

DODGE COUNTY EXECUTIVE COMMITTEE

FEBRUARY 1, 2021 10:00 A.M.

FIRST FLOOR – ROOMS H & I AUDITORIUM

DODGE COUNTY ADMINISTRATION BUILDING, JUNEAU, WI 53039

The meeting was called to order at 10:00 a.m. by Dodge County Executive Committee Chairman, Russell Kottke.

Members present: Frohling, Hilbert (by phone), Kottke, Marsik, J. Schmitt, and Sheahan-Malloy.

Member(s) absent: Schaefer (Excused).

Others present: Dodge County Administrator Jim Mielke; Deputy County Clerk Christine M. Kjornes; Corporation Counsel Kimberly Nass; Dodge County Clerk Karen Gibson; Emergency Management Director Amy Nehls; Information Technology Director Justin Reynolds; Dodge County Sheriff Dale Schmidt; Land Resources and Parks Director Bill Ehlenbeck; Planning and Economic Development Administrator Nate Olson; ThriveED Executive Director Vicki Pratt (by phone); ThriveED Managing Director of Business Development Deb Reinbold; County Board Supervisor Jeff Berres; County Board Supervisor Jeff Caine; County Board Supervisor Cathy Houchin (by phone); County Board Supervisor Donna Maly; Dodge County Housing Authority Representative Jamie Rhodes; Dodge County Housing Authority Representative Donna Braun; Watertown Daily Times Reporter Ed Zagorski; WBEV Reporter Kevin Haugen; and Daily Citizen Reporter Ken Thomas.

The following Non-Committee Member County Board Supervisor requested payment for attending the meeting: Jeff Berres, and Donna Maly.

There was no Public Comment.

Supervisor J. Schmitt requested the following additions be made to the January 7, 2021 minutes: On Page 1, paragraph 9, the sentence that begins with “Supervisor J. Schmitt voiced his concerns”, add to that sentence the following language: *and he has concerns with the ThriveED contract not being followed*; and, on Page 1, paragraph 10, regarding out-of-state travel, the sentence that begins with “Supervisor Guckenberger voiced his concern”, add to that sentence the following language: *with the request not being presented to the Judicial and Public Protection Committee, and if training is needed, a closer location should be determined*. Motion by J. Schmitt, seconded by Marsik to approve the January 7, 2021 minutes, as amended. Motion carried.

There was no discussion on the Resolutions from other Counties.

County Board Supervisor Donna Maly provided an oral report to the Committee regarding the County Board Size Study Committee. Supervisor Maly distributed to the Committee members a document entitled *Dodge County Board of Supervisors Size Study, Final Report, Size Study Time-line: October 8, 2020 thru January 31, 2021*. Supervisor Maly reviewed the document, and reported that the County Board Size Study Committee recommends that the County Board of Supervisors remain at thirty-three (33) members. Executive Committee members thanked Supervisor Maly for the final report.

The Committee continued with a discussion regarding the appointment of the Redistricting Committee. Chairman Kottke reported that Dodge County was notified that the census numbers will not be provided until July 31, 2021. The appointment of the Redistricting Committee will be an item on the March 2021 Executive Committee meeting agenda.

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County Administrator Jim Mielke provided an oral report to the Committee regarding the ThriveED 2021 Plan of Work for Dodge County. Mr. Mielke reported that a memo dated January 26, 2021 was included in the packet materials as well as the proposed UW-Whitewater Housing Study. Mr. Mielke further reported that ThriveED is willing to address issues not identified in the original scope of work. The Committee continued with a discussion regarding the importance of measurable criteria, the prioritization of the scope of work, and the proposed housing study. Supervisor J. Schmitt commented that the Taxation Committee met on January 28, 2021, and Dodge County is in possession of properties with the potential for development. Ms. Nass suggested a survey of municipal ordinances. Following Committee discussion, a motion was made by Frohling, seconded by Hilbert to proceed with the UW-Whitewater Housing Study including an inventory and review of municipal ordinances. Ms. Nass indicated that an item was added to the UW-Whitewater Housing Study, Attachment A, Scope of Work, which requires the study to include a comprehensive written report with data, findings and recommendations. Motion carried. ThriveED Executive Director Vicki Pratt appeared by phone, and reported that ThriveED is having ongoing discussions with municipalities regarding such topics as workforce challenges, and the standardization of ordinances. Ms. Pratt encouraged Dodge County to work with UW-Whitewater on the scope of work for the housing study. Chairman Kottke commented that a working meeting with ThriveED will be determined at a later date.

Dodge County Clerk Karen Gibson reported that there are no proposed agenda items for the February 18, 2021 County Board meeting at this time.

Mr. Mielke provided an oral report to the Committee regarding the ERP Project. Mr. Mielke reported that information was included in the packet materials regarding the ERP Project Accounting for Budget Year 2020, and the information will be reviewed at the February 8, 2021 Finance Committee meeting. Mr. Mielke further reported that a lessons learned document is in the process of being developed.

Mr. Mielke provided an oral report to the Committee regarding the Courthouse Security Fence Project. Mr. Mielke reported that the gates are currently not operable, but the vendor will be onsite February 2, 2021 for testing.

Mr. Mielke commented that Bill Evans from Robertson Ryan will be onsite the week of February 8, 2021 for discussions on property casualty insurance, and an update will be provided at the March 2021 Executive Committee meeting.

Emergency Management Director Amy Nehls had nothing new to report on activities of the Emergency Management Department.

Corporation Counsel Kimberly Nass reported the status of contracts completed by the Corporation Counsel office.

Ms. Nass provided an oral report to the Committee regarding the Request for Proposal (RFP) for the County Board Strategic Plan. Ms. Nass reported that the draft RFP for County Board Strategic Plan was included in the packet materials. Ms. Nass asked the Committee who should be the Selection Team. It was a consensus of the Committee that the Executive Committee will be the Selection Team. Ms. Nass volunteered to be the person of contact for questions regarding the scope of work. Ms. Nass

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commented that the County Board Strategic Plan has an aggressive timeline, but recommends that the project have a completion date. Supervisor Lisa Derr voiced her concerns with the aggressive timeline, and suggested the use of a facilitator to assist with the timeline. Ms. Nass commented that it is important to have the strategic plan in place prior to the next County Board of Supervisors in April of 2022. Ms. Nass reported that she changed “Purchasing Office” to “Corporation Counsel Office” in the draft strategic plan. Motion by Marsik, seconded by Sheahan-Malloy to approve the County Board Strategic Plan. Motion carried 5-1. J. Schmitt opposed. Ms. Nass commented that the RFP for the County Board Strategic Plan will be updated and released on February 15, 2021, and will be added to the county website.

The Committee continued with a brief discussion on the Resolution to Terminate Emergency Declaration (Public Health – COVID-19). Chairman Kottke commented that the Emergency Declaration will remain status quo, and the Termination of the Emergency Declaration will be an item on the March 2021 Executive Committee meeting agenda

The Committee continued with a discussion on the Resolution to Restrict Out of State Travel During Declared State of Emergency that was sponsored by Supervisor David Guckenberger, and Supervisor Sheahan-Malloy. Supervisor Sheahan-Malloy commented that the Resolution is being presented for consistency, and to provide expectations going forward. Supervisor Marsik recommended allowing staff who have received the vaccination, and are at least fourteen (14) days post vaccination, the ability to travel out of state for work purposes. Dodge County Sheriff Dale Schmidt voiced his concerns with the micromanagement of staff, and the amendment of department budgets after approval by the County Board. Ms. Nass commented that if a County Board Rule needs to be changed, the item needs to be included on a future Executive Committee agenda. Motion by Marsik, seconded by Sheahan-Malloy to amend the Resolution to add the following language in the So Now, Therefore, Be it Resolved paragraph, after the words “unless medically necessary”: *, or an employee has received at least the first COVID vaccine and is at least 14 days post vaccination.* Motion carried as amended 5-1. Hilbert opposed. Motion by J. Schmitt, seconded by Sheahan-Malloy to forward the amended Resolution to the County Board for consideration at the February 18, 2021 meeting. Motion carried 5-1. Frohling opposed.

Information Technology Director Justin Reynolds provided an oral report to the Committee regarding the status of recording/broadcasting the County Board Meetings. Mr. Reynolds reported that the County Board room is ready for live stream, and he is working with the live stream provider and Ms. Nass on the agreement.

Planning and Economic Administrator Nate Olson provided an oral report to the Committee regarding the Status of Broadband Grant Projects. Mr. Olson reported that all the paperwork has been submitted to the PSC, and the first CARES Act payment has been received. Mr. Olson further reported that some towers have been installed or are in the process of installation.

There was no discussion on the January 20, 2021 Wisconsin Counties Association County Ambassador Program.

There was no discussion on the Wisconsin Counties Association 2021 Virtual Legislative Exchange, to be held March 2-3, 2021.

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The next regular meeting of the Executive Committee will be held on March 1, 2021, at 10:00 a.m., in the Auditorium, located on the First Floor, of the Administration Building.

Meeting adjourned at 11:57 a.m. by the order of the Chairman.

Daniel Hilbert, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

DODGE COUNTY EXECUTIVE COMMITTEE

FEBRUARY 17, 2021 4:00 P.M.

FIRST FLOOR – ROOMS H & I AUDITORIUM

DODGE COUNTY ADMINISTRATION BUILDING, JUNEAU, WI 53039

The meeting was called to order at 4:00 p.m. by Dodge County Executive Committee Chairman, Russell Kottke.

Members present: Frohling, Kottke, Marsik, J. Schmitt, and Sheahan-Malloy.

Member(s) absent: Schaefer, Hilbert (Excused).

Others present: Dodge County Administrator Jim Mielke; Corporation Counsel Kimberly Nass; ThriveED Executive Director Vicki Pratt; ThriveED Managing Director of Business Development Deb Reinbold;

Committee members reviewed and discussed the initial 2017 partnership contract with the Jefferson County Economic Development Consortium (JCEDC) and Glacial Heritage Development Partnership (GHDP) and the 2019 contract amendment. The contract(s) specify four areas of focus and obligations of JCEDC and Glacial Heritage, now known as ThriveEd.

Executive Director Pratt walked the committee through a PowerPoint presentation referencing the four areas and outcomes.

- Business: Grow Businesses, Capital Investment and Employment Opportunities
- Workforce: Attract, Develop and Align Talent
- Build Capacity: Grow the GDHP capacity to execute professional economic development program and services
- Marketing: Raise awareness of the area's assets to attract business investment, talent, and visitors with discretionary dollars,

Discussion followed regarding measurement of the outcomes related to the county's overall investment including identifying potential goals and measures, with a focus on the next 12 months.

ThriveEd suggested prioritizing connecting the private sector (businesses) with the schools and local municipal leadership to address future labor pool and obstacles to development. ThriveEd requested county support in making the above happen.

Discussion regarding the creation of an Economic Development Advisory Council to assist in priorities and measurables across the county. Direction of the Committee to initiate a discussion with municipal leadership through an initial discussion with county mayors, village presidents and town chairs at a March 29th meeting – tentatively scheduled for 1:00 p.m. with the meeting to be held in the Administration Building.

Committee members agreed the next step will be the March 29th meeting with county municipal leaders.

Chair Kottke declared the meeting adjourned at 6:05 p.m.

RESOLUTION NO.: 110—2020-21

JAN 27 2021

DODGE COUNTY, WIS.

