Replacement project includes the removal and proper disposal of the rock and existing damaged roof material. Repair sub-structure and install all new roofing material including PVC sheet roofing, ice and water barriers, underlayment, venting and all additional needed components. The project timeline is contingent on material availability, a request for \$375,000 in CLFRF funds is presently made and detailed in the attached CLFRF Fiscal Impact form, and

WHEREAS, the Administration Committee is in agreement and recommends this project / program be funded using CLFRF funds; and

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that effective on the 20th Day of June 2023, this project / program be funded using CLFRF funds; and

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by Adoption of this resolution the project / program will be reevaluated annually as part of the budget process to determine need and available funding for future years.

Approved for presentation to the County Board by the Administration Committee this 12th day of June, 2023.

Offered and passage moved by: Billy Fried, Ted Cushing, Russ Fisher, Steven Schreier, Tom Kelly

Resolution # 66 – 2023: Offered by the Supervisors of the Forestry, Land and Recreation Committee to grant an access license across County Lands located in the Town of Lynne, Oneida County, to Camp Chick-A-Dee, LLC to access their property.

Resolution to grant an access license across County lands located in the Town of Lynne, Oneida County, to Camp Chick-A-Dee, LLC to access their property.

Resolution approved for presentation to the Oneida County Board by the Supervisors of the Forestry, Land and Recreation Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, a request has been made to the Oneida County Forestry, Land and Recreation Committee for an access license across County lands located in the NE ¼ of the NW ¼ in Section 29, T36N, R4E, Town of Lynne (Parcel # LY 453), by the owners of the land in the NW ¼ of the NE ¼, Section 29, T36N, R4E, Town of Lynne (Parcel #LY 450) as shown on the attached map Exhibits A and B; and

WHEREAS, the Forestry, Land and Recreation Committee has reviewed the aforementioned access request and determined that no significant negative impact would result to County Forest land or its users by granting an access license; so

THEREFORE, BE IT RESOLVED, that upon receipt of acreage fee as determined by legal survey, \$500.00 administration fee, and \$30.00 document recording fee, the County Clerk be authorized and directed to issue an access license to Camp Chick-A-Dee, LLC.

Approved for presentation to the County Board by the Forestry, Land and Recreation Committee this 13th day of June, 2023.

Offered and passage moved by: Robert Briggs, Jim Winkler, Collette Sorgel, Chris Schultz

- Appointments to Committees, Commissions and other Organizations:
 - Confirm appointment of Robb Jensen as the County Appointed Lake Commissioner for both Squash and Crescent Lake Districts as approved by the CUW committee.
 - Re-Appoint Joan Hauer to the ADRC Committee for a 3-year term to expire in April, 2026.

- Re-Appoint Sue Claflin to the Housing Authority for a 5-year term to expire in August, 2028
- Appoint Dan Chronister to the Board of Adjustment as the second alternate for a 3-Year Term to expire in July 2026.

Motion/Second: Cushing/Timmons to approve the consent agenda as presented.

Roll Call Vote: 20, 1 Absent, Tom Kelly

Motion: Adopted

Newman requested that Resolution #67 – 2023 be pulled from the consent agenda.

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

Resolution # 67 – 2023/Rezone Petition # 05 – 2023: Offered by the Supervisors of the Planning and Development Committee to rezone land from District #02 Single Family to District #1-A Forestry on property described as Government Lot 6 and Part of Government Lot 5, Section 13, T39N, R4E, PIN's MI 695 and MI 696-1, Town of Minocqua, Oneida County, Wisconsin.

Resolution offered by the Planning and Development Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning and Development Committee having considered Rezone Petition #05-2023 (copy attached), which was filed April 14, 2023, to amend the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, and having given notice thereof as provided by law and having held a public hearing thereon May 17, 2023 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

To rezone land from District #02 Single Family to District #1-A Forestry on property described as Government Lot 6 and Part of Government Lot 5, Section 13, T39N, R4E, PIN's MI 695 and MI 696-1, Town of Minocqua, Oneida County, Wisconsin.

