

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**February 1, 2005**

The **Regular Meeting** was called to order by Chairman Elverman at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Elverman, Grady, Rossow, Rose, Kessler, Huff, Wipper, Marrelli, Booth, Carbone, Faraone, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Molinaro, Wisnefski, Noble, West, Kerkman, Gorlinski, Smitz, Ekornaas.

Excused: Supervisors Modory, Carey-Mielke, Clark.

Present. 25 Excused. 3

Supervisor Clark arrived after roll call.

**CITIZEN COMMENTS**

Tiffany Garrison, 6923 111<sup>th</sup> Ct., thanked Supervisor Deschler for her efforts on making the voice of her constituents heard. She hopes that through their continued efforts and those of our elected officials they can reduce the negative impact of the casino and produce a development that will benefit the city and county and be successful of the tribe.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman announced that due to the upcoming election, the next meeting will be held on February 22<sup>nd</sup>. On the desks, Supervisor Gorlinski set out requests from the Hoy Audubon Society, he will talk about those during Supervisor Reports.

**SUPERVISOR REPORTS**

Supervisor Gorlinski stated that over the years the Pringle Nature Center has been reduced in income by the amount of money that is budgeted by the County. He has been asked to pass out two requests, one is for an Attorney, the other is for a Certified Accountant. If anyone knows of someone who fills the qualifications, please forward these requests.

Supervisor Gorlinski commended Supervisor Deschler for her involvement with her community. It's important for all who are in politics to have an open ear to the citizenry.

Supervisor Gorlinski stated that because of a tower that collapsed in the Town of Somers, he suggested to Planning and Development that when a Conditional Use Permit is issued, some additional items should be put on it. A certified engineer, at the cost of the owner of the antenna, do a structural integrity test on the antenna on an annual basis. This would also list the amount of people that are on the antenna so that after so many years you don't end up with more load on the antenna that it is qualified to carry.

Supervisor Deschler stated that she has provided all of the supervisors a copy of the letter she sent to the Menominee Indian Tribe. It is a compilation of requests and issues raised by her constituents. They have come before this board on several occasions with some of these issues and received no relief. Officials did take the time to publicly meet with them but no guarantees were made. Some of their concerns were written down to be taken under advisement and or possibly considered at a later date. Nothing has been done to address their concerns of a 223 acre development essentially located in their back yard which will operate 24 hours a day, 7 days a week, 365 days a year. The IGA is devoid of any direct benefit to the negative impact this development will have on those neighbors. Supervisor Deschler invited the negotiating teams as representatives of the county including County Executive Kehl and the Mayor to negotiate these issues in support of her constituents. Her constituents have legitimate concerns and requests that must be addressed.

Supervisor Noble reported that he attended his first Highway Conference meeting on January 25<sup>th</sup> & 26<sup>th</sup> along with Supervisor L. Johnson. Three counties led by Marathon County formally notified the State that they can no longer plow the state highways in 2006 at the current reimbursement rates. This issue will be reviewed by the Machinery Management Committee. David Thiel who is the Kenosha County Manager of Fiscal Services for the Public Works Department is a member of

that committee, so we will be kept informed on this issue. The keynote speaker at the conference was David Veith, Wisconsin DOT of Highway Operations, who spoke of proposed organizational changes and consolidation of administrative tasks, which are subject to the Governor's budget address on February 8<sup>th</sup>. Gregg Thompson, from WCA also spoke at the conference about the State's structural deficit of 1.6 billion dollars. In his opinion, if the property tax freeze goes through legislation, no area will be hit harder than the local transportation and highway and parks budgets. Also, the State Court System and Human Services should not be funded by local property tax. Those two items are on the April ballot as referendum questions.

Supervisor Smitz stated that the microphone used for citizen comments has not worked properly for a long time and it is difficult to hear the citizens when they speak. He also agreed with Supervisor Gorlinski's comments about the towers. In the Town of Wheatland there has to be engineering on the original tower and on any additional units added to it. It's a good safety precaution.

Supervisor Molinaro stated that the issue of the microphone used for citizen comments has been brought up at the Building and Grounds Committee meeting so hopefully something will be done soon.

Supervisor Molinaro stated that he has received calls regarding the tower in Somers that collapsed. The residents have legitimate concerns. The Land Use Committee, whether you like their approach or not, does take safety and the interest of Kenosha County as a whole into account with all of the decisions they make. He states that the tower's company owes Kenosha County some answers.