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The Wisconsin Legislature created the Knowles-Nelson Stewardship Program in 1989 to
2 preserve valuable natural areas and wildlife habitat, protect water quality and fisheries, and
3 expand opportunities for outdoor recreation. Per Ch. 23.0915(2c)(d), Wis. Stats., the Knowles-
4 Nelson Stewardship Program is set to expire in 2022. The program has supported land
5 acquisition and capital development by the Wisconsin Department of Natural Resources
6 (WDNR), local governments, and nonprofit conservation organizations to preserve valuable
7 natural areas, wildlife habitat, water quality and outdoor recreation for public benefit around
8 the state. Outagamie County has utilized Stewardship grant funds to develop trails and other
9 public outdoor recreation opportunities. This resolution supports the reauthorization of the
10 Knowles-Nelson Stewardship Program for ten years and consideration of the WDNR budget
11 request of \$50 million per year.
12

13 NOW THEREFORE, the following resolution is presented by the Property, Airport, Recreation
14 and Economic Development Committee to the County Board.

15 BE IT RESOLVED, that the Outagamie County Board of Supervisors considers the Knowles-
16 Nelson Stewardship Program a valuable tool to preserve and restore natural areas, wildlife habitat, and
17 water quality while supporting the development of public nature-based outdoor recreation opportunities
18 that promote economic development and enhance quality of life, and

19 BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors does support
20 reauthorization of the Knowles-Nelson Stewardship Program for ten years and consideration of the
21 Wisconsin Department of Natural Resources (WDNR) budget request of \$50 million per year, and

22 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of
23 this resolution to the Outagamie County Executive, the Outagamie County Development and Land
24 Services Director, the Outagamie County Parks Director, the Outagamie County Greenway
25 Implementation Committee, all Outagamie County Municipalities, all Wisconsin Counties, the Outagamie
26 County Lobbyist for distribution to the Legislature and the Governor, and the Wisconsin Department of
27 Natural Resources Secretary, 101 S. Webster Street, Madison, WI 53702.

RECEIVED
IN THE OFFICE OF
COUNTY CLERK

FEB 08 2021

DODGE COUNTY, WIS.

Resolution 2021-01-02

Resolution Expressing Lincoln County's
Support for Action on Climate Change

Motion by: Heller				
Second by: Allen				
Dist.	Supervisor	Y	N	Abs
19	Allen	X		
6	Ashbeck	X		
1	Bialecki			
11	Breitenmoser	X		
13	Callahan			
9	Friske		X	
12	Gilk	X		
20	Gorski	X		
14	Hafeman	X		
8	Heller		X	
17	Koth	X		
15	Lee	X		
16	Loka		X	
3	McCrank	X		
22	Panfil	X		
5	Peterson		X	
10	Ratliff		X	
7	Rusch	X		
21	Simon		X	
18	Voermans	X		
2	Weaver	X		
4	Wendt	X		
Totals		13	8	
<input type="checkbox"/> Carried				
<input type="checkbox"/> Defeated				
<input type="checkbox"/> Amended *				
Voice vote				
<input type="checkbox"/> Roll call				

WHEREAS, there is scientific consensus that human activity, especially the combustion of fossil fuels that create greenhouse gases, is an important driver of climate change; and

WHEREAS, climate change has been widely recognized by government, business, military and academic leaders as a worldwide threat to public safety, public health, local and global economies and quality of life; and

WHEREAS, local governments have an impact on greenhouse gas emissions through land use planning, transportation systems, buildings, energy, and water use and the many daily operations carried out to provide vital services to residents and visitors; and

WHEREAS, one hundred and ninety-five countries, including the United States, vowed to address climate change in agreements reached in December 2015; and

WHEREAS, clean energy technologies was one of the few sectors of the economy that kept growing through the global recession, and it continues to be the fastest growing sector in the nation and there were more people employed in the solar industry in the U.S. last year than in energy production from coal, natural gas, and oil combined; and

WHEREAS, clean energy technologies have become a key area of manufacturing industry growth and Wisconsin already has more than 500 businesses that manufacture components for clean energy technologies such as wind, solar and bio-gas systems; and

WHEREAS, some of Wisconsin's and Lincoln County's most iconic industries, including agriculture, forestry, and tourism, are threatened by climate change; and

WHEREAS, improving energy efficiency and resilience in the face of potential disruption in energy production can attract jobs and economic development opportunities to Lincoln County, and increase the county's long-term competitiveness and wealth; and

WHEREAS, actions that reduce the combustion of fossil fuels and the release of greenhouse gases, including prioritizing efficiency and transitioning to low-carbon energy sources, will improve air quality, public health, energy security, local natural environments, and quality of life for all; and

WHEREAS, Lincoln County is joined in taking action on climate change by cities, counties, states, and national governments and community and private sector leaders who recognize the importance and potential of these actions to protect and enhance the well-being of current and future generations;

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors reaffirm their commitment to taking action to reduce its contribution to climate change; and

BE IT FURTHER RESOLVED that the Lincoln County Board of Supervisors also * recognizes that achieving a community wide goal cannot be done by county* government alone and will require leadership and commitment from businesses, community institutions, and utilities; and

BE IT FURTHER RESOLVED that Lincoln County urges other counties in Wisconsin and the United States to join with it in its commitment to address climate change; and

BE IT FINALLY RESOLVED that a copy of this resolution be sent to Governor Tony Evers, Senator Tammy Baldwin, Senator Ron Johnson, Senator Mary Felzkowski, Congressman Tom Tiffany, the Wisconsin Counties Association, and all the Wisconsin Counties.

Dated: January 19, 2021

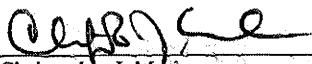
Introduced by: Land Services Committee
Date Passed: 12-10-20 Committee Vote: 3-2
Fiscal Impact: None

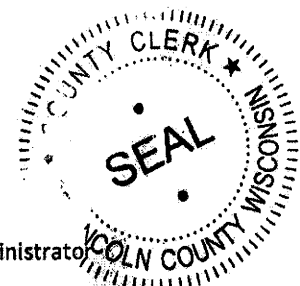
Drafted by: Mike-Huth, Zoning Program Manager/Land Service Administrator

STATE OF WISCONSIN)
) SS:
COUNTY OF LINCOLN)

I hereby certify that this resolution/ordinance is a true and correct copy of a resolution/ordinance adopted by Lincoln County Board of Supervisors on:

January 19, 2021


Christopher J. Marlowe
County Clerk



RECEIVED
IN THE OFFICE OF
COUNTY CLERK

FEB 08 2021

Support of Increased County Child Support Funding

DODGE COUNTY, WIS.

Motion by: Heller
Second by: Bialecki

WHEREAS: The Lincoln County Child Support Agency administers the Child Support Enforcement Program on behalf of the state, providing services to Lincoln County residents including paternity establishment, obtaining child support and health insurance orders for children, and enforcing and modifying those orders; and

WHEREAS: Our children's well-being, economic security and success in life are enhanced by parents who provide financial and emotional support; and

WHEREAS: County child support agencies collected \$935 Million in child support during 2019 and established 98,405 health insurance orders for Wisconsin children; and

WHEREAS: Lincoln County's Child Support Agency provides services to children as well as custodial and non-custodial parents that reduce childhood poverty rates, establish parental rights and promote the involvement of both parents in the lives of their children; and

WHEREAS: The economic security and social service programs provided by Lincoln County Child Support Agency are needed by Wisconsin children and families now more than ever due to the economic downturn caused by COVID-19; and

WHEREAS: State funding for county child support services has failed to keep up with county agency costs, which have steadily increased due to growing caseloads, inflation and new federal regulations; and

WHEREAS: Wisconsin's Child Support Enforcement Program has fallen from 2nd in the nation for collecting current support to 5th; and

WHEREAS: Wisconsin's decreased performance has led to the state losing out on an estimated \$70,000 in potential federal incentive payments between Calendar Year 2019 and 2020; and

WHEREAS: An abrupt federal interpretation change in June 2019 eliminated \$4.2 million in federal birth cost recovery matching funds for Wisconsin; and

WHEREAS: Wisconsin's strong performance in child support is at risk without additional state funding. Further drops in performance would result in additional reductions to federal funding for Wisconsin; and

WHEREAS: Decreased federal funding results in less funding for Lincoln County's child support agency. This could lead to reductions in child support enforcement staff and services and reduced child support collections; and

WHEREAS: New state investments in child support are amplified by a generous federal match. Every \$1 of state GPR invested in the Child Support Program generates roughly \$2 in federal matching funds; and

WHEREAS: Wisconsin's Child Support Enforcement Program is incredibly cost-effective, collecting an average of \$6.20 in support for every dollar invested in the program.

Dist.	Supervisor	Y	N	Abs
19	Allen			
6	Ashbeck			
1	Bialecki			
11	Breitenmoser			
13	Callahan			
9	Friske			
12	Gilk			
20	Gorski			
14	Hafeman			
8	Heller			
17	Koth			
15	Lee			
16	Loka			
3	McCrank			
22	Panfil			
5	Peterson			
10	Ratliff			
7	Rusch			
21	Simon			
18	Voermans			
2	Weaver			
4	Wendt			
Totals				

Carried
 Defeated
 Amended
 Voice vote
 Roll call

STATE OF WISCONSIN)
) ss
COUNTY OF LINCOLN)

I hereby certify that this resolution/ordinance is a true and correct copy of a resolution/ordinance adopted by Lincoln County Board of Supervisors on:

January 19, 2021
 County Clerk
 CHRISTOPHER J. MANTOW
 County Clerk
 SEAL
 LINCOLN COUNTY WISCONSIN

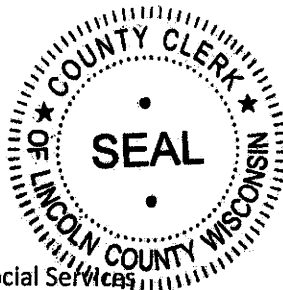
NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Supervisors respectfully requests that state funding for county child support agencies be increased by \$4 million GPR in each fiscal year of the 2021-23 Wisconsin state budget, which will generate approximately \$7.7 million in additional federal funding each year. This investment will ensure that Wisconsin counties can continue to effectively provide economic support to our children.

IT IS FURTHER RESOLVED that a copy of this resolution be forwarded by the County Clerk to the Governor of the State of Wisconsin, State Senators and State Representatives representing Lincoln County, the Secretary of the Wisconsin Department of Administration, the Wisconsin Counties Association for consideration and all other counties.

Fiscal Impact: none

Dated this 19th day of January, 2021

Introduced by Social Services Committee
Date Passed: December 9, 2020
Committee Vote: 5-0



Drafted by: Renee Krueger, Director of Social Services

Resolution No. 01-21

RESOLUTION TO SUPPORT A NONPARTISAN PROCEDURE FOR THE PREPARATION OF LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PLANS

ROLL CALL Board Members	Aye	Nay	Exc.
Olson		X	
Route	X		
Warndahl	X		
Nelson (Chairperson)			X
LaBlanc	X		
Ruck		X	
Prichard	X		
Kelly		X	
O'Connell	X		
Middleton	X		
Luke (2 nd Vice Chair)	X		
Duncanson	X		
Arcand		X	
Bonneprise (Vice Chair)	X		
Demulling	X		

BOARD ACTION

Vote Required: A two-thirds vote of a Quorum

Motion to Approve Adopted Defeated

1st Duncanson Defeated

2nd LaBlanc

Yes: 10 No: 4 Exc: 1

Reviewed by: Melba S. Malone, Corp. Counsel

Reviewed by: Vince Ketherland, Administrator

Reviewed by: [Signature], Finance

FISCAL & LEGAL IMPACT:
This Resolution has no fiscal or significant legal impact on County operations and only modifies internal procedures for filling a mid-term vacancy on the Board and the manner in which the Board receives public comments.