And being duly advised of the wishes of the people in the area affected as follows:

WHEREAS, the applicant and owner of the property is requesting the rezone to make the same zoning district as other parcels owned by the applicant and owner; and

WHEREAS, the Town of Minocqua approved the request (copy attached); and

WHEREAS, on May 17, 2023, the Planning and Development Committee held a public hearing and the adjoining owners were provided with a written notice of the change and individuals testified both in favor and in opposition of the rezone petition and eleven (11) letters sent in opposition of the rezone petition; and

WHEREAS, the Planning & Development Committee has reviewed the general standards as specified in Section 9.86(F) of the Oneida County Zoning & Shoreland Protection Ordinance and concluded that the standards have been met. The Planning & Development Committee recommends passage.

NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS: Petition #05-2023:

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

Section 2: The ordinance shall take effect the day after passage and publication as required by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: Rezone Petition #05-2023 is hereby adopted amending the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, by changing the zoning district classification from District #02 Single Family to District #1-A Forestry on property described as follows:

Government Lot 6 and Part of Government Lot 5, Section 13, T39N, R4E, PIN's MI 695 and MI 696-1, Town of Minocqua, Oneida County, Wisconsin.

The County Clerk shall, within seven (7) days after adoption of Rezone Petition # 05 – 2023 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to Minocqua Town Clerk.

Approved for presentation to the County Board by the Planning and Development Committee this 31st day of May, 2023.

Offered and passage moved by: Scott Holewinski, Mike Timmons, Bob Almekinder, Tommy Ryden, Mike Roach

Timmons left at 11:39 a.m.

Discussion: Newman stated this proposed Resolution is important and large. Newman questioned why this is happening, and what the zoning practices are. Fried stated that this property is in Minocqua. Fried reported that this came before the Town and was supported by the Town Board unanimously. Discussion regarding the changing of the zoning. Almekinder stated that this change reflects this property's actual use. Fried stated that the creation of a campground is a whole other process and that is not the expressed intent of this rezone.

Roll Call Vote on Resolution # 67 – 2023/Rezone Petition # 05 – 2023: 17 Aye; 2 Nay, Rio, Newman; 2 Absent, Timmons, Kelly

Resolution # 67 – 2023/Rezone Petition # 05 – 2023: Adopted

Resolution # 68 – 2023: Offered by Chair Holewinski to Authorize Retaining a Facilitator for a Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis of the Oneida County Administration Structure.

Seconded by Jensen.

Resolution offered by County Board Chair, Scott Holewinski.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, Oneida County is governed by a County Board comprised of elected supervisors, and the supervisors elect a Chairman to serve a two-year term, and the Chairman appoints supervisors to various Committees to oversee and direct County operations; and

WHEREAS, Oneida County historically operated with a County Coordinator and then shifted to an Administrative Coordinator to address administrative and management functions of the county government but did so as a dual-role position (one of only six counties to use a dual-role structure) of a full-time HR Director with the additional undefined duties of an Administrative Coordinator added-on; and

WHEREAS, the operations of county government are continually changing and examining the administrative structure for efficiency in addressing operational complexities is warranted; and

WHEREAS, funds have been budgeted for the last two years, with \$50,000 remaining, to examine the administrative structure of Oneida County and the functionality of a Administrative Coordinator versus a County Administrator versus a County Executive; and

WHEREAS, a SWOT analysis can be a powerful tool for helping an organization identify how a particular program or project may impact and improve the organization; and

WHEREAS, for Oneida County, a SWOT analysis would foster independent assessment of both the Administrative Coordinator and the County Administrator positions and to ascertain which position and structure offers the best opportunities for a balanced county government that can meet the needs of the community; and

WHEREAS, a SWOT analysis will aid discussion by the Oneida County Board of the external issues and internal operational issues for Oneida County; and

WHEREAS, a trained facilitator would work with the County Board and Staff in regards to examining the Oneida County management structure; conducting workshops and providing a report for the County Board;

WHEREAS, such a facilitator can be hired by the County Board Chair for \$25,000.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that the County Board Chair is authorized to hire a facilitator in an amount not to exceed \$25,000.

Vote Required: Majority

Offered and passage moved by: Scott Holewinski, Robb Jensen

Discussion: Holewinski stated this has been discussed for years but has never moved forward. Holewinski noted that we need to determine if this is in the counties best interest. Holewinski explained that this would be an analysis to help in that determination. Holewinski stated that they looked into a few firms and different options. Holewinski explained that this would be a tool to use to make a decision. Discussion regarding the process. Holewinski stated that this Resolution is for the funding. Holewinski stated there is \$50,000 in the budget for projects like this. Jensen stated that the roles of the different Administrative Structures should be discussed.