He also reported about the joint meeting with Building & Grounds and Judiciary & Law. In the 2005 budget there was 1.5 million dollars earmarked for improvements to the current 911 space in the Public Safety Building. Since expansion of the Safety Building does not appear to be feasible, there are a number of options to look into inclusive of the Kenosha County Center on Hwy 45 & 50. There is support amongst the Chief, Sheriff and Joint Services to look at that facility. This is a serious problem and we need to be prepared to spend money in the short term, in the long term and we need to be prepared to do this correctly and do it quickly.

#### **OLD BUSINESS**

Ordinance - second reading two required

#### **ORDINANCE 50**

50. From the Highway and Parks Committee to repeal and recreate an Ordinance on Speed Limits for CTH "C" from the Canadian National Railroad Crossing, westerly for a distance of 0.70 of a mile.

The County Board of Supervisors of Kenosha County, Wisconsin do ordain as follows:

A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS is hereby repealed:

Section 7.02 Speed Limits

(7) County Trunk Highway "C", Trevor (C-481)

35 m.p.h. from M.ST.P. & S.S.M. railroad grade crossing, westerly for a distance of 0.35 of a mile.

A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS is hereby created:

Section 7.02 Speed Limits

(7) County Truck Highway "C" Trevor

35 M.P.H. from the Canadian National Railroad Crossing, westerly for a distance of 0.70 of a mile.

SUBMITTED BY:

Highway and Parks Committee

Douglas Noble

Richard Kessler

Fred Ekornaas

William Grady

Leonard Johnson

It was moved by Supervisor Noble to adopt Ordinance 50. Seconded by Supervisor Kessler.

Motion carried.

#### **ORDINANCE 51**

51. From the Highway and Parks Committee to repeal and recreate Ordinance's on speed limits for CTH "H" from Wisconsin/Illinois State Line to a point 0.5 miles north of County Trunk Highway "E". A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS is hereby created:

Section 7.02 Speed Limits

(13.2) County Trunk Highway "H", Town of Somers

- (a) 45 m.p.h. from its intersection with STH 142 north to a point 0.25 of a mile north of said intersection. (1/22/91)
- (b) 45 m.p.h. from a point 0.5 miles south of its intersection with County Trunk Highway "E" northerly to a point 0.5 miles north of its intersection with County Trunk Highway "E". (10/21/97)

(13.3) County Trunk Highway "H", Village of Pleasant Prairie, City of Kenosha and Town of Somers

- (a) 45 m.p.h. for all vehicles from its intersection with State Trunk Highway 50 northerly to its intersection with State Trunk Highway 158.

SUBMITTED BY:

Highway and Parks Committee  
Douglas Noble  
Richard Kessler  
Fred Ekornaas  
William Grady  
Leonard Johnson

It was moved by Supervisor Noble to adopt Ordinance 51. Seconded by Supervisor Grady.

Motion carried.

Resolution - one reading

**RESOLUTION 62**

62. From Supervisor Terry Rose and Legislative Committee regarding a Resolution to Petition the State Legislature to Amend Section 19.84(2) of the Wisconsin Statutes.

**WHEREAS**, on March 5, 2004, the Wisconsin Attorney General issued an informal opinion restricting the ability of county board supervisors to make supervisor comments at county board meetings, (a copy of which opinion is attached), and

**WHEREAS**, the affect of that opinion unreasonably inhibits the ability of a county board supervisor to bring certain matters to the attention of the county board.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors recommends to the state legislature that section 19.84(2) be amended to read as follows:

(2) Every public notice of a meeting of a governmental body shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof. The public notice of a meeting of a governmental body may provide for a period of public comment, during which the body may receive information from members of the public. *This section shall not apply to "comments" made by members of a governmental body under an agenda item designated as comments by board, council, or committee members, appearing at the beginning of a meeting, where such comments are limited to general notices, committee reports, and other such minor matters not appearing on the agenda.*

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Kenosha County's State Legislators.

SUBMITTED BY:

Supervisor Terry Rose  
Legislative Committee:  
Ronald Johnson  
Richard A. Kessler  
Christine Wipper

It was moved by Supervisor Rose to adopt Resolution 62. Seconded by Supervisor R. Johnson.  
Roll call vote passed unanimously. Supervisor Clark not present to vote.

**NEW BUSINESS**

Resolution - one reading.

**RESOLUTION 89**

89. From the Human Services Committee regarding Resolution to Approve the Appointment of Mary K. Mainland, M.D. to serve as the Kenosha County Medical Examiner and Public Health Lab Director.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-45, the County Executive has appointed Dr. Mary Mainland to serve as the Kenosha County Medical Examiner and Public Health Lab Director, and

**WHEREAS**, the Human Services Committee has reviewed the County Executive's request for review and approval of his appointment of the above-named to serve in this position and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approves the appointment of Dr. Mary Mainland to serve as the Kenosha County Medical Examiner and Public Health Lab Director beginning January 31, 2005. Dr. Mainland's salary shall be as shown in the attached exhibit, which is incorporated by reference. Dr. Mainland will be succeeding Ms. Lavin.