Certification:
I, Lisa Ross, Clerk of Polk County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 19th day of January, 2021 by the Polk County Board of Supervisors.

Lisa R. Ross
Lisa Ross
County Clerk, Polk County

Committee General Government

Recommended
 Not Recommended
 Neutral

1 **TO THE POLK COUNTY BOARD OF SUPERVISORS:**

2
3 **WHEREAS**, currently under the state constitution, the legislature is directed
4 to redistrict legislative districts according to the number of inhabitants at its next
5 session following the decennial federal census by the majority party; and at the
6 same intervals, the legislature also reapportions congressional districts
7 pursuant to federal law, and

8
9 **WHEREAS**, legislative and congressional redistricting plans enacted
10 pursuant to this procedure are used to elect members of the legislature and
11 members of Congress in the fall of the second year following the year of the
12 census, and

13
14 **WHEREAS**, historically legislative and congressional plans in Wisconsin
15 have been subject to partisan influence that put the desires of politicians ahead
16 of the electoral prerogative of the people, and

17
18 **WHEREAS**, the 2011 process to draw the maps and fight litigation
19 contesting those maps cost taxpayers nearly \$1.9 million, and

20
21 **WHEREAS**, a panel of federal district court judges has ruled that the
22 redistricting that was done in Wisconsin in 2011 was unconstitutional, and

23
24 **WHEREAS**, redistricting to achieve partisan gains is improper, whether it is
25 done by Republicans or Democrats,

26
27 **NOW THEREFORE BE IT RESOLVED** that the Polk County Board of
28 Supervisors insists upon the creation of a nonpartisan procedure for the
29 preparation of legislative and congressional redistricting plans, and

30
31 **BE IT FURTHER RESOLVED** that the process promotes more
32 accountability and transparency and prohibits the consideration of voting
33 patterns, party information, and incumbents' residence information or
34 demographic information in drawing the maps, except as necessary to ensure
35 minority participation as required by the U.S. Constitution.

36
37 **BE IT FURTHER RESOLVED** that the County Clerk is directed to send a
38 copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin
39 Counties Association, the Wisconsin Towns Association, the Wisconsin League
40 of Municipalities, all members of the state legislature, and to each Wisconsin
41 County.

42
43
RECEIVED
IN THE OFFICE OF
COUNTY CLERK
FEB 10 2021
DODGE COUNTY, WIS.

SUBMITTED BY:

Frances Duncanson

RECEIVED
IN THE OFFICE OF
COUNTY CLERK

FEB 10 2021

DODGE COUNTY, WIS.



RESOLUTION# 21-2-7

Conservation, Education & Economic Development and Judicial & Legislative Committees

Introduced by Page 1 of 1

Motion: Adopted: [X]
1st Clendenning Lost:
2nd Lafontaine Tabled:
No: 3 Yes: 16 Absent: 0
Number of votes required:
[X] Majority [] Two-thirds
Reviewed by: PAK, Corp Counsel
Reviewed by: , Finance Dir.

LAD

INTENT & SYNOPSIS: To support efforts of four statewide organizations to introduce "clean water" measures legislatively this term.

FISCAL NOTE: None. The legislative efforts, if successful, would lead to long-term economic and quality of life benefits to the residents of the county.

WHEREAS, four long-established and well-respected statewide groups (Wisconsin Land and Water Conservation Association, Clean Wisconsin, the Dairy Business Association, and The Nature Conservancy) have joined forces to implore legislative action outlined below and more specifically delineated in the attached press release and news article, and

WHEREAS, these four organizations have outlined four principles that will guide and inform their joint efforts to obtain comprehensive policy changes, including: increasing well testing and well replacement funding; updating the state CAFO (Concentrated Animal Feed Operations) program; and bolstering current conservation efforts, and

WHEREAS, conservatively it is estimated that 10% of rural wells and some municipal wells in Wisconsin are polluted with nitrates, and

WHEREAS, excess nitrates in groundwater and phosphorus in surface water have led to algae blooms on inland lakes and streams, which have the effect of reducing tourism and recreational pursuits, and

WHEREAS, excess nitrates are a known and well-documented direct threat to human health, and

Table with 5 columns: NO, YES, A. Rows 1-19 listing names and their votes.

WHEREAS, specific actions need to be instituted, like: managing unintended agricultural runoff; supporting farms that meet water quality standards; only permitting those agri-businesses that do meet water quality standards; helping farms to grow foods with fewer negative environmental impacts; encouraging innovative farming practices and recognizing that on sensitive soils, farming practices will have to change more dramatically in order to protect our water resources, and

WHEREAS, remediation of polluted waterways and groundwater will take years to accomplish, and

WHEREAS, growers like the Wisconsin Potato and Vegetable Growers Association in Central Wisconsin realize the magnitude of the problem, are conducting research, and encouraging farmer-led initiatives directed toward "best practices" independent of legislative action, and

WHEREAS, recommendations of the Speakers Task Force on Water Quality have, as yet, not been implemented.

NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES that RECEIVED BY THE OFFICE OF COUNTY CLERK FEB 16 2021 it is time for the state legislature to codify specific, needed, water-protection measures as outlined in the attached December 27, 2020, commentary by the Wisconsin Land and Water Conservation Association, Clean Wisconsin, the Dairy Business Association, and The Nature Conservancy and to put timelines in place to accomplish these goals

BE IT FURTHER RESOLVED that this resolution be sent to all other Wisconsin counties, to state lawmakers in the Senate and Assembly, to Governor Evers, and to the WCA and WTA.

DODGE COUNTY, WIS.

KEN CURRY (Chair) Ken Curry
BILL LEICHTNAM Bill Leichtnam
ROBERT ASHBECK Robert Ashbeck
JAKE HAHN
DAVE LAFONTAINE Dave Lafontaine
Adopted by the County Board of Wood County, this 16th day of February 20 21

BILL CLENDENNING (Chair) Bill Clendenning
ED WAGNER Ed Wagner
JOSEPH ZURFLUH Joseph Zurfluh
County Board Chairman

County Clerk

County Board Chairman



**LEGISLATIVE SERVICES
COUNTY BOARD OF SUPERVISORS**

Administration Building
320 S. Walnut Street, Appleton, WI 54911
Phone: (920) 832-5054 Fax: (920) 832-1895

February 10, 2021

Wisconsin County Board Chairs

RE: Outagamie County Board Resolution No. 122-2020-21

Dear Colleague,

Please find attached Outagamie County Board Resolution No.122, which passed last night on a vote of 31 to 3.

If you are as frustrated as I am with the partisan bickering in Madison which continues to leave local governments in the difficult position of attempting to combat this global pandemic without the benefit of a comprehensive and consistent statewide approach, I encourage you to consider entertaining a similar Resolution in your county.

Throughout American history, the people of our nation have come together in times of crisis to combat common enemies. I remain dumbfounded that, to date, we seem unable to do so when it comes to COVID-19, despite it being one of the deadliest, unseen enemies we have ever confronted. This is not a partisan issue. This virus does not discriminate based on political affiliation. It is well past time for elected leaders to listen to our public health professionals and enact measures that reduce the spread of this disease so we can reduce hospitalizations and deaths until herd immunity is achieved through our vaccination efforts.

Thank you for your leadership in county government. I maintain that our state officials could learn a lot from how we do things at the local level.

Regards,

Jeff Nooyen
Outagamie County Board Chair

Enclosure: Outagamie County Board Resolution 122—2020-21

RESOLUTION NO.: 122—2020-21

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The COVID-19 global pandemic has caused significant health and economic impacts in
2 our community, county, state, nation and worldwide. To date, the State of Wisconsin has
3 experienced 543,165 total cases, 5,897 total deaths and continues to experience a very high
4 disease activity level on a statewide basis.

5
6 In Outagamie County, we will soon be approaching the one-year mark of the declared
7 Public Health Emergency due to the COVID-19 pandemic. To date, Outagamie County
8 has had 18,440 total cases, 181 total deaths and continues to deal with a very high level of
9 disease activity.

10
11 Our dedicated Public Health team continues their important work to prevent the spread of
12 COVID-19 by promoting proven mitigation strategies such as masking, social distancing
13 and hand washing. They are working in close collaboration with our local, state and federal
14 partners to protect our community through the distribution and administration of the
15 COVID-19 vaccine, but that effort will take many more months to provide the level of
16 vaccination required to reach herd immunity.

17
18 Unfortunately, the lack of a clear statewide plan developed by infections disease specialists
19 to help control the spread of the COVID-19 virus and supported by all three branches of
20 Wisconsin government has led to confusion, unnecessary deaths and increased economic
21 loss in our state. As a result, the Outagamie County Board of Supervisors unanimously
22 passed Resolution 102 – 2020-21 on December 8, 2020 calling on the Wisconsin State
23 Legislature to work with the State of Wisconsin Governor to pass legislation establishing
24 consistent, science-based, and enforceable statewide measures for controlling the COVID-
25 19 pandemic in Wisconsin.

26
27 Last week, the Wisconsin State Legislature passed a resolution ending the COVID-19
28 Public Health Emergency declared by Governor Evers, despite opposition from over 50
29 organizations, including the Children’s Hospital of Wisconsin, Medical College of
30 Wisconsin, WI Academy of Family Physicians, WI Association of Local Health Depts &
31 Boards, WI Hospital Association and the Wisconsin Medical Society. If Governor Evers
32 had not promptly issued a new Public Health Emergency, this action by the Legislature
33 would have eliminated the statewide mask mandate that had been implemented as one of
34 the key, science-based mitigation strategies proven effective in slowing the spread of this
35 deadly disease. The Legislature’s action would directly contradict Outagamie County
36 Board Resolution 102 – 2020-21 and imperil the health and well-being of our residents and
37 fellow Wisconsinites.

38 With evidence of new, more virulent variants of COVID-19 present in Wisconsin, the
39 importance of statewide measures, such as mandatory masking, to help protect the health
40 and well-being of our family, friends and co-workers has never been greater. It is
41 incumbent upon all elected officials, at every level, to take responsibility for recognizing

1 the importance of putting partisan politics aside in the interest of public health and uniting
2 in the global battle against the worst pandemic in a century.

3
4 NOW THEREFORE, the following resolution is presented by the Health and Human Services
5 Committee to the County Board.

6 BE IT RESOLVED, that the Outagamie County Board of Supervisors calls on the Wisconsin
7 Legislature to listen to the dozens of Wisconsin health care organizations and support the Governor's new
8 Public Health Emergency declaration; and

9 BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors once again calls
10 on the Wisconsin State Legislature to work in concert with Governor Evers to pass legislation establishing
11 consistent, science-based, and enforceable statewide measures for controlling the COVID-19 pandemic in
12 Wisconsin and expediting our economic and educational recovery, and

13 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of
14 this resolution to the Wisconsin Counties Association, the Outagamie County Lobbyist for distribution to
15 the State Senators and State Representatives representing Outagamie County, and the State of Wisconsin
16 Governor.