Roll Call Vote on Resolution # 68 – 2023: 19 Aye; 2 Absent, Timmons, Kelly

Resolution # 68 – 2023: Adopted

Resolution # 69 – 2023: Offered by Supervisor Fried to Approve Unconditional County Guaranty of Its Pro Rata Share, Intergovernmental Agreement and Taxable Revenue Bond Financing for Bug Tussel 1, LLC Project.

Seconded by Showalter.

Resolution to Approve Unconditional County Guaranty Of Its Pro Rata Share, Intergovernmental Agreement and Taxable Revenue Bond Financing for Bug Tussel 1, LLC Project.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

Section 1. Recitals

WHEREAS, 1.01 Under Wisconsin Statutes, Section 66.1103, as amended (the "Act"), the Issuer (as hereinafter defined) is authorized and empowered to issue revenue bonds to finance eligible costs of qualified "projects" (as defined in the Act), and to enter into "revenue agreements" (as defined in the Act) with "eligible participants" (as defined in the Act); and,

WHEREAS, 1.02 Bug Tussel 1, LLC, a Wisconsin limited liability company (the "Borrower"), Hilbert Communications, LLC, a Wisconsin limited liability company (the "Company" and the "Guarantor") and/or one or more of its affiliates (including, without limitation, Bug Tussel Wireless, LLC and Cloud 1, LLC), whether existing on the date hereof or to be

formed and whether owned directly or indirectly by the Company, desires to finance a project consisting of the acquisition, construction and installation of certain telecommunications infrastructure that includes, among other things (i) acquisition of tower sites by purchase or lease of land and equipping such sites with towers and electronics to provide broadband, high speed cellular, emergency communications and point to point (P2P) data communications; (ii) constructing fiberoptic data transmission facilities (cable and electronics) between towers, key community facilities, businesses and residential aggregation points; (iii) where appropriate, connecting individual premises into the broadband network including the cost of Consumer Premise Equipment (CPE); (iv) payment of capitalized interest; (v) funding of a debt service reserve fund; (vi) payment of such project costs located in the participating counties, which includes project costs in Oneida County to be financed with Series 2023 Bonds in an amount not to exceed \$24,000,000 (twenty four million dollars); and (vii) payment of professional fees (collectively, the "Project"), all of which will be for the purpose of providing wireless internet and telephone communications services to businesses, governmental units and residents of rural communities where such service is currently unavailable or is prohibitively expensive; and,

WHEREAS, 1.03 The Project will be constructed and installed in one or more of the following Wisconsin counties yet to be determined, with each respective county that has agreed to participate in the issuance of the Series 2023 Bonds to be evidenced by such participating county entering into the Joinder Agreement (defined herein) in connection with the issuance of the Series 2023 Bonds (each a "2023 Participating County" and collectively, the "2023 Participating Counties"): (i) Fond du Lac County, (ii) Forest County, (iii) Oneida County, and (iv) Outagamie County; and,

WHEREAS, 1.04 The Act authorizes the Issuer to make loans to an eligible participant, in connection with financing a qualified project; and,

WHEREAS, 1.05 Pursuant to initial resolutions duly adopted by the (i) Fond du Lac County Board on May 16, 2023, (ii) Forest County Board on April 18, 2023, (iii) Oneida County Board on September 27, 2022, and (iv) Outagamie County Board on May 23, 2023, the 2023 Participating Counties expressed their intention to enter into an Intergovernmental Agreement (the "Intergovernmental Agreement") originally by and among the Issuer, Calumet County, Jackson County, Marathon County, and Waushara County, each in Wisconsin (the "2021 Participating Counties"), and Green Lake County, Iowa County, Jefferson County, Oconto County, Rock County, Taylor County, and Wood County, each in Wisconsin, which counties joined the Intergovernmental Agreement on August 16, 2022 by joinder (the "2022 Participating Counties"), pursuant to which the Issuer would issue revenue bonds to be issued in one or more issues or series in an aggregate amount not to exceed \$240,000,000 to finance the Project. Notices of adoption of the initial resolutions adopted by the respective 2023 Participating Counties on September 27, 2022, April 18, 2023, May 16, 2023, and May 23, 2023 were published as provided in the Act, and no petition requesting a referendum upon the question of issuance of the revenue bonds has been filed in any 2023 Participating County as of the date of this resolution, and the closing of the Series 2023 Bonds shall not occur until the 30-day petition period following publication has expired in all 2023 Participating Counties; and,

