Kenosha County

COUNTY BOARD OF SUPERVISORS

NOTICE OF MEETING

NOTE: UNDER THE KENOSHA COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SEC. 210(2) OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY ITEM SCHEDULED FOR THE FIRST OF TWO READINGS IS SUBJECT TO A MOTION TO SUSPEND THE RULES IN ORDER TO PROCEED DIRECTLY TO DEBATE AND VOTE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN.

NOTICE IS HEREBY GIVEN the **Organizational Meeting** of the Kenosha County Board of Supervisors will be held on **Tuesday, the 5th day of November, 2019, immediately following the Public Hearing**, in the County Board Room located in the Administration Building. The following will be the agenda for said meeting:

A. Call To Order By Chairman Esposito

B. Roll Call Of Supervisors

C. Citizen Comments

D. Announcements Of The Chairman

E. Supervisor Reports

F. OLD BUSINESS

Ordinance - Second Reading, Two Required

6. From The Planning, Development & Extension Education Committee An Ordinance - Moratorium On Adult Entertainment Establishments Pending Review

Documents:

ORD AEE MORATORIUM.PDF

7. From The Finance & Administration Committee An Ordinance Regarding Civil Service Ordinance Changes

Documents:

ORD CIVIL SERVICE ORD REVISIONS.PDF

G. Approval Of The October 15, 2019 County Board Meeting Minutes By Supervisor Gentz.

H. Adjourn Sine Die

Kenosha County

BOARD OF SUPERVISORS

ORDINANCE NO._____

Subject: ESTABLISHING A MORATORIUM ON CONSIDERATION AND/OR ISSUANCE OF ZONING PERMITS, CERTIFICATES OF COMPLIANCE, SITE PLAN REVIEW, AND ZONING APPROVALS FOR ADULT ENTERTAINMENT ESTABLISHMENTS PENDING A PLANNING, DEVELOPMENT EXTENSION AND EDUCATION COMMITTEE STUDY TO DETERMINE HOW THE ZONING ORDINANCE SHOULD BE CHANGED TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE IN LIGHT OF RECENT DEVELOPMENTS IN THE LAW AS RELATED TO THE COMPREHENSIVE ZONING PLAN			
Original ☐	Corrected ☐	2nd Correction ☐	Resubmitted ☐
Date Submitted: October 15, 2019		Date Resubmitted:	
Submitted By: Planning Development & Extension Education Committee			
Fiscal Note Attached ☐		Legal Note Attached ☐	
Prepared By: Andy M. Buehler, Director Division of Planning & Development		Signature: Andy M. Buehler	

WHEREAS, studies in other communities indicate that adult establishments and certain activities that frequently occur in or around adult establishments, have tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of communities, to depreciate the value of real property, to harm the economic welfare of communities, to encourage or facilitate the spread of sexually transmitted diseases, and to affect the quality of life of the communities; and

WHEREAS, these secondary effects of adult establishments are detrimental to the public health, safety and general welfare of Kenosha County residents, businesses and visitors; and

WHEREAS, the Kenosha County Board of Supervisors has previously adopted regulations to limit the secondary effects of adult establishments within the County, including Kenosha County Ordinance Sections 12.22-6; and

WHEREAS, developments in the law subsequent to the adoption of those regulations may impair or impact those regulations, including without limitation the constitutional effect; and

WHEREAS, a moratorium on consideration and/or issuance of zoning permits, , certificates of compliance, site plan review, and zoning approvals for adult entertainment establishments is necessary to allow the Kenosha County Planning, Development Extension and Education Committee to study how the zoning ordinance should be changed to address developments in the law while still protecting the public health, safety and general welfare of Kenosha County residents, businesses and visitors.

NOW, THEREFORE, the Kenosha County Board of Supervisors does hereby ordain as follows:

Sec. 1. -- Declaration of Moratorium. A moratorium is hereby declared with respect to the acceptance of applications for and the issuance of any of the following:

A. Zoning permits for any Limited Adult Media Stores, as described in Kenosha County Ordinance Section 12.22-2 and 12.22-6;

B. Zoning permits for any Adult Establishment described in Kenosha County Ordinance Section 12.22-3 and 12.22-6;

C. Certificates of Compliance required under Kenosha County Ordinance Sections 12.05-5;

D. Site Plan Review required under Kenosha County Ordinance Section 12.08-2;

E. Approval of any adult establishment, which includes (a) adult bookstores, (b) adult cabarets, (c) adult drive-in theatres, (d) adult live entertainment arcades, (e) adult mini-motion picture theatres, (f) adult motels, (g) adult motion picture arcades, (h) adult motion picture theaters, and (i) adult services establishments, defined as any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities identified in 12.22-6, or display of specified anatomical areas identified in 12.22-6, or massage of specified anatomical areas, not performed or operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin.