17 Dated this 9th day of February 2021.

18 Duly and officially adopted by the County Board on: February 9, 2021

19
20 Signed: [Signature] Board Chairperson [Signature] County Clerk

21
22
23 Approved: 2.9.21 Vetoed: _____

24
25 Signed: [Signature]
26 County Executive



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1644/1
RAC:amn

2021 SENATE JOINT RESOLUTION 3

January 21, 2021 - Introduced by Senators NASS, BRADLEY, KAPENGA, STROEBEL, FELZKOWSKI, JACQUE, TESTIN, MARKLEIN and WANGGAARD, cosponsored by Representatives RAMTHUN, HORLACHER, SORTWELL, MAGNAFICI, WIGHGERS, CABRAL-GUEVARA, BROOKS, JAGLER, GUNDRUM, MACCO, SKOWRONSKI, THIESFELDT, BRANDTJEN, ALLEN, DITTRICH, MOSES, KNODL and SCHRAA. Referred to Committee on Senate Organization.

1 **Relating to:** terminating the COVID-19 public health emergency, including all
2 emergency orders and actions taken pursuant to declaration of the public
3 health emergency.

Analysis by the Legislative Reference Bureau

This joint resolution resolves that the public health emergency declared by the governor in Executive Order #104 on January 19, 2021, in response to the COVID-19 coronavirus, is unlawful and is terminated. The termination of the public health emergency applies to all actions of the governor and all emergency orders issued pursuant to the declaration of the public health emergency.

4 Whereas, under the United States Constitution and the Wisconsin State
5 Constitution, the structural separation and limitation of governmental powers is
6 foundational to our republican form of government, in that it ensures the
7 government exercises only that authority to which the governed have consented; and

8 Whereas, under section 323.10 of the statutes the governor may issue an
9 executive order declaring the existence of a public health emergency; and

1 Whereas, section 323.12 of the statutes grants the governor certain powers that
2 may be used in responding to the specified public health emergency, as defined in
3 section 323.02 (16) of the statutes; and

4 Whereas, the governor's authority to use the powers granted under section
5 323.12 of the statutes automatically expires 60 days after the declaration of the
6 emergency, unless the legislature extends the state of emergency by joint resolution,
7 or at such time as the legislature rescinds the executive order declaring the
8 emergency, whichever occurs first; and

9 Whereas, on March 12, 2020, Governor Tony Evers issued Executive Order #72
10 declaring a public health emergency for the COVID-19 coronavirus, which gave the
11 governor access to the powers identified in section 323.12 of the statutes for the
12 purpose of taking immediate action on the COVID-19 coronavirus emergency; and

13 Whereas, the legislature has not extended the state of emergency related to the
14 COVID-19 coronavirus emergency identified in Executive Order #72, with the result
15 that the governor's authority to address the COVID-19 coronavirus using the
16 emergency powers identified in section 323.12 of the statutes expired on May 11,
17 2020; and

18 Whereas, given that legislative oversight is vital to ensuring the governor's
19 proper exercise of the emergency powers granted by section 323.12 of the statutes,
20 legislative oversight is rendered useless if the governor ignores the temporal
21 limitations on the emergency powers by continuously reissuing emergency
22 declarations for the same emergency; and

23 Whereas, under section 323.10 of the statutes, any extension of the declaration
24 of emergency caused by the COVID-19 coronavirus requires a joint resolution of the
25 legislature; and

1 Whereas, the Wisconsin Supreme Court has already reaffirmed the
2 legislature's constitutionally mandated participation in any further response to the
3 COVID-19 coronavirus in *Wisconsin Legislature v. Palm*; and

4 Whereas, Executive Order #82 was unlawfully issued on July 30, 2020, to
5 address the very same COVID-19 public health emergency that expired with
6 Executive Order #72 on May 11, 2020; and

7 Whereas, Executive Order #90 was unlawfully issued on September 22, 2020,
8 to address the very same COVID-19 public health emergency that expired with
9 Executive Order #72 on May 11, 2020; and

10 Whereas, Executive Order #95 was unlawfully issued on November 20, 2020,
11 to address the very same COVID-19 public health emergency that expired with
12 Executive Order #72 on May 11, 2020; and

13 Whereas, it is incumbent upon the three branches of government to act as
14 checks on one another's power in order to vigorously protect and defend the principle
15 of structurally separated and limited power, so as to protect the governed from
16 abusive government; and

17 Whereas, the legislature can and must take immediate action to protect the
18 integrity of the legislative powers authorized under the Wisconsin Constitution and
19 the integrity of this republican form of government; now, therefore, be it

20 ***Resolved by the senate, the assembly concurring, That*** the governor had
21 no authority to issue Executive Order #104 on January 19, 2021, and it was therefore
22 void from the date of its issuance, as were any and all of the governor's actions or
23 orders related to the declared public health emergency to the extent the authority
24 for those orders or actions depended on Executive Order #104, or sections 323.10 or
25 323.12 of the statutes; and

1 ***Be it further resolved, That*** regardless of whether Executive Order #104
2 should ever be construed as having conferred on the governor any authority to
3 exercise the powers granted by section 323.10 of the statutes, Executive Order #104
4 is hereby terminated and revoked. The revocation of Executive Order #104
5 terminates any and all of the governor's actions or orders related to the declared
6 public health emergency to the extent the authority for those orders or actions
7 depend on Executive Order #104, or sections 323.10 or 323.12 of the statutes.

8

(END)

Legislative Bill/Resolution

2021-2022 Legislative Session

Senate Joint Resolution 3

Relating to: terminating the COVID-19 public health emergency, including all emergency orders and actions taken pursuant to declaration of the public health emergency.

- 1
American Cancer Society Cancer Action Network (ACS CAN)
↓ Against
Notified Date: 1/29/2021
- 2
American College of Obstetricians and Gynecologists - WI Section
↓ Against
Notified Date: 1/26/2021
- 3
American Heart Association
↓ Against
Notified Date: 1/29/2021
- 4
American Lung Association, dba American Lung Association in Wisconsin
↓ Against
Notified Date: 1/27/2021
- 5
Association of Wisconsin School Administrators
↓ Against
Notified Date: 1/29/2021
- 6
Business Education Fund
↓ Against
Notified Date: 1/29/2021
- 7
Children's Hospital of Wisconsin
↓ Against
Notified Date: 1/29/2021
- 8
Disability Service Provider Network
↓ Against
Notified Date: 1/26/2021
- 9
Fox Cities Chamber of Commerce & Industry
↓ Against
Notified Date: 1/29/2021
- 10

Greater Madison Chamber of Commerce

↓ Against

Notified Date: 1/27/2021

11

Greater Wisconsin Agency on Aging Resources

↓ Against

Notified Date: 2/1/2021

12

Kids Forward

↓ Against

Notified Date: 1/28/2021

13

LeadingAge Wisconsin

↓ Against

Notified Date: 1/28/2021

14

Lutheran Office for Public Policy in Wisconsin

↓ Against

Notified Date: 2/1/2021

15

Medical College of Wisconsin

↓ Against

Notified Date: 1/25/2021

16

Menominee Indian Tribe of Wisconsin

↓ Against

Notified Date: 1/29/2021

17

Milwaukee Public Schools

↓ Against

Notified Date: 1/28/2021

18

Oneida Nation

↓ Against

Notified Date: 1/28/2021

19

Pharmacy Society of Wisconsin

↓ Against

Notified Date: 1/28/2021

20

Planned Parenthood Advocates of Wisconsin

↓ Against

Notified Date: 1/28/2021

21

Professional Fire Fighters of Wisconsin Inc

↓ Against

Notified Date: 1/29/2021

22

PROFS

↓ Against

Notified Date: 1/28/2021

23

Rural Wisconsin Health Cooperative

↓ Against

Notified Date: 1/26/2021

24

SEIU Wisconsin State Council

↓ Against

Notified Date: 1/28/2021

25

Southeastern Wisconsin Schools Alliance

↓ Against

Notified Date: 1/28/2021

26

Specialized Medical Vehicle Association of Wisconsin

↓ Against

Notified Date: 1/27/2021

27

Stockbridge-Munsee Community

↓ Against

Notified Date: 1/28/2021

28

The Arc Wisconsin

↓ Against

Notified Date: 2/2/2021

29

United Migrant Opportunity Services/UMOS Inc

↓ Against

Notified Date: 1/29/2021

30

WIRSA

↓ Against

Notified Date: 1/28/2021

31

Wisconsin Academy of Family Physicians

↓ Against

Notified Date: 1/26/2021

32

Wisconsin Academy of Ophthalmology

↓ Against

Notified Date: 1/26/2021

33

Wisconsin Assisted Living Association

↓ Against

Notified Date: 1/26/2021

34

Wisconsin Association for Justice

↓ Against

Notified Date: 1/27/2021

35

Wisconsin Association of Family and Children's Agencies

↓ Against

Notified Date: 1/27/2021

36

Wisconsin Association of Local Health Departments and Boards

↓ Against

Notified Date: 1/25/2021

37

Wisconsin Association of School Business Officials

↓ Against

Notified Date: 1/29/2021

38

Wisconsin Association of School District Administrators

↓ Against

Notified Date: 1/29/2021

39

Wisconsin Association of School Nurses

↓ Against

Notified Date: 2/2/2021

40

Wisconsin Association of School Personnel Administrators

↓ Against

Notified Date: 1/29/2021

41

Wisconsin Chapter of the American Academy of Pediatrics (WIAAP)

↓ Against

Notified Date: 1/29/2021

42

Wisconsin Chapter of the American College of Emergency Physicians

↓ Against
Notified Date: 1/28/2021

43

Wisconsin Coalition of Independent Living Centers
↓ Against
Notified Date: 2/3/2021

44

Wisconsin Community Action Program Association, Inc.
↓ Against
Notified Date: 1/28/2021

45

Wisconsin Council for Administrators of Special Services
↓ Against
Notified Date: 1/28/2021

46

Wisconsin Council of Churches
↓ Against
Notified Date: 1/22/2021

47

Wisconsin Dental Association
↓ Against
Notified Date: 1/27/2021

48

Wisconsin Education Association Council
↓ Against
Notified Date: 1/27/2021

49

Wisconsin EMS Association
↓ Against
Notified Date: 1/28/2021

50

Wisconsin Health Care Association Inc.
↓ Against
Notified Date: 1/26/2021

51

Wisconsin Hospital Association
↓ Against
Notified Date: 1/28/2021

52

Wisconsin Laborers District Council
↓ Against
Notified Date: 2/2/2021

53

Wisconsin Medical Society
↓ Against
Notified Date: 1/25/2021

54

Wisconsin Pipe Trades Association
↓ Against
Notified Date: 1/29/2021

55

Wisconsin Primary Health Care Association (WPHCA)
↓ Against
Notified Date: 1/28/2021

56

Wisconsin Psychiatric Association
↓ Against
Notified Date: 1/28/2021

57

Wisconsin Public Health Association
↓ Against
Notified Date: 1/25/2021

58

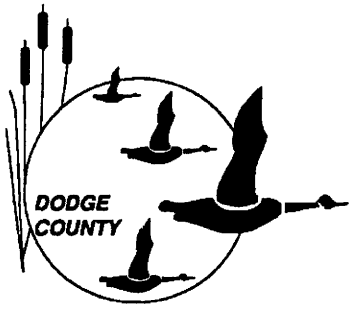
Wisconsin Retired Educators Association
↓ Against
Notified Date: 1/28/2021

59

Wisconsin Society of Anesthesiologists
↓ Against
Notified Date: 1/28/2021

60

Wisconsin Transportation Builders Association
? Undisclosed
Notified Date: 2/1/2021



HUMAN SERVICES & HEALTH DEPARTMENT

199 COUNTY ROAD DF ♦ JUNEAU, WISCONSIN 53039-9512

920-386-3500

Becky Bell, Director

To: Dodge County Executive Committee
From: Becky Bell, Human Services and Health Director
Date: February 5, 2021
Re: Out of State Travel Request

I am writing this memo to respectfully request out of state travel to Duluth, Minneapolis. Human Services and Health Department currently has a juvenile placed in a facility located there and the State of Wisconsin Standards indicate a child placed in out of home care needs to have a face to face visit at least once every quarter.