WHEREAS, 1.06 The 2023 Participating Counties shall enter into the Intergovernmental Agreement by executing the Counterpart and Joinder to Intergovernmental Agreement (the "Joinder Agreement") to appoint Fond du Lac County as the issuer (the "Issuer") of the Series 2023 Bonds for the purpose of financing the Project on behalf of the Borrower, and as agent on behalf of the 2023 Participating Counties with respect to the Pledge of Membership Agreement, dated as of December 16, 2021, as amended, by and between Hilbert Communications, LLC, a Wisconsin limited liability company, and the Issuer for the benefit of the 2021 Participating Counties, the 2022 Participating Counties, the 2023 Participating Counties, and other counties as may be joined to the Intergovernmental Agreement after the date hereof; and,

WHEREAS, 1.07 The Borrower has requested that Oneida County and each 2023 Participating County who will directly benefit from the Project provide an unconditional general obligation guaranty, to which the full faith and credit and taxing power of Oneida County are pledged (the "County Guaranty") to enhance the collateral position of the Borrower in an amount equal to Oneida County's or such 2023 Participating County's pro rata share of the principal of and interest on the Series 2023 Bonds in an amount necessary to replenish the debt service reserve fund, which for Oneida County will be in an amount not to exceed \$24,000,000 (twenty four million dollars) (plus interest to accrue thereon annually at a rate not to exceed 8.00%), including any compound interest payable on amounts paid by the Insurer (as defined herein) for the Series 2023 Bonds; and,

WHEREAS, 1.08 The Guarantor will provide a guaranty (the "Hilbert Guaranty") to Oneida County, and each 2023 Participating County, guaranteeing the full and prompt payment to Oneida County, and each 2023 Participating County, of amounts due from the Borrower pursuant to, and the performance of all other obligations, covenants and agreements of the Borrower under the Reimbursement Agreements by and between the Borrower and each of the 2023 Participating Counties, the Intergovernmental Agreement, and the Mortgage or Leasehold Mortgage, Assignment of Leases and Rents, Security Agreement, and Fixture Financing Statement referenced below; and,

WHEREAS, 1.09 The Borrower will have the primary obligation to make all scheduled principal and interest payments when due, and each 2023 Participating County's guaranty will apply only in the event that the Borrower does not pay such debt service as required and a draw is made on the debt service reserve fund for the Series 2023 Bonds (defined below) established under the Indenture; and,

WHEREAS, 1.10 In return for each 2023 Participating County's Guaranty, each 2023 Participating County shall receive a guaranty fee as further described in Section 3.02, and the Borrower and the Guarantor will pay any and all costs of each 2023 Participating County and all expenses incurred by each 2023 Participating County related to the Series 2023 Bonds; and,

WHEREAS, 1.11 As further security for the County Guaranty, Oneida County and each 2023 Participating County shall receive a first fee or leasehold mortgage on all land, buildings, and improvements of the Borrower and a first security interest, subordinate only to the security interest of the State of Wisconsin, the Public Service Commission of Wisconsin, or similar agency, political subdivision, or instrumentality of the state (the "State") to the extent required by the State as a condition of grant funding provided for financed assets, in all fixtures and equipment of the Borrower located in the applicable county in which the Project financed with proceeds of the Series 2023 Bonds is constructed; and,

WHEREAS, 1.12 The Project includes necessary infrastructure for essential services, including emergency response and public safety communications by and for Oneida County and local units of government in Oneida County and is in furtherance of the public purposes set forth in the Act, Wisconsin Statutes, Section 59.54, and promotes the economic development and well-being of Oneida County; and,

WHEREAS, 1.13 Oneida County's obligations under its County Guaranty are expected to be insured by Build America Mutual Assurance Company (the "Insurer") under its Municipal Bond Insurance Policy (the "Policy") containing provisions consistent with the provisions of this resolution and the documents listed in Section 1.14 and approved by the Issuer's counsel, bond counsel and the appropriate officer or officers of Oneida County; and,

WHEREAS, 1.14 Drafts of the following documents have been submitted to this County Board and are ordered filed in the office of the County Clerk:

(a) a Preliminary Limited Offering Memorandum;