SUBMITTED BY:

Human Services Committee:

John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

It was moved by Supervisor O'Day to adopt Resolution 89. Seconded by Supervisor Grady.

Roll call vote unanimously. Supervisor Clark not present vote.

**RESOLUTION 90**

90. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Phyllis Rozinski to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-30, the County Executive has appointed Phyllis Rozinski to serve on the Kenosha County Commission on Aging; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Commission on Aging and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Phyllis Rozinski to the Kenosha County Commission on Aging. Ms. Rozinski's appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Rozinski will serve without pay and will be succeeding herself.

SUBMITTED BY:

Human Services Committee:

John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 91**

91. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Nancy Principe to the Brookside Board of Trustees.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-33, the County Executive has appointed Nancy Principe to serve on the Brookside Board of Trustees, and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Brookside Board of Trustees and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Nancy Principe to the Brookside Board of Trustees. Ms. Principe's appointment shall be effective immediately and continuing until the 7th day of January, 2008 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Principe will serve without pay but will receive per diem as defined under Resolution 65 (1982-83) and will be succeeding herself.

SUBMITTED BY:

Human Services Committee:

John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 92**

92. From the Human Services Committee regarding Resolution to Approve the Appointment of Supervisor Mark Wisnefski to the Kenosha County Board of Health.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-32, the County Executive has appointed Supervisor Mark Wisnefski to serve on the Kenosha County Board of Health, and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Board of Health and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Supervisor Mark Wisnefski to the Kenosha County Board of Health. Supervisor Wisnefski's appointment shall be effective immediately and continuing until the 4th day of February, 2008 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Wisnefski will serve without pay and will be filling a vacant position.

SUBMITTED BY:

Human Services Committee:

John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

Supervisor Wisnefski abstained from voting on Resolution 92.

**RESOLUTION 93**

93. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Sandra Bisciglia to the Kenosha County Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-39, the County Executive has appointed Sandra Bisciglia to serve on the Kenosha County Human Services Board, and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Human Services Board and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Sandra Bisciglia to the Kenosha County Human Services Board. Ms. Bisciglia's appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Bisciglia will serve without pay and will be succeeding herself.

SUBMITTED BY:

Human Services Committee:  
John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 94**

94. From the Human Services Committee regarding Resolution to Approve the Appointment of Supervisor Mark Modory to the Kenosha County Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-44, the County Executive has appointed Supervisor Mark Modory to serve on the Kenosha County Human Services Board, and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Human Services Board and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Supervisor Mark Modory to the Kenosha County Human Services Board. Supervisor Modory's appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Modory will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). He will be succeeding Eunice Boyer.

SUBMITTED BY:  
Human Services Committee:  
John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 95**

95. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of John Richards to the Kenosha County Long Term Care Council.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-38, the County Executive has appointed John Richards to serve on the Kenosha County Long Term Care Council; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Long Term Care Council and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of John Richards to the Kenosha County Long Term Care Council. Mr. Richards' appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Richards will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding himself.

SUBMITTED BY:  
Human Services Committee:  
John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 96**

96. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Earl Hawley to the Kenosha County Long Term Care Council.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-43, the County Executive has appointed Earl Hawley to serve on the Kenosha County Long Term Care Council; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Long Term Care Council and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Earl Hawley to the Kenosha County Long Term Care Council. Mr. Hawley's appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Hawley will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding himself.

SUBMITTED BY:

Human Services Committee:

John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 97**

97. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Shawn Zwirgzdas to the Kenosha County Long Term Care Council.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-37, the County Executive has appointed Shawn Zwirgzdas to serve on the Kenosha County Long Term Care Council; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Long Term Care Council and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Shawn Zwirgzdas to the Kenosha County Long Term Care Council. Ms. Zwirgzdas' appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Zwirgzdas will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding herself.

SUBMITTED BY:

Human Services Committee:

John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 98**

98. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Carol Schaufel to the Kenosha County Specialized Transportation Commission.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-31 the County Executive has appointed Carol Schaufel to serve on the Kenosha County Specialized Transportation Commission; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Specialized Transportation Commission and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Carol Schaufel to the Kenosha County Specialized Transportation Commission. Ms. Schaufel's appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Schaufel will serve without pay and will be succeeding herself.