Human Services and Health respectfully requests authorization for one social worker within the Child Welfare Unit to drive to Duluth, Minnesota to complete a visit consistent with State of Wisconsin guidance. The trip is tentatively being planned for March 12th, 2021.

Thank you in advance for your consideration.

◆ ADMINISTRATION
(920) 386-3501
FAX: (920) 386-4011

◆ AGING & DISABILITY
RESOURCE CENTER (ADRC)
& AGING PROGRAM
(920) 386-3580
NUTRITION
(920) 386-3580
TRANSPORTATION
(920) 386-3832
FAX: (920) 386-4015

◆ ADULT PROTECTIVE SERVICES
& SUPPORTIVE HOME CARE
(920) 386-3750
FAX: (920) 386-3245

◆ ALCOHOL & DRUG ABUSE
(920) 386-4094
FAX: (920) 386-3812

◆ CHILD WELFARE &
JUVENILE JUSTICE
(920) 386-3750
FAX: (920) 386-3533

◆ COMMUNITY SUPPORT
PROGRAM & COMPREHENSIVE
COMMUNITY SERVICES
(920) 386-4094
FAX: (920) 386-3812

◆ ECONOMIC SUPPORT
(920) 386-3760
FAX: (920) 386-4012

◆ MENTAL HEALTH
(920) 386-4094
FAX: (920) 386-3812

◆ PUBLIC HEALTH
(920) 386-3670
FAX: (920) 386-4011

Proposed agenda items for March 16, 2021 CB Meeting

Description	Date of Committee meeting	Committee(s)	Fiscal Note *	Status
Carryover resolution-same purpose only	3/8/2021	Finance	Yes	
Finance Resolution to Amend Budget Due to 2020 Closeout	3/8/2021	Finance	Yes	
Advisory Resoution Supporting Increased State Funding for Child Support	3/5/2021	Judicial & Public Protection	Yes	draft
Authorize Land & Water Dept to apply for 1 targeted runoff grant from DNR	1/25/2021	Land & Water Conservation	Yes	Final
Authorize Land & Water Dept to apply for 2 targeted runoff grants from DNR	1/25/2021	Land & Water Conservation	Yes	Final
Courthouse Paving Project	3/4/2021	Building	Yes	
Amend Town of Hubbard Zoning Ordinance	2/1/2021	Land Resources & Parks	No	Final
Amend Town of Beaver Dam Zoning Ordinance Mark & Roberta Nelson Property	2/1/2021	Land Resources & Parks	No	Final
Amend Town of Portland Zoning Ordinance Crave Family Partnership Property	2/1/2021	Land Resources & Parks	No	Final
Amend Town of Theresa Zoning Ordinance Reuben and Arlene Pribnow Property	2/15/2021	Land Resources & Parks	No	Final
Amend Town of Theresa Zoning Ordinance Brian Koll Property	2/15/2021	Land Resources & Parks	No	Final
Setting County Board Size and Redistricting Committee Resolution	3/1/21	Executive	Yes	
Create Position of Receptionist at Clearview	3/3/21	Health Facilities Comm	Yes	draft
Advisory Resolution Supporting Increase in Aging Disability Resource Center funding	3/3/21	Human Services & Health	Yes	draft
2021 Budget Amendment Resolution-Targeted Services Support Program	3/3/21	Human Services & Health	Yes	draft
Resolution Terminating Emergency Declaration	3/1/21	Executive	Yes	draft
2021 Budget Amendment Resolution-Enhanced COVID funding	3/3/21	Human Services & Health	Yes	draft
2021 Budget Amendment Resolution-TAP grant?? Still need contract	3/3/21	Human Services & Health	Yes	draft
Reappoint Kay Marose to Monarch Library System Board, Appoint Rodney Justman to Board of Adjustment and Dan Siegmann as the 2nd Alternate on Board of Adjustment.				
*The Resolutions with a Fiscal Note must go to the Finance Committee which meets on March 8, 2021				



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

For Immediate Release
Contact: Mark D. O'Connell
WCA Executive Director
866.404.2700

February 17, 2021

Governor Evers' State Budget Invests in Wisconsin Counties Proposal Acknowledges Importance of County Government Services

Governor Evers 2021-2023 State Biennial Budget, as announced Tuesday night, acknowledges the importance of county government in the lives of everyday Wisconsin citizens, and provides tools for those on the ground to effectively serve, according to the Wisconsin Counties Association (WCA).

"This budget, as introduced by Governor Evers, recognizes that counties are critical to delivering local programs and services," said WCA Executive Director Mark D. O'Connell. "These investments will empower counties to be more effective and operate at an even higher level."

2021-2023 State Biennial Budget investments in counties include:

- 0.5% sales tax option for counties, subject to voter referendum
- 2% increase in 2021 and 2% increase in 2022 in Shared Revenue
- 2% General Transportation Aids (GTA) increase in each year of the biennium
- \$75 million for reauthorization of the Multimodal Supplement Program (MLS Program)
- 2.5% increase in General Transit Aids
- \$3 million for county GIS grants and \$7.5 million in the second year of the biennium for county 911 grants
- 10-year renewal of the stewardship program
- \$12.7 million for full funding of County Conservation Staffing and Cost Sharing Grants
- \$15 million in increased TAD funding
- \$10 million in increased funding for local health departments
- Significant investment in mental health crisis services, including emergency detention
- \$1.5 million for child welfare worker training
- \$11.8 million in additional funding for county child support agencies
- \$10 million increase in each calendar year for the Children and Family Aids appropriation

-More-

**WCA Budget Release-
Add One-**

- Grant program for community based juvenile services
- Expansion of dementia care specialists statewide
- \$18.8 million increase in youth aids for elimination of the serious juvenile offender program
- \$10 million sum sufficient appropriation to counties for responsibility of 17-year old juvenile offenders
- \$200 million broadband investment
- \$300,000 annual broadband grant to local governments
- Reimbursement to counties for special election costs

“The list of county investments in the Governor’s budget is a strong start to the budget process,” said O’Connell. “WCA looks forward to working with Governor Evers and the Legislature to ensure critical investments in county government.”

The Wisconsin Counties Association represents the interests of county governments at both the state and federal levels and is located in Madison, Wisconsin. Learn more at www.wicounties.org and find WCA on Facebook, Twitter (@WisCounties) and LinkedIn (WCA: Wisconsin Counties Association).

###



**WISCONSIN TOWNS
ASSOCIATION**
Empowering Town Officials

For Immediate Release
Contact Information Below

February 19, 2021

2021-2023 State Budget Invests Transportation Funds to Local Communities, Provides Flexibility with Dollars

Wisconsin counties, cities, towns and villages will benefit from transportation investments into local roads, bridges and other infrastructure, as announced this week as a part of Governor Evers 2021-2023 State Biennial Budget.

The state budget proposal includes approximately a \$19 million increase in the State Highway Rehabilitation program, a 2% increase in general transportation aids in both 2022 and 2023, and a reintroduction of \$75 million for the Multimodal Local Supplement (MLS) program. County governments have praised MLS for its flexibility and lack of red tape, making it possible for more communities to participate.

“The state moves goods, services and our economy forward based upon our local transportation system,” said Wisconsin Counties Association (WCA) Executive Director Mark D. O’Connell. “By including increases in aid for counties and municipalities, while holding other programs to current spending levels and empowering local governments, Governor Evers has recognized the importance of local infrastructure to the state’s transportation system.”

Cities with transit systems will also benefit from a 2.5% boost in state support for those programs in both 2022 and 2023, as well as provisions that make it easier for transit systems to serve more people. And the budget contains increased funding to fix Wisconsin’s harbors.

“We have all faced great challenges over the past year, but the need to fix our transportation system remains as important as ever,” said League of Wisconsin Municipalities Executive Director Jerry Deschane. “The priorities are in the right place with this budget, which invests in local road and bridge improvement projects, as well as other mobility options.”

“With the COVID-19 pandemic highlighting the importance of moving products and the role of first mile connections, this additional transportation funding for local roads is especially welcome,” said Wisconsin Towns Association Executive Director Mike Koles, who also had praise for the MLS program. “Towns, villages, cities and other local governments have a lot of control of MLS. We can apply for a wide range of projects, and a committee of municipal officials chooses which projects to fund. We get to use our boots on the ground knowledge and set priorities that best meet our local needs.”

-MORE-

**LOCAL GOV RELEASE-
ADD ONE-**

Representatives from the Wisconsin Counties Association, Wisconsin League of Wisconsin Municipalities and the Wisconsin Towns Association will continue to work with the Governor and Legislature as the 2021-2023 State Budget makes its way through the legislative process.

###

For additional comments or questions, please contact:

***Wisconsin Counties Association Executive Director Mark D. O'Connell
866.404.2700***

***League of Wisconsin Municipalities Executive Director Jerry Deschane
608.267.2380***

***Wisconsin Towns Association Executive Director Mike Koles
715. 526.3157***

1 RESOLUTION NO. _____
2

3 **Resolution Terminating Dodge County Emergency Declaration**
4 **(Public Health – COVID-19)**
5

6 TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN,
7

8 **WHEREAS**, the Dodge County Board of Supervisors adopted Resolution No. 19-77,
9 *Dodge County Declaration of Local State of Emergency (Public Health – COVID-19)*, at its
10 meeting on March 17, 2020; and,
11

12 **WHEREAS**, the Declaration authorized the County Board Chairperson or designee the
13 general authority to order whatever is necessary and expedient for the health, safety, protection,
14 and welfare of persons and property in Dodge County during the emergency; and,
15

16 **WHEREAS**, the Declaration also authorized the Dodge County Board Chairperson to
17 declare and hold virtual meetings of the Dodge County Board of Supervisors or any of its
18 subunits, provided that such meetings are reasonably accessible and compliant with the
19 Wisconsin Open Meeting Law; and,
20

21 **WHEREAS**, on September 28, 2020, the Dodge County Board of Supervisors revised its
22 Emergency Declaration by the adoption of Resolution 20-32 requiring that purchases of goods,
23 supplies, materials and services comply with standard purchasing and procurement policies,
24 procedures, reviews and approvals, except emergency purchases funded by Coronavirus Aid,
25 Relief and Economic Security (CARES) Act funds; and,
26

27 **WHEREAS**, even though COVID-19 remains a concern at the local, state and national
28 levels, operations throughout Dodge County, including within county government, are returning
29 to pre-COVID-19 conditions so there is no longer a need for the County Board Chairperson to
30 exercise emergency powers authorized by the Declaration; and,
31

32 **WHEREAS**, as of May 19, 2020, County Board of Supervisors meetings have returned
33 to the County Board Room on the Fourth Floor of the Administration Building; and,
34

35 **WHEREAS**, since the Declaration, County Board committee meetings have been held in
36 Rooms H & I (Auditorium) of the Administration Building, providing for reasonable access for
37 the public, virtual access for members prevented from physical attendance due to COVID-19,
38 and adequate space for proper social distancing and frequent disinfecting; and,
39

40 **WHEREAS**, the Executive Committee, at its meeting on March 1, 2021, has reviewed
41 the Emergency Declaration, as revised, and the conditions within county government and
42 throughout Dodge County and recommends terminating the Declaration of Local State of
43 Emergency (Public Health-COVID-19); and,
44

45 **NOW, THEREFORE, BE IT RESOLVED**, by the Dodge County Board of
46 Supervisors, that the *Dodge County Declaration of Local State of Emergency (Public Health –*

1 COVID-19), enacted by the adoption of Resolution 19-77, is hereby terminated, effective upon
2 the adoption of this resolution, because emergency conditions have subsided; and,
3

4 **BE IT FURTHER RESOLVED**, that, effective upon the adoption of this resolution,
5 members attending virtual meetings shall not have the right to vote or receive a *per diem* for
6 attendance (see Rule 3); and,
7

8 **BE IT FINALLY RESOLVED**, that all County Board committee meetings shall
9 continue to be held in Rooms H & I (Auditorium) of the Administration Building providing for
10 reasonable access for the public adequate space for proper social distancing and frequent
11 disinfecting until _____.