Sec. 2 -- Duration of Moratorium. This moratorium shall be in effect for six (6) months following the effective date of this ordinance or until a revised adult establishment ordinance is adopted and takes effect, whichever is earlier.

Sec. 3 -- Direction to Develop Revised Ordinance. During the period of this moratorium, the Planning, Development Extension and Education Committee is directed to draft a revised ordinance providing comprehensive regulation of adult establishments to protect health, safety and general welfare of the public and aligns with current legal requirements as part of the County's comprehensive plan which shall be presented to the Board of Supervisors on the earliest possible date. It is the intention of the Board of

Supervisors to adopt a revised ordinance prior to the expiration of this moratorium.

Sec. 4 -- Subjects for Consideration. In preparing a revised ordinance, the Planning, Development Extension and Education Committee shall review and evaluate Kenosha County Ordinance Sections 12.22-2, 12.22-3, 12.22-6, consider available studies and information concerning the secondary effects of adult establishments in Kenosha County and elsewhere, consult with legal counsel, solicit input from appropriate county staff, and interested members of the general public, and review any other information the Planning, Development Extension and Education Committee deems appropriate. The subjects the Land Use Committee shall consider include, but are not limited to, the following:

A. The under-inclusiveness or over-inclusiveness of Kenosha County Ordinances Section 12.22-6

B. The appropriateness of current separation requirements between different adult establishments and between adult establishments and other land uses.

C. The secondary effects of different kinds of adult establishments and the need to treat the establishments differently.

D. The extent to which some kinds of adult establishments may be banned entirely and the extent to which such a ban would reflect community standards.

E. The need for a licensing ordinance governing the ongoing operation of adult establishments.

F. The availability of sites for the location of adult establishments.

Sec. 5 -- Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 6 -- Construction. If the provisions of this ordinance are found to be inconsistent with other provisions of the Kenosha County Code of Ordinances, this ordinance is deemed to control.

PASSED BY the Kenosha County Board of Supervisors this _____ day of October, 2019, and signed in authentication thereof this _____ day of October, 2019.

/s/_____ Title:_____
Name:

Approved by:

PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE	Aye	No	Abstain	Excused
Erin Decker, Chair	☒	☐	☐	☐
Michael Skalitzky, Vice Chair	☒	☐	☐	☐
John Poole	☒	☐	☐	☐
Mark Nordigian	☒	☐	☐	☐
Zach Rodriguez	☒	☐	☐	☐

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Kenosha County

BOARD OF SUPERVISORS

ORDINANCE NO._____

Subject: Amendment of MCKC 4.01, the Civil Service Ordinance			
Original ☒	Corrected ☐	2nd Correction ☐	Resubmitted ☐
Date Submitted: October 15, 2019		Date Resubmitted:	
Submitted By: Director of Human Resources			
Fiscal Note Attached ☐		Legal Note Attached ☐	
Prepared By: Clara-lin Tappa, Director of Human Resources		Signature: Clara Lin Tappa	

THE KENOSHA COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN, that Municipal Code of Kenosha County Chapter 4.01, the Civil Service Ordinance, is hereby amended as follows as represented in Exhibit A (attached):

Approved by:

FINANCE/ADMINISTRATION COMMITTEE	Aye	No	Abstain	Excused
Terry Rose, Chairman	☒	☐	☐	☐
Ronald Frederick, Vice Chair	☒	☐	☐	☐
Jeffrey Gentz	☒	☐	☐	☐
Ed Kubicki	☒	☐	☐	☐
John O'Day	☒	☐	☐	☐
John Poole	☒	☐	☐	☐
Jeff Wamboldt	☐	☐	☐	☒

CHAPTER 4
KENOSHA COUNTY SHERIFF'S DEPARTMENT

4.01 CIVIL SERVICE ORDINANCE (8/5/03)

(1) Purpose. It is the intention and purpose of this ordinance to provide an equitable system of recruitment, selection, promotion, and retention for Kenosha County Sheriff's Department Deputies. It is further intended to provide the necessary guidance for the operation of the Kenosha County Sheriff's Department in the areas that are applicable.