SUBMITTED BY:

Human Services Committee:  
John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 99**

99. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Theresa Gilliland to the Kenosha County Specialized Transportation Commission.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-41, the County Executive has appointed Theresa Gilliland to serve on the Kenosha County Specialized Transportation Commission; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Specialized Transportation Commission and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Theresa Gilliland to the Kenosha County Specialized Transportation Commission. Ms. Gilliland's appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Gilliland will serve without pay and will be succeeding herself.

SUBMITTED BY:  
Human Services Committee:  
John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 100**

100. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Karen Lockwood to the Kenosha County Specialized Transportation Commission.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-34, the County Executive has appointed Karen Lockwood to serve on the Kenosha County Specialized Transportation Commission; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Specialized Transportation Commission and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Karen Lockwood to the Kenosha County Specialized Transportation Commission. Ms. Lockwood's appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Lockwood will serve without pay and will be succeeding herself.

SUBMITTED BY:  
Human Services Committee:  
John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

**RESOLUTION 101**

101. From the Human Services Committee regarding Resolution to Approve the Re-Appointment of Edo Maccari to the Kenosha County Veterans Commission.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-42, the County Executive has appointed Edo Maccari to serve on the Kenosha County Veterans Commission, and



**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Veterans Commission and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Edo Maccari to the Kenosha County Veterans Commission. Mr. Maccari's appointment shall be effective immediately and continuing until the 31st day of December, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Maccari will serve without pay but will receive per diem as defined under Resolution 65 (1982-83). He will be succeeding himself.

SUBMITTED BY:

Human Services Committee:

John O'Day

William Grady

Ruth Delace Booth

Don Smitz

Gordon West

It was moved by Supervisor O'Day to adopt Resolutions 90 thru 101. Seconded by Supervisor Booth.

Motion carried.

#### **RESOLUTION 102**

102. From the Legislative Committee regarding Resolution Opposing ICF-MR Downsizing.

**WHEREAS**, the State of Wisconsin has amended Wisconsin Statutes Section 46.279 to require a court determination of "most integrated setting" to determine appropriate levels of placement for Developmentally Disabled people who are Protectively Placed by the Courts, and

**WHEREAS**, the intent of this statutory change is to encourage community placements of individuals and prohibit long term institutional placements unless the court determines that to be the most integrated setting for the person, and

**WHEREAS**, the concept of the most integrated community setting for individuals is clearly a desirable objective, and

**WHEREAS**, the State of Wisconsin and DHFS have allocated a sum certain amount of funding to counties to either pay the cost of continuing an individual's placement in an ICF-MR or creating a community placement for them and for all new Protective Placements in the future, and

**WHEREAS**, this shifting of responsibilities creates additional demands and costs upon counties, and

**WHEREAS**, the new statutory language in 46.279 makes "the most integrated setting" the dominant factor in a court's determination of a Protective Placement order, and

**WHEREAS**, this statutory change has the effect of potentially eliminating any budgetary constraint arguments counties may make under "County Shield" language in Wis. Stats. 55.06(9) and would require counties to pay the non-federal share of any placements of any ICF-MR court ordered placements, and

**WHEREAS**, there are no assurances that these state funds are sufficient to cover the cost of maintaining these people in either their current ICF-MR placement or a community placement, and

**WHEREAS**, if this state allocation proves to be insufficient to meet the needs of the people and the costs, it will create an additional unfunded mandate upon the counties.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors opposes this action unless there are assurances from the State of Wisconsin that they will cover all reasonable costs associated with the ICF-MR downsizing initiative and court ordered new or ongoing protective placements and requests that the Wisconsin Legislature in its next regular session take action to correct this potential cost shift and unfunded mandate by assuring complete funding.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to our state legislative delegation and the Wisconsin Counties Association.

SUBMITTED BY:

Legislative Committee:

Ronald Johnson  
Richard Kessler  
Joseph Clark  
Christine Wipper  
Mark Modory

It was moved by Supervisor R. Johnson to adopt Resolution 102. Seconded by Supervisor Kessler.  
Motion carried.

**RESOLUTION 103**

103. From the Legislative and Finance Committees regarding Resolution to Establish Policy on the Disposition of County Real Estate.

Chairman Elverman referred Resolution 103 to the Building & Grounds and Highway & Parks Committees.

**CLAIMS**

22. Deborah Dunlap Ruffolo - Hit head on Framed Directory in Court House Lobby.

23. James B. White - Lost property while in jail.

Chairman Elverman referred Claims 22 & 23 to Corporation Counsel.

It was moved by Supervisor O'Day to Approve the January 18<sup>th</sup> minutes. Seconded by Supervisor Gorlinski.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Smitz.

Motion carried.

Meeting adjourned at 8:36 P.M.

Prepared by: Edie LaMothe  
Deputy Clerk

Submitted by: Edna R. Highland  
County Clerk