All of which is respectfully submitted this 16th day of March, 2021

Dodge County Executive Committee:

Russell Kottke

David Frohling

Dan Hilbert

Jeffrey Schmitt

Kira Sheahan-Malloy

Thomas Schaefer

Joseph Marsik

FISCAL NOTE:

Finance Committee review date: March 8, 2021. **Chair initials:** _____.

Vote Required: Majority of members present

Resolution Summary: A resolution terminating the Emergency Declaration.

Restrict Out of State Travel During Declared State of Emergency

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN,

WHEREAS, Resolution No. 19-77, *Dodge County Declaration of Local State of Emergency*, was adopted by the Dodge County Board of Supervisors on March 17, 2020; and,

WHEREAS, COVID-19 remains a concern at the local, state, and national levels; and,

WHEREAS, the public health emergency has caused and will continue to cause Dodge County and its cities, villages and townships to expend, commit and exhaust its pertinent available resources; and,

WHEREAS, because the conditions creating the state of emergency remain in effect, including the need to protect the health, safety, welfare and well-being of the public, Dodge County has continued the state emergency in order to protect persons from the impact of the spread of COVID-19 while maintaining continuity of operations; and,

WHEREAS, as long as the declared state of emergency exists in Dodge County, the health and welfare of the employees and residents remains the number one concern; and,

WHEREAS, the Centers for Disease Control (CDC) and the World Health Organization (WHO) have indicated that travel can increase your chance of spreading and getting COVID-19, postponing travel and staying home is the best way to protect yourself and others from COVID-19; and,

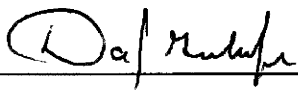
WHEREAS, the CDC has indicated that being on trains, buses, in airports, or using public transportation can put you at a higher risk for COVID-19; and,

WHEREAS, the Dodge County Board of Supervisors believes that out of state travel exposes an unnecessary risk to persons of Dodge County; and,

WHEREAS, the Dodge County Board of Supervisors believes that banning all out of state travel until the declared state of emergency in Dodge County is rescinded is in the best interest of all Dodge County residents; and,

SO NOW, THEREFORE, BE IT RESOLVED, all out of state travel for employees of Dodge County will be cancelled unless medically necessary or deemed necessary by law, and all future out of state travel will be denied until such time as the Dodge County Board of Supervisors rescinds the current declared state of emergency.

All of which is respectfully submitted this 19th day of January, 2021



David Guckenberger

signed by phone _____
Kira Sheehan-Malloy

Restrict Out of State Travel During Declared State of Emergency

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN,

WHEREAS, Resolution No. 19-77, *Dodge County Declaration of Local State of Emergency*, was adopted by the Dodge County Board of Supervisors on March 17, 2020; and,

WHEREAS, COVID-19 remains a concern at the local, state, and national levels; and,

WHEREAS, the public health emergency has caused and will continue to cause Dodge County and its cities, villages and townships to expend, commit and exhaust its pertinent available resources; and,

WHEREAS, because the conditions creating the state of emergency remain in effect, including the need to protect the health, safety, welfare and well-being of the public, Dodge County has continued the state emergency in order to protect persons from the impact of the spread of COVID-19 while maintaining continuity of operations; and,

WHEREAS, as long as the declared state of emergency exists in Dodge County, the health and welfare of the employees and residents remains the number one concern; and,

WHEREAS, the Centers for Disease Control (CDC) and the World Health Organization (WHO) have indicated that travel can increase your chance of spreading and getting COVID-19, postponing travel and staying home is the best way to protect yourself and others from COVID-19; and,

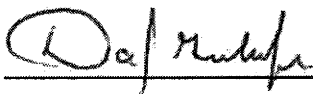
WHEREAS, the CDC has indicated that being on trains, buses, in airports, or using public transportation can put you at a higher risk for COVID-19; and,

WHEREAS, the Dodge County Board of Supervisors believes that out of state travel exposes an unnecessary risk to persons of ~~Dodge~~ **Dodge** County; and,

WHEREAS, the Dodge County Board of Supervisors believes that banning all out of state travel until the declared state of emergency in Dodge County is rescinded is in the best interest of all Dodge County residents; and,

SO NOW, THEREFORE, BE IT RESOLVED, all out of state travel for employees of Dodge County will be cancelled unless medically necessary **or an employee has received at least the 1st dose of COVID vaccine and is at least 14 days post vaccination** or deemed necessary by law, and all future out of state travel will be denied until such time as the Dodge County Board of Supervisors rescinds the current declared state of emergency.

All of which is respectfully submitted this 19th day of January, 2021



David Guckenberger

____ signed by phone _____

Kira Sheahan-Malloy

Bold and Underlined amended by Executive Committee 2/1/2021. kjg

3 **County Board Size Study Committee Recommendation**
4

5 TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN,
6

7 **WHEREAS**, the Dodge County Executive Committee authorized the creation of a
8 County Board Size Study Committee at its meeting on September 14, 2020; and,
9

10 **WHEREAS**, the County Board Chairman appointed five county board supervisors to the
11 County Board Size Study Committee; and,
12

13 **WHEREAS**, the County Board Size Study Committee has studied and analyzed the
14 following question: "What is the optimal size (number of supervisors) of the Dodge County
15 Board of Supervisors?"; and,
16

17 **WHEREAS**, the County Board Size Study Committee met on several occasions to
18 collect and evaluate data and information and form a conclusion regarding County Board size;
19 and,
20

21 **WHEREAS**, the County Board Size Study Committee issued a report titled *Dodge*
22 *County Board of Supervisors Size Study Final Report*, dated February 1, 2020, attached hereto
23 and incorporated herein as Exhibit "A"; and,
24

25 **WHEREAS**, as a result of its study and analysis, the County Board Size Study
26 Committee has formed the considered conclusion that the number of supervisors representing the
27 constituents of Dodge County should remain at 33 supervisors and recommended same to the
28 Executive Committee at its meeting on February 1, 2021; and,
29

30 **WHEREAS**, the Executive Committee, having reviewed the report and having received
31 the recommendation from the County Board Size Study Committee, recommends to the Dodge
32 County Board of Supervisors that the County Board size remain at 33 supervisors;
33

34 **NOW, THEREFORE, BE IT RESOLVED**, by the Dodge County Board of
35 Supervisors that the recommendation of the Executive Committee is hereby adopted; and,
36

37 **BE IT FINALLY RESOLVED**, that the Dodge County Redistricting Committee
38 develop a tentative and final supervisory district plan in accordance with §59.10(3), Wis. Stats.,
39 and applicable state and federal laws.
40

All of which is respectfully submitted this 16th day of March, 2021.

Dodge County Executive Committee:

Russell Kottke

David Frohling

Dan Hilbert

Jeffrey Schmitt

Kira Sheahan-Malloy

Thomas Schaefer

Joseph Marsik

FISCAL NOTE: The 2021 adopted budget assumed the number of County Board Supervisors would remain at 33. Thus, there is no fiscal effect for the adoption of this resolution. Finance Committee review date: March 8, 2021. Chair initials: _____.

Vote Required: Majority of members present

Resolution Summary: County Board Size Study Committee Recommendation.

Dodge County Board of Supervisors Size Study

Final Report

Size Study Time-line:

October 8, 2020 thru January 31, 2021.

Exhibit "A"

BOARD SIZE STUDY PURPOSE & TIMELINE

Determine the optimal number of Dodge County Board Supervisors each representing a Dodge County district. In making our recommendation, the Board Size Study committee shall consider the expected impact of the proposed board size on: the ability to attract well qualified candidates, the efficient functioning of county governance, and the cost of County Government. This Study committee reports to the Executive Committee of the Dodge County Board.

BACKGROUND

In Wisconsin, Section 23 of Article IV of the Constitution directs the state legislature to "establish one or more systems of county government". The legislature in enacting Subchapter III of Chapter 59 of the Wisconsin Statutes spells out the process for determining the size of the county board 59.10 (3)(a)2 specifically limits the number of supervisors in Counties like Dodge with a population of less than 100,000 but at least 50,000 to no more than 39 supervisors. The process for the creation of supervisory districts is established under s. 59.10 (3) (b) tying the process into the "population count by census block, established in the decennial federal census". The statutes establish a process for establishing districts after each census as well as allowing for the reduction in board size during the decade.

According to the National Association of Counties the average size of a county governing body across the United States is 5 members. There are two models for county governance. A majority of states and counties utilize the Commission structure for governance as sometimes referred to as the "Pennsylvania" model which is made up of boards with part to full-time commissioners with paid staff. They consist of a small number of commissioners, three to five, who serve as the governing body within the county, performing all legislative and executive functions. Their duties include adopting a budget, passing resolutions, and hiring and firing county officials. Wisconsin does not allow the commission form of governance in counties.

Wisconsin has followed the "New York" model of government which tend to have larger boards of "volunteers" and their committee structure is more open and transparent. The reliance of committees results in larger boards. In New York, the size of the governing board, referred to as either, Legislature, Board of Supervisors or Board of Representatives, ranges from 7 in Orleans and Franklin Counties to 39 in Albany County.

In addition, Wisconsin is one of 13 states that places additional responsibilities and duties on counties to provide human services which has resulted in counties in those states typically having larger boards.

The size and responsibilities of county boards in Wisconsin is also driven by the structure of the executive branch the counties have adopted: 11 counties have an elected a County Executive, 28 counties including Dodge County rely on an appointed County Administrator while the remaining 33 counties rely on an Administrative Coordinator. Each structure places different roles and responsibilities on the executive.

In 2006, Act 100, modifying ss. 159.10 of the Wisconsin Statutes, was signed into law. It allowed counties to reduce the size of their boards between decennial redistricting. In addition, the legislation created a process under which electors could reduce the size of the county board through a referendum process. The statutes only allow for the reduction of the size of board one time during the decade.

The initial meeting of the Board Size Study Committee was held on October 08, 2020. The agenda included an overview of the Study and a discussion of "what information do you need to help you make a decision regarding the size of the County Board?." Present were:

- Russell Kottke, Sponsor
Chairman, Dodge County Board of Supervisors

- Jeff Hoffman, Meeting Facilitator
Area 16 Extension Director,
Division of Extension

- Christian Schneider, Ph.D., Data & Evaluation S.M.E.
Data Governing Leader
Program Development & Evaluation,
Division of Extension

- Board Size Study Committee Members:
District 28 Supervisor, Donna Maly - Chair
District 6 Supervisor, Joe Marsik - Secretary
District 12 Supervisor, David Guckenberger
District 13 Supervisor, Karen Kuehl
District 26 Supervisor, Thomas Nickel

Based on the conversation, the Study committee identified three main points:

- What have other Counties done? What value would their information bring?
- How does changing the size of the board impact:
 - Representation and Board Diversity;
 - Organizational Effectiveness;
 - Leadership;
 - Efficiencies and Financial Efficiencies;
- Discussed the value of a County Board Self-Assessment or Survey.