(a) There is established a County Civil Service Commission for the Sheriff's Department, hereinafter referred to as the "Commission", with duties, functions, and authorities as herein set forth, pursuant to Wisconsin Statutes.

(b) The Commission shall consist of five (5) members, all legal residents of Kenosha County. Appointments shall be made on the basis of recognized and demonstrated interest in, and knowledge of, problems of civil service. No person holding any elective or appointive public position or office of any sort in said Kenosha County government shall be appointed thereon. No present or former employee of the Kenosha County Sheriff's Department shall be eligible for membership on the Commission.

(c) The County Executive shall appoint members of the Commission subject to confirmation by the Board of Supervisors. Of the persons appointed, one shall hold office for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years, from January 1 next following such appointment, and until his successor is appointed and qualifies. In December immediately preceding the expiration of the term of office of any such Commissioner, the County Executive shall appoint, subject to confirmation by the Board of Supervisors, one (1) member of such Commission to hold office for five (5) years from January 1 next succeeding his appointment and until his successor is appointed and qualifies. The Office of the Commissioner shall become vacant upon the happening of any of the following:

1. The death of the incumbent.

2. The person's resignation, whether oral or written.

3. The person's removal.

4. The person's ceasing to be a resident of Kenosha County.

5. The person's neglect or refusal to take the official oath and/or file the official bond within thirty (30) days after appointment.

Such vacancy shall be filled by appointment of the County Executive at the first meeting of the County Board thirty (30) days after the vacancy occurs, confirmed by a majority of the County Board of Supervisors present.

(d) The membership and terms of the members of the present Commission shall continue on the same manner as though this section had never been adopted.

(e) Every person appointed a member of such Commission shall take and file the official oath.

(f) The members of the Commission shall be entitled to receive compensation from the County for services actually rendered in conducting the authorized business of the Commission, which compensation shall be determined by the Board of Supervisors, plus mileage at the prevailing rate when such services are rendered.

(g) The Commission shall promptly organize and elect a Chairman whose term of office shall be one year and a Secretary whose term of office shall be one year, each to serve for one year from the date of election until a successor has been duly elected. The Secretary shall approve the minutes of the proceedings of the Commission and said minutes shall be preserved and kept on file. All meetings of the Commission shall be at the call of the Chairperson, or upon written request of any two (2) members directing the Secretary to hold such meeting, and three (3) Commissioners shall constitute a quorum. The Commission shall make such rules and regulations as may be required for the ordinary conduct of its business.

(h) The Board of Supervisors shall provide offices, furniture, stationery, light, heat, telephone, secretary, and other necessary supplies and conveniences to enable the Commission to perform its duties.

(2) Rules of the Kenosha County Civil Service Commission.

(a) The Civil Service Commission shall appoint the Director of Human Resources to act as chief examiner under its direction. As such, the Director of Human Resources shall supervise all examinations. The chief examiner shall be ex-officio secretary to the Commission and shall keep the minutes of its proceedings, preserve all reports made to it, keep a record (for a five-year period) of all examinations held under its direction, and perform such other duties as the Commission shall prescribe.

(b) The chief examiner shall certify eligible candidates to the Sheriff or, in the absence or incapacitation of the Sheriff, to the Chief Deputy Sheriff for the positions of Deputy Sheriff, Detective, Sergeant, Lieutenant, Captain, and Chief Deputy Sheriff.

(3) Candidates for Deputy Sheriff.

(a) Publication. In order to make all segments of Kenosha County aware of the fact that applications for the position of Deputy Sheriff are being accepted, notice shall be given in various media no less than two weeks prior to the date set for the written test.

(b) Applications. Every candidate for the position of Deputy Sheriff shall submit all application materials required by Human Resources. Applications are filed exclusively through the Kenosha County website. No paper applications are accepted.

(c) Eligibility. No person shall be eligible to apply for or be appointed to the position of Deputy Sheriff unless:

1. The applicant is a citizen of the United States.

2. The applicant possesses certification by the Wisconsin Law Enforcement Training and Standards Board ~~issued prior to February 1, 1993~~, a 2-year Associate Degree from an accredited institution, or a minimum of 60 fully accredited college level credits; or meets any more stringent standard set in the future by the Wisconsin Law Enforcement Training and Standards Board. Proof of meeting the established standards must be provided at the time of hire.

3. The applicant is not less than twenty-one (21) years of age as evidenced by a certified copy of a birth or naturalization certificate provided with the application.

4. The applicant has not been convicted at any time of a felony, unless the judgment or conviction has been reversed. The applicant must provide proof of such reversal at the time application is made.