(b) a Bond Purchase Agreement by and among UBS Financial Services Inc., as underwriter (the "Underwriter"), and the Issuer, with the Letter of Representations from the Borrower and accepted and agreed to by the Issuer;

(c) a Supplemental Series Indenture No. 2 (Series 2023 Bonds) relating to the issuance of the Series 2023 Bonds and the Indenture of Trust dated as of December 1, 2021 (collectively, the "Indenture") by and between the Issuer and U.S. Bank Trust Company, National Association, as trustee and successor to U.S. Bank National Association (the "Trustee");

(d) a Supplemental Series Loan Agreement No. 2 (Series 2023 Bonds) relating to the issuance of the Series 2023 Bonds and the Loan Agreement dated as of December 1, 2021 (collectively, the "Loan Agreement") by and between the Issuer and the Borrower;

(e) a Series 2023 Promissory Note from the Borrower to the Issuer, and assigned to the Trustee;

(f) a Reimbursement Agreement from the Borrower to Oneida County;

(g) a Facilities Access Agreement from the Borrower to Oneida County;

(h) a form of Mortgage or Leasehold Mortgage, Assignment of Leases and Rents, Security Agreement, and Fixture Financing Statement from the Borrower to Oneida County;

(i) a Continuing Disclosure Agreement;

(j) a Guaranty Agreement (Hilbert Guaranty) from the Guarantor to Oneida County;

(k) a Borrower's Closing Certificate;

(l) the Intergovernmental Agreement and Joinder Agreement to be signed by each 2023 Participating County; and

(m) the unconditional County Guaranty from Oneida County.

Section 2 Findings and Determinations.

THEREFORE, BE IT RESOLVED, It is hereby found and determined that:

(a) based on representations of the Borrower, the Project constitutes a "project" authorized by the Act;

(b) the purpose of the Issuer's financing costs of the Project is and the effect thereof will be to promote the public purposes set forth in the Act;

(c) the Project includes necessary infrastructure for essential services by and for Oneida County and local units of government in Oneida County and is in furtherance of the public purposes set forth in the Act, Wisconsin Statutes, Section 59.54, and promotes the economic development and well-being of Oneida County;

(d) it is desirable that a series of taxable revenue bonds in the aggregate principal amount not to exceed \$77,100,000 (the "Series 2023 Bonds") be issued by the Issuer upon the terms set forth in the Indenture and Loan Agreement, under the provisions of which the Issuer's interest in the Indenture and Loan Agreement (except for certain rights as provided therein) and the loan repayments will be assigned to the Trustee as security for the payment of principal of and interest on and premium, if any, on all the Series 2023 Bonds outstanding under the Indenture;

(e) the loan payments provided for in the Loan Agreement, and the formula set out for revising those payments under the Loan Agreement as required under the Act, are sufficient to produce income and revenue to provide for prompt payment of principal of and interest on and premium, if any, on Series 2023 Bonds issued under the Indenture when due; the amount necessary in each year to pay the principal of and interest on the Series 2023 Bonds is the sum of the principal and interest on the Series 2023 Bonds due in such year, whether on a stated payment date, a redemption date, or otherwise; the Loan Agreement provides that the Borrower shall provide for the maintenance of the Project in good repair, keeping it properly insured; and

(f) under the provisions of the Act, the Series 2023 Bonds shall be limited obligations of the Issuer and the Series 2023 Bonds do not constitute an indebtedness of the Issuer or the 2023 Participating Counties within the meaning of any state constitutional or statutory provision, and do not constitute nor give rise to a charge against the Issuer's or the 2023 Participating Counties' general credit or taxing powers or a pecuniary liability of the Issuer or the 2023 Participating Counties; and,

Section 3 Approvals and Authorizations; Authentication of Transcript.