Many questions revolved around other Counties board size analysis and how Dodge County compares to other counties of similar population size in Wisconsin. Questions like:

- How are they organized?
- What is their committee structure?
- Number of committees?
- How many committees are members on? Size of committees?
- How are costs affected by the size of the board?
- Urban & Rural composition?
- Geographical size of each County?

Board Size Study Deliberations and Decision

On December 17, 2020, the Board Size Study Committee met and evaluated the information obtained from: Wisconsin Counties Association, Karen Gibson- Dodge County Clerk, Russell Kottke, Study Sponsor & County Board Chairman, together with the returned County Board Supervisor surveys (1).p Committee members were asked to identify their preference based upon the information amassed during the Study. The following reflects their consensus.

Board Size Study Recommendation

Based on the Study findings, a review of the knowledge gained through the Board Size Study and various avenues of input, the Board Size Study committee recommends the County Board of Supervisors remain at 33 members. The Study members were unanimous in their conclusion that retaining the current board size was in the best interest of the county at this time.

Listed below is some of the rational given by the members for their position:

- The County works vigorously to build good relationships with local governments; this would keep those relationships in good alignment.
- A larger board can have more diverse groups represented.
- After talking to and reviewing other counties data, don't think there is a need for a change at this time.
- The committees and their structures are working well.
- Strong support for leaving the board size at 33.
- "What are we trying to solve; what isn't working with the 33-member board?"
- The will to change is not worth the cost of doing so.
- A larger board results in more diversity. Having different opinions makes the board better.
- Downsizing does not improve our ability to delivery services at a high level of timeliness and quality.
- We should celebrate the size of our board as being truly representative of our citizens.

Next Steps

The Board Size Study recommendations presented to the Executive Committee, February 1, 2021 will be provided to the full board prior to the February 18, 2021, County Board. The intent is the Board will make a decision on the Board size at the February meeting. That vote and the creation of a redistricting committee will begin the process of redrawing the supervisory district boundaries to incorporate the information generated through the decennial census.

Acknowledgements

There was a significant amount of work that went into supporting the Board Size Study and the development of this report. The Board Size Study members are very appreciative of the efforts of Jeff Hoffman, Tracy Malterer, and Dr. Christian Schneider from the Division of Extension – Dodge County. They were critical in helping organize and provide information and support material. Justin Reynolds and staff from the Dodge County Information Technology Department were essential in allowing the Study Committee to stay in contact with Study participants and knowledge experts. A special 'Thank you' to Karen Gibson and her staff for the support they provided this undertaking. Without their assistance, the Study would not have finished on time and on budget.

(1) County Board Supervisors survey statistics:

- A survey was mailed to each Dodge County Board Supervisor: 33
- Total surveys returned: 24 (/33 = 73% of the County Board)
 - Surveys mailed back to Karen Gibson: 23
 - Survey response(s) given over phone (permitted due to medical limitations): 1
- Number of Board Supervisors who indicated stay with the current size: 15 (/24 = 63%);
- Number of Board Supervisors who felt a smaller county board was best: 7 (/24 = 29%);
- Number of Board Supervisors who did not make board size selection of current size or smaller: 2 (/24 = 8%)
- Number of Board Supervisors who did not respond: 9 (/33 = 27% of the County Board)

Timeline for Releasing Redistricting Data

February 12, 2021

WRITTEN BY JAMES WHITEHORNE, CHIEF OF THE REDISTRICTING AND VOTING RIGHTS DATA OFFICE

If this were a typical decade, we would be on the verge of delivering the first round of redistricting data from the 2020 Census. Our original plan was to deliver the data in state groupings starting Feb. 18, 2021 and finishing by March 31, 2021.

However, COVID-19 delayed census operations significantly. Consistent with previous census, we are focusing first on our constitutional obligation to deliver the state population counts for apportionment [<https://www.census.gov/topics/public-sector/congressional-apportionment.html>] to the President. As we announced [<https://www.census.gov/newsroom/press-releases/2021/statement-apportionment-counts.html>] last week, the deadline for this work is April 30, 2021. This focus on meeting our constitutional obligation has delayed some of the processing activities necessary to generate the redistricting counts. We expect to deliver the redistricting data ✖

✖ to the states and the public by Sept. 30, 2021. ✖

Now that we have finalized the schedule [<https://www.census.gov/newsroom/press-releases/2021/statement-apportionment-counts.html>] for completing the apportionment counts (by April 30), we have been able to finalize a schedule for the redistricting data.

Delivering by September 30

This data delivery will be a single national delivery, rather than our originally-planned staggered delivery of redistricting data.

This national delivery allows us to:

- Ensure we are delivering the high-quality fit-for-use data products the states need for redistricting.
- Complete delivery to all states several weeks earlier than the last states would have otherwise received it.
- Better manage the production process.

We are acutely aware of the difficulties that this delayed delivery of the redistricting data will cause some states. Some states have statutory or even state constitutional deadlines and processes that they will have to address due to this delay.

The decision to have a single national delivery ensures that the Census Bureau can provide accurate, high quality, and fit-for-use data in the least total amount of time to all states.

Following our thorough and complete process provides the best assurance to the states that these data meet the quality standards they expect and require to underpin their important decisions.

Support for the States

In the meantime, I am happy to say, we have delivered the 2020 Census Redistricting Data Geographic Support Products [<https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.html>] to all 50 states, the District of Columbia, and Puerto Rico. As of this morning, Feb. 12, 2021, we published the final sets of geographic data to census.gov for the public as well.

State and local governments use these products in their redistricting efforts. The products contain newly created 2020 Census blocks and updated block groups, census tracts, voting districts, and current boundaries for legal governments and school districts referenced to Jan. 1, 2020.

The law (Public Law 94-171) that governs our work on producing redistricting data directs us to allow the states the opportunity to identify the small area geography and tabulations they need to do their redistricting work.

Over the past few years, we worked through non-partisan liaisons in each state to identify these geographic areas by:

- Providing customized open source software for exchanging geographic data.
- Allowing states to suggest updates to multiple types of geography.
- Creating prototype census blocks to help them visualize how the 2020 Census blocks would appear if the geography for their state was left unchanged.
- Providing an additional review period of several months in which they could finalize their geographic updates.

Using the information that each state provided, we have now delivered geographic information in formats that will help them plug in the actual 2020 Census data and do their work of redrawing district boundaries. And as we announced today, we will provide those quality data to the states by Sept. 30, 2021.

Related blogs

Random Samplings Blog | February 12, 2021 | Written By James Whitehome, Chief Of The Redistricting And Voting Rights Data Office

Timeline for Releasing Redistricting Data

We expect to deliver the redistricting data to the states and the public by Sept. 30, 2021.

[\[/newsroom/blogs/random-samplings/2021/02/timeline-redistricting-data.html\]](/newsroom/blogs/random-samplings/2021/02/timeline-redistricting-data.html)

Random Samplings Blog | February 11, 2021 | Written By: Michael Thieme, Assistant Director For Decennial Census Programs, Systems And Contracts

Census Data Processing 101

Michael Thieme describes how census data processing works to ensure the census is accurate.

[\[/newsroom/blogs/random-samplings/2021/02/census-data-processing-101.html\]](/newsroom/blogs/random-samplings/2021/02/census-data-processing-101.html)

Directors Blog | February 02, 2021 | By Dr. Ron Jarmin, Acting Director

2020 Census Processing Updates

I'm writing to provide an update on data processing for the 2020 Census.

[\[/newsroom/blogs/director/2021/02/2020-census-processing-updates.html\]](/newsroom/blogs/director/2021/02/2020-census-processing-updates.html)

Random Samplings Blog | November 05, 2020 | By Dr. Ron Jarmin, Deputy Director And Chief Operating Officer

Update on 2020 Census Data Processing and Quality

The Census Bureau has begun processing the data collected for the 2020 Census. Data collection for the decennial census is always a herculean task and 2020 was no exception.

[\[/newsroom/blogs/random-samplings/2020/11/update-2020-census-data-processing-and-quality.html\]](/newsroom/blogs/random-samplings/2020/11/update-2020-census-data-processing-and-quality.html)

This entry was posted on February 12, 2021 and filed under 2020 Census

[\[/newsroom/blogs/random-samplings.html/category/Program/demo-survey/decennial/2020-census\]](/newsroom/blogs/random-samplings.html/category/Program/demo-survey/decennial/2020-census) , Data Collection & Processing

[\[/newsroom/blogs/random-samplings.html/category/Topic/census-operations/collection-processing\]](/newsroom/blogs/random-samplings.html/category/Topic/census-operations/collection-processing) and Redistricting [\[/newsroom/blogs/random-samplings.html/category/Topic/Government/Redistricting\]](/newsroom/blogs/random-samplings.html/category/Topic/Government/Redistricting) .



COUNTY DECENNIAL
REDISTRICTING
HANDBOOK

2021 Redistricting Cycle

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INTRODUCTION

The processes associated with reapportionment and redistricting are mandated by federal and state law. "Reapportionment" refers to the allocation of political seats among governmental units and traditionally refers to the allocation of congressional seats among the fifty states. "Redistricting" refers to the establishment of boundaries for political units such as state legislative and county districts.

Under Wisconsin statute 59.10, county governments in Wisconsin are required to redistrict following the federal decennial census ("decennial redistricting"). Section 59.10 also allows for redistricting one additional time in the period between decennial redistricting. Redistricting in this interim period will be referenced as "mid-term redistricting" throughout this handbook.

In order to meet the requirement of decennial redistricting and to understand the mechanics of mid-term redistricting, county officials need to have knowledge of the relevant legal, technical and procedural aspects of redistricting. This handbook provides a general overview of redistricting to assist county officials in this process.

The first chapter sets forth the statutory procedures for county redistricting in Wisconsin and includes a discussion of the creation of municipal wards within county districts as well as the rules governing mid-term redistricting. The second chapter discusses the creation of wards by municipalities and the interrelationship between ward creation and the county redistricting plan. The third chapter addresses legal issues surrounding redistricting with a particular emphasis on equal population and minority representation. The fourth chapter provides timelines and guidelines for counties in meeting the redistricting requirements. The final chapter provides a summary of the law as it relates to mid-term redistricting.

NOTE: This handbook is intended to be a general guide to understanding the county redistricting process and the statutes and legal principles that govern it. Before starting the redistricting process, county officials should review applicable state laws. The handbook is not intended as, and shall not constitute, legal advice. The Wisconsin Counties Association suggests that you seek guidance from the county corporation counsel regarding any legal questions you may have.

CHAPTER 1: PROCEDURE FOR DECENNIAL REDISTRICTING

REAPPORTIONMENT & REDISTRICTING

The United States Constitution requires a national census every ten years (“decennial census”) and that the results of the census be used to reapportion representatives in Congress among the states according to population. The census and reapportion requirements are found in Article I, Section 2, Clause 3 of the Constitution, which states:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers...The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative...

After reapportionment, each state must perform redistricting. Redistricting is the process of redrawing the lines of districts from which public officials are elected. Decennial redistricting takes place after each decennial census. As explained in more detail on page 21, redistricting may also occur after the decennial census (“mid-term redistricting”) if the county board has decided to decrease the number of supervisors. The purpose of reapportionment and redistricting is to preserve the one person-one vote fairness principle.