5. The applicant possesses a valid driver's license recognized by the State of Wisconsin. Further, from a date three (3) years immediately preceding the date of the examination and continuing to the date of appointment, the applicant has not been convicted of any single violation equivalent to more than four (4) points and has accumulated no more than the equivalent of six (6) points as assessed by the State of Wisconsin demerit point system.

6. The applicant has furnished all the information required by the Commission at the time the application is submitted.

7. Applications will be reviewed and applicants who are not 21 years of age or have a felony on their record or are not U.S. citizens will be eliminated from consideration. All others will be invited to participate in the exam.

(d) Examinations. The Commission shall select and oversee a battery of examinations for the position of Deputy Sheriff. Examinations may include an evaluation of such facets as education, training, capacity, knowledge, manual dexterity, character, and physical and psychological fitness. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experience. Examinations may consist of one or more tests in any combination. Applicants shall not be questioned in any manner regarding matters of race, religion, political affiliation, or any other area protected by E.E.O.C. rules.

The chief examiner shall recommend to the Commission the testing/selection procedure to be used for the position of Deputy Sheriff. The Commission shall act on the recommendation of the chief examiner on changes to the procedure prior to the posting of any examination announcement.

1. Notification. The chief examiner shall post the job on the Kenosha County website and other job sites deemed appropriate. The posting shall provide all applicants with a notice stating the date, of the written exam.

2. Following the written exam, test scores will be ranked in descending order.

3. Veterans and other preference points. Pursuant to Wisconsin Statutes, preference points shall be given in the certification of eligible veterans. The applicant shall submit any evidence necessary to prove Veteran status.

   Any individual employed as a sworn law enforcement officer from another jurisdiction in the State of Wisconsin shall be awarded five (5) points and any individual employed as a Kenosha County Corrections Professional shall be awarded three (3) points. The applicant shall provide proof of employment Candidates will then be re-ranked.

   Eligibility List. The chief examiner shall report the final examination results and eligibility lists to the Commission for approval. Candidates shall be placed on the list in order of their relative excellence. The eligibility list shall be valid for twelve months (12) from the date it is established, unless exhausted earlier. The Commission may in its discretion cancel, replace or consolidate any list.

   After approving the eligibility list, the Commission shall direct the chief examiner to proceed with the qualifying portions of the examination process. Eligible candidates shall be taken in manageable groups through the qualifying portions. The following shall constitute the qualifying portions of the examination. ~~and the order of their administration.~~

   Multiple Interview Assessment (MIA). The chief examiner shall schedule MIA's for groups of seven candidates each invited in rank order, before a panel consisting of sworn officers holding the rank of Sergeant or higher, a Human Resources representative, and/or other persons trained and competent in this procedure. Candidates who fail the MIA will be eliminated from consideration. Candidates who pass the MIA will be eligible to move on in the selection process.

4. Background Investigation. The Commission shall cause to be conducted a thorough background investigation of all Deputy Sheriff candidates on the eligibility list. The Sheriff's Department shall conduct such investigation to assist the Commission in determining the character, reputation, morality, and general fitness of all candidates.

5. Oral Interviews/Evaluations. Upon successful completion of all scored portions of the Deputy Sheriff examination, the Commission shall conduct oral interviews/evaluations. These evaluations will consider the applicant's written test results, Multiple Interview Assessment results, background investigation results, and oral interview. These interviews shall determine the candidate's final eligibility. The Commission may conduct interviews as a whole body or in teams. If the Commission conducts interviews as a whole body, two Sheriff's Department

representatives shall also be members of the interview panel. If the Commission selects the option of team interviews, each team shall consist of two Sheriff's Department representatives and at least two Commissioners. In both cases, one representative of the Sheriff's Department shall hold the rank of Lieutenant or above and the other shall hold the rank of Sergeant or above. The final decision shall be made solely by the Commission. Any Commissioner who was not present for a candidate's oral interview shall abstain from voting on that candidate.

6. Physical Readiness Test. To enter the law enforcement academy, candidates must pass a battery of physical readiness tests. Candidates must successfully achieve the required performance standards in order to continue in the selection process.

7. Job Trait Assessment. After a conditional offer of employment is made by the Sheriff, the Deputy Sheriff candidate must submit to a job trait assessment to determine such factors as personality integration, relationship to authority, impulse control, control of aggression.