BE IT FURTHER RESOLVED 3.01 There is hereby approved the issuance by the Issuer of its Taxable Revenue Bonds,

Series 2023 (Bug Tussel 1, LLC Project) (Social Bonds) (specifically, the Series 2023 Bonds) in an aggregate principal amount not to exceed \$77,100,000, for the purpose of financing the Project; and,

BE IT FURTHER RESOLVED, 3.02 (a) In furtherance of the public purposes recited above, Oneida County shall provide an unconditional County Guaranty to enhance the collateral position of the Borrower in an amount equal to Oneida County's pro rata share of the principal of and interest on the Series 2023 Bonds in an amount necessary to replenish the debt service reserve fund in an amount not to exceed \$24,000,000 (twenty four million dollars) (plus interest to accrue thereon annually at a rate not to exceed 8.00%, including any compound interest payable on amounts paid by the Insurer for the Series 2023 Bonds). In return for its County Guaranty, Oneida County shall receive either (i) an annual guaranty fee equal to 40 basis points (0.40%) of the outstanding par amount of the Series 2023 Bonds covered by its County Guaranty, payable on a semi-annual basis on each May 1 and November 1, or (ii) a discounted upfront guaranty fee as agreed to by the Borrower and Oneida County. Prior to issuance of the Series 2023 Bonds, each 2023 Participating County on behalf of which Series 2023 Bonds are being issued shall have each authorized the execution and delivery of its respective County Guaranty.

(b) There is hereby authorized the issuance by Oneida County of general obligation promissory notes pursuant to Wisconsin Statutes, Section 67.12(12) to finance payment of the County Guaranty. The terms and provisions of any such notes shall be established pursuant to a subsequent resolution of this County Board; and,

BE IT FURTHER RESOLVED, 3.03 Oneida County hereby authorizes the execution and delivery of the Joinder Agreement to the Intergovernmental Agreement, the County Guaranty and the other documents listed in Section 1.14 above to which Oneida County is a signatory; and,

BE IT FURTHER RESOLVED, 3.04 Subject to the conditions set forth herein, the County Board Chairperson and the County Clerk are authorized and directed to execute and deliver the County Guaranty, the Intergovernmental Agreement and the other documents listed in Section 1.14 above to which Oneida County is a signatory. In addition, Oneida County hereby authorizes the execution and delivery of a commitment with the Insurer consistent with the provisions of this resolution and the documents listed in Section 1.14 above as well as any other agreements, certificates or documents necessary to obtain the Policy; and,

BE IT FURTHER RESOLVED, 3.05 The County Board Chairperson and the County Clerk and other officers of Oneida County are authorized to prepare and furnish to the Trustee and bond counsel certified copies of all proceedings and records of the Oneida County of relating to the Series 2023 Bonds, and such other affidavits and certificates as may be required by the Trustee and bond counsel.

BE IT FURTHER RESOLVED, 3.06 The approval hereby given to the various documents referred to in this Resolution includes the approval of such additional details therein and additional documents or agreements all as may be necessary and appropriate for their completion and such modifications thereto, deletions therefrom and additions thereto as may be approved by the Oneida County counsel and bond counsel. The execution of any document by the appropriate officer or officers of Oneida County herein authorized shall be conclusive evidence of the approval by Oneida County of such document in accordance with the terms hereof.

Offered and passage moved by: Billy Fried, Connor Showalter

Oettinger left at 12:01 p.m.

Discussion: Fried thanked the Economic Development Committee for the work that has been done. Fried noted that Sweeney is a great asset to the County. Fried stated bond counsel was hired to determine where the exposure and risk was for the county. Fried stated that the concerns we had were the same as Marathon County. Fried reported that in a conversation with Supervisor John Robinson of Marathon County, he stated they are happy with the work being done and how it is moving forward. Fried went over the proposed future process and benefits of this project. Holewinski explained the past processes. Holewinski stated that in the past the towns put money up for towers, this was the start to broadband. Holewinski explained that was the beginning, we are now in the middle stages of broadband. Holewinski stated that yes there is a risk but the residents want this service. Jensen questioned that this would take a $\frac{3}{4}$ vote to pass. Holewinski confirmed it would need a $\frac{3}{4}$ vote. Discussion ensued regarding costs and benefits.

Roll Call Vote on Resolution # 69 – 2023: 18 Aye, 3 Absent, Oettinger, Timmons, Kelly

Resolution # 69 – 2023: Adopted

Resolution # 70 – 2023: Offered by Supervisor Showalter to Request State of Wisconsin to use a Portion of the 2023 Budgetary Surplus for the Maintenance, Repair and Replacement of County Trunk Highway System.

Seconded by Schreier.

Resolution to Request State of Wisconsin to use a Portion of the 2023 Budgetary Surplus for the Maintenance, Repair and Replacement of County Trunk Highway System.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, on January 25, 2023, the nonpartisan Legislative Fiscal Bureau reports the State of Wisconsin has a budget surplus estimated of \$7.1 billion, which is the largest budget surplus in Wisconsin's history; and

WHEREAS, the Joint Committee on Finance established the Local Supplemental Transportation Program as a one-time use of State revenue surplus to support local projects, which evolved into the popular and successful Local Road Improvement Program (LRIP) and Local Road Improvement Program – Supplemental (LRIP-S); and
WHEREAS, Governor Evers and the Legislature have recently devoted additional funding to counties through the General Transportation Aids (GTA) program and LRIP-S, yet counties throughout Wisconsin are still not receiving appropriate financial support to make roads and bridges safe for the speeds and weight of travel experienced through the State.
BE IT RESOLVED, that the Oneida County Board of Supervisors, in an effort to assist the Wisconsin Counties Highway Association and the Wisconsin Counties Association, approve the request of additional funding through budgetary surplus with said funding allocated to the county GTA appropriation for the backlog of maintenance on the county trunk highway system, as well as for LRIP-S.
BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Tony Evers, all members of the State Legislature representing Oneida County, the Wisconsin Counties Association, and all other Wisconsin Counties.

Offered and passage moved by: Connor Showalter, Steven Schreier

Fisher left at 12:21 p.m.

Discussion: Showalter gave some background. Showalter stated that Wisconsin has a surplus and that this is a request to increase the funding to these programs. Alex Hegeman stated that there is a large surplus and any extra funding helps. Roach stated this is a great idea as the roads are falling apart and are very expensive. Jensen stated that individuals need to contact the state.

Roll Call Vote on Resolution # 70 – 2023: 17 Aye; 4 Absent, Oettinger, Timmons, Kelly, Fisher

Resolution # 70 – 2023: Adopted

Resolution # 60 – 2023/Ordinance Amendment # 06 – 2023: Offered by Supervisor Winkler to Amend the County Board Meeting Agenda to Include an Invocation/Prayer.

Ordinance amendment to amend the County Board meeting agenda to include an invocation/prayer.

Ordinance Amendment offered by Supervisor Jim Winkler, District 10.

WHEREAS, the Constitution of the United States of America guarantee's free speech; and
WHEREAS, our nation has relied on a tradition of prayer before conducting its business at national, state and local levels of government; and
WHEREAS, the United States Supreme Court Case of *Town of Greece, N.Y. v. Galloway*, 134 S.Ct. 1811 (2014) has found that prayer before a government meeting does not violate the Establishment Clause of the United States Constitution; and
WHEREAS, that same case found that prayer before a government meeting "comports with our tradition and does not coerce participation by non-adherents"; and
WHEREAS, in conformity with the constitutionally permitted practice from *Town of Greece, N.Y.*, a prayer/invocation should be offered for our troops and for guidance over business to be performed at that meeting, prior to the pledge of allegiance to the flag at each County Board meeting.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 2.02 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

2.02 RULE 2: ORDER OF BUSINESS. (Am. #51-94; #72-94; #20-2008; #15-2010; #54-2012; #45-2013; #52-2017)

The order of business shall be as follows:

(1) CALL TO ORDER. At the appointed hour for the meeting, the Chair shall call the Board to order requesting that the members rise for a brief moment of silence followed by a prayer/invocation and the Pledge of Allegiance.

(2) The remainder of the order of business shall be at the discretion of the County Board Chairperson.

Offered and passage moved by: Jim Winkler, Greg Oettinger

Discussion: Winkler stated the Resolution stands for itself. Winkler stated there has been prayer since our Country's inception. Showalter questioned if there would be any restrictions on prayer and inquired what door would this open. Discussion regarding options. Corporation Counsel discussed another county that implemented this process. Discussion regarding potential problems and liabilities.

Ryden left at 12:46 p.m.

Motion/Second: Roach/Condado to send Resolution back to Supervisor Winkler and bring back to the August County Board meeting.

Roll Call Vote: 12 Aye; 3 Nay, Winkler, Newman, Harris; 6 Absent, Almekinder, Timmons, Fisher, Kelly, Ryden, Oettinger

Motion: Adopted

NEXT MEETING DATE AND TIME August 15, 2023 @ 9:30 a.m.

Unless a motion is made to change the starting time.

ADJOURNMENT:

Chairman Holewinski adjourned the meeting at 1:03 p.m.

DRAFT