8. Medical Examinations. If the results of the job trait assessment are deemed satisfactory, the Deputy Sheriff candidate must submit to a medical and physical examination, conducted by such physician or physicians as designated by the County, at County expense. Such physician or physicians must submit to Human Resources a complete examination record and statement that the candidate is able to immediately assume, with no conditional releases, the physical duties of Deputy Sheriff. Any candidate receiving a conditional release shall be passed over for certification for appointment until the candidate supplies evidence from two (2) physicians of the condition being eliminated or controlled.

(e) Reasons for Disqualification; Notice of Disqualification. The Commission shall refuse to examine a candidate or, after examination, to certify a candidate as eligible, who:

1. Lacks any of the established preliminary requirements for the position for which applied.

2. Is physically handicapped or otherwise so disabled as to unsatisfactorily perform the essential duties of the position sought.

3. Has been convicted of a felony.

4. Has a pending criminal or civil action that is substantially related to the job.

5. Has used or attempted to use any personal or political influence to further his/her eligibility or appointment.

6. Has intentionally made a false statement of any fact.

7. Has practiced or attempted to practice any deception or fraud in the application or examination, or in securing the eligibility of appointment.

8. Has a prior unsatisfactory work record, such as, but not limited to, excessive absenteeism, tardiness, discipline or discharge for cause, negligence, or violation of work or safety rules.

9. In the opinion of the Civil Service Commission, after considering the materials in the application file, the results of each of the scored portions of the examination procedure, the background investigation, and the oral interview, displays shortcomings which make disqualification necessary.

If information is received by the Commission concerning an applicant that would preclude the person from consideration as an appointee, the Commission shall forewarn the applicant of such knowledge in its possession and the applicant may withdraw the application without prejudice.

The Commission shall send a written notice, by certified mail, to all disqualified candidates informing them of the reason for their disqualification. Any candidate receiving such notice may apply in writing to the chief examiner within ten (10) days of receipt of said notice for a review and reconsideration of his/her qualifications.

(f) Appointments.

1. Appointments to the position of Deputy Sheriff shall be made by the Sheriff whenever a vacancy occurs. Each appointment shall be made from the list of applicants who are certified as eligible by the Commission. The chief examiner shall certify to the Sheriff the names of all persons with the three (3) highest scores on the examination, and shall provide to the Sheriff a copy of each certified candidate's file, to include application forms and the results of the examinations, M.I.A., and background investigation. The Sheriff shall make his selection from these names.

2. Pursuant to Wisconsin Statute § 59.26(10), and notwithstanding the provisions in 401 (3)(a) through (d), if law enforcement services are provided to a city or village and if the Sheriff appoints additional Deputies to provide the services, the Sheriff shall, to the greatest extent possible, fill the additional Deputy positions from the ranks of the former police officers who lost their positions when the department was abolished.

3. Upon notification from the Sheriff of the name of the selected candidate, the chief examiner shall extend a contingent offer of employment, conditional upon the candidate submitting to a job trait assessment and a pre-employment medical examination. If the results of the job trait assessment and medical examination are deemed satisfactory by Human Resources, the candidate shall be appointed. If the results of the job trait assessment or medical examination are deemed unsatisfactory by Human Resources, the candidate shall not be appointed.

4. If the Sheriff's Department has valid, job-related objections to the eligibility of a candidate, the Sheriff

shall bring such to the attention of the Commission and request that the Commission reconsider the certification of the candidate.

5. For each candidate the Sheriff has appointed, or for each candidate that the Commission has reconsidered and determined to be unsatisfactory, the chief examiner shall certify the names of all persons with the next highest score on the examination.

6. Any candidate who has been decertified from an eligibility list and failed to progress in the recruitment process at any point may not sit again for the examination until one year has passed from the date of the previous examination.

7. The Sheriff, in appointing Deputies under this section, shall require a uniform bond of not less than $25,000.00. The premium on the bond shall be paid by Kenosha County.

8. All Deputies under this section shall be on probation during the first full year next succeeding their appointment, and may be discharged with cause by the Sheriff at any time before the termination of such probationary period.

9. Except for unit members assigned a vehicle that may be brought home and for whom residency in Kenosha County is required, the established residency boundary for all other unit members is fifteen (15) miles in any direction from the borders of Kenosha County. Any unit member who does not reside within fifteen (15) miles of the borders of Kenosha County within nine months of hire shall be deemed to have resigned.

10. Deputy Sheriffs appointed in conformity with the provisions of this chapter shall hold office on good behavior and efficiency and shall not be dismissed from such office or suspended except as provided in this section.