BASIC PROCEDURE FOR DECENNIAL REDISTRICTING UNDER WIS. STAT. § 59.10(3)

Under Wis. Stat. § 59.10(3), counties begin the decennial redistricting process with a “clean slate.” All existing district and ward lines are erased, and a county is able to draw new lines based on the results of the decennial census to reflect any population shifts. However, as indicated in the discussion below and in the legal issues section later, a county’s ability to redistrict is governed by traditional concepts of redistricting, which include compactness, contiguity, and substantial equivalence of population.

The legislature has adopted a three-step procedure for the creation of county board districts following publication of the results of the decennial federal census. The procedure is set forth in Wis. Stat. § 59.10(3) and applies to all Wisconsin counties with the exception of Milwaukee County and Menominee County.

STEP 1: Adoption of a Tentative County Supervisory District Plan.

Under Wis. Stat. § 59.10(3)(b)1, each county board is required to do the following as part of the creation and adoption of a tentative county supervisory district plan. This must be completed within 60 days after the results of the federal census (including the publication of maps showing the location and numbering of census blocks¹) become available from the federal government or are published by a state agency, but no later than July 1, 2021:

¹ Census blocks are uniquely numbered geographic areas used by the Census Bureau for basic demographic information, with boundaries determined by physical features or political borders. They are the smallest level of geography in which basic demographic information is available, including total population by age, sex, and race. They serve as the building blocks for all geographic areas in which the Census Bureau compiles data. They vary widely in population and physical size. Every physical location in the country is part of a census block. Census Bureau website, <https://www.census.gov/newsroom/blogs/random-samplings/2011/07/what-are-census-blocks.html> (accessed June 5, 2019).

- (a) propose a tentative county supervisory district plan establishing the number of supervisory districts proposed by the board and tentative boundaries for each district;
- (b) hold a public hearing on the proposed plan; and
- (c) adopt a tentative plan.

Rules for Drawing Lines and Substantially Equal Population

Each proposed supervisory district is required to consist of whole wards or municipalities. The tentative plan must divide the county into a number of districts equal to the number of supervisors (no multi-member districts), and all districts must be *substantially equal* in population. Territory within each district must be contiguous, and whenever possible, a county must place whole contiguous² municipalities or contiguous parts of the same municipality (wards) within the same district.³ If the board seeks to divide a municipality, the board is required to provide a written statement to the affected municipality with the tentative plan that specifies the approximate location of the territory from which a ward is to be created and the approximate population of the ward. Additionally, census blocks may not be divided unless the block is bisected by a municipal boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population.

Intergovernmental Cooperation

Counties are required by Wis. Stat. § 59.10(3)(b)1 to work with municipalities in connection with the creation of the tentative plan. The statute requires a county board to “solicit suggestions from municipalities concerning the development of an appropriate plan.”

Finalization and Distribution

The tentative plan may be amended after the public hearing and prior to its finalization and adoption. Once adopted, the board is required to transmit the tentative plan to each municipal governing body in the county.

ANTICIPATED TIMELINE FOR STEP 1: April 2021 through May 2021

STEP 2: Creation of Wards/Adjustment of Ward Lines by Municipalities

Upon receipt of the tentative plan and written statement regarding the creation of a ward, if any, from a county, a municipality has 60 days to create wards or adjust its ward lines in accordance with the tentative county supervisory redistricting plan. A municipality is required to:

- (a) make a good faith effort to accommodate the tentative plan for the county or counties in which it is located; and
- (b) to divide itself into wards in a way that permits the creation of supervisory districts that conform to the population requirements of the tentative plan.

The municipal clerk is required to forward a copy of the ward plan to the county within five (5) days after the municipality has enacted or adopted an ordinance or resolution creating wards in accordance with the tentative supervisory redistricting plan.

ANTICIPATED TIMELINE FOR STEP 2: June 2021 through July 2021

² “Contiguous,” for county supervisory district purposes, includes territory connected by corners.

³ There are two recognized exceptions to the contiguity requirement. In the case that one or more wards located within a city or village is wholly surrounded by another city or water or both, the wards may be combined with noncontiguous wards. Wards consisting of island territory (which is defined as territory surrounded by water, or noncontiguous territory which is separated by the territory of another municipality or water, or both, from the major part of the municipality to which it belongs), may be combined with noncontiguous wards of the same municipality.

STEP 3: Adoption of a Final County Supervisory District Plan

Public Hearing, Adoption, Numbering of Wards

A county board is required to hold a public hearing and to adopt a final supervisory district plan within 60 days after every municipality in the county adjusts its wards. The final plan must assign numbers to each district.

Contiguity Requirement

Territory within each supervisory district created by the plan must be contiguous, except that one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards. In addition, one or more wards consisting of island territory as defined in Wis. Stat. § 5.15(2)(f)3 may be combined with one or more noncontiguous wards within the same municipality, to form a supervisory district.

Submission to Secretary of State by County Board Chair

The county board chair is required to file a certified copy of the final supervisory districting plan with the Secretary of State. Once the plan is enacted and filed with the Secretary of State, including any authorized amendment that is also enacted and filed, the plan remains in effect until it is superseded by a subsequent plan enacted under Wis. Stat. § 59.10 and a certified copy of that plan is filed with the Secretary of State.

ANTICIPATED TIMELINE FOR STEP 3: August 2021 through September 2021

CHAPTER 2: CREATION OF WARDS

The second step of the decennial county supervisory redistricting process involves the creation of wards and/or adjustment of ward lines in accordance with the tentative county supervisory district plan. This process is instrumental to the ability of counties to implement and, ultimately, finalize county supervisory redistricting plans. The following is a summary and explanation of the process for creating wards, as well as the enforcement mechanisms available to counties to require the creation of wards if municipalities do not meet their statutory obligations.

WHAT ARE WARDS?

A "ward" means a town, village, or city subdivision created to facilitate election administration and establish election districts (aldermanic, supervisory, legislative, and congressional) that are substantially equal in population.

RULES GOVERNING THE CREATION OF WARDS

General Rules

With the exceptions outlined below, every city, village, and town in Wisconsin is required, through its common council or village or town board, to be divided into wards. The boundaries of and number assigned to each ward are intended to be as permanent as possible. Where possible and practicable, each ward is to consist of whole census blocks. Wards are to be kept compact and observe the community of interest of existing neighborhoods and other settlements. Wards are confined to a single municipality and may only be in one county supervisory board district.

Wards do not have to be equal in population. They are, however, subject to the population limits as set forth in Wis. Stat. §5.15(2)(b) which are included below:

- In any city in which the population is at least 150,000, each ward must contain not less than 1,000 nor more than 4,000 inhabitants.
- In any city in which the population is at least 39,000 but less than 150,000, each ward must contain not less than 800 nor more than 3,200 inhabitants.
- In any city, village, or town in which the population is at least 10,000 but less than 39,000, each ward must contain not less than 600 nor more than 2,100 inhabitants.
- In any city, village, or town in which the population is less than 10,000, each ward must contain not less than 300 nor more than 1,000 inhabitants.

The division of a municipality into wards is made by the common council, village board, or town board. Municipal wards are to be created by ordinance or resolution of the municipal governing body. The ordinance or resolution must number all wards in the municipality with unique whole numbers in consecutive order, designate the polling place for each ward, and describe the boundaries of each ward.⁴

Once established, the boundaries of each ward are required to remain unchanged until:

- A further decennial federal census of population indicates that the population of a ward is above or below the applicable population range; or
- The ward boundaries are required to be changed to permit creation of supervisory or aldermanic districts of substantially equal population or to enhance the participation of

⁴ A list of all U.S. Census Bureau block numbers assigned to each ward, any partial blocks assigned to wards and a map with revised ward boundaries must be appended to the ordinance or resolution. The ordinance or resolution and the appended lists and maps must be filed with the county clerk of each county in which the municipality is located within five days after passage.

members of a racial or language minority group in the political process and their ability to elect representatives of their choice.

If the population of a ward increases above the maximum of its permitted population range or if the population of a ward must be decreased for one of the reasons immediately above, the ward must be divided into two or more wards in compliance with Wis. Stat. § 5.15(2)(b). If the population of a ward decreases below the minimum of its population range or if the population of a ward must be increased for one of the reasons immediately above, the ward must, if possible, be combined with an adjoining ward, or the underpopulated ward and one adjoining ward must be combined and together subdivided into two or more wards.

Notwithstanding the general rule regarding the creation of wards, no city electing its common council at large in which the total population is less than 1,000, and no village or town in which the total population is less than 1,000, is required to be divided into wards. However, any such city, village, or town may divide itself into wards if the creation of wards facilitates the administration of elections. Likewise, no village or town located in a county having only one town (Menominee County) is required to be divided into wards.

Creation of Wards Consistent with the Population Requirements of the Tentative County Supervisory District Plan

Every municipality is required to make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located. If a municipality is unable to accommodate the tentative plan, the municipality is nonetheless required to divide itself into wards in a way that creates municipal districts that are in accordance with the population requirements of the tentative plan.

Furthermore, if the legislature, in the process of redistricting legislative or congressional districts,⁵ establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the municipality's ordinance or resolution, the municipal governing body must, no later than April 10 of the 2nd year following the year of the federal decennial census on which the act is based, amend the ordinance or resolution to the extent required to effect the act. The amended ordinance or resolution must designate the polling place for any ward that is created to affect the legislative act. However, counties or cities are not compelled to alter or redraw supervisory or aldermanic districts.

Aldermanic Districts

Aldermanic Districts are built using the same wards as county supervisory districts. Aldermanic districts have to be substantially equal in population. When a municipality creates its ward plan, it therefore not only has to accommodate the tentative plan for supervisory districts, but also has to allow for the creation of equal aldermanic districts.

COUNTY ENFORCEMENT OF MUNICIPAL DIVISION REQUIREMENTS

If a municipality does not divide itself into wards as required by statute, the county in which the municipality is located, or any elector of the municipality may petition the circuit court in which the municipality is located and submit a proposed ward division plan for the municipality. The plan must be submitted to the circuit court within 14 days following the expiration of the 60-day period in which the municipality has to adjust its wards following its receipt of a tentative supervisory district plan from a county following the decennial census.

If the circuit court finds that the existing division of the municipality does not comply with statutory requirements for redistricting, the circuit court will review the plan submitted by the petitioner and, after reasonable notice to the municipality, may adopt the plan or any other plan that complies with statutory requirements. The plan adopted by the circuit court is temporary and remains in effect until the municipality enacts or adopts a ward plan that complies with statutory requirements.

⁵ Pursuant to article IV, section 3, of the constitution.

CHAPTER 3: LEGAL ISSUES IN REDISTRICTING

ONE PERSON, ONE VOTE IN COUNTY ELECTIONS

The "one person, one vote" requirement arises under the equal protection clause of the United States Constitution and requires that members of a local elected body be drawn from districts of *substantially equal* population.⁶ Exact equality of population is not required.

PRINCIPLES OF ONE PERSON, ONE VOTE

Measuring Population Equality

"Substantially equal in population" is measured utilizing the following statistical methods:

1. *Ideal District Size.* Population equality is determined by calculating a district's deviation from ideal district size. Ideal district size is determined by dividing the total population by the number of seats involved. Deviation is determined by calculating the extent to which an actual district is larger (has a "+" deviation) or smaller (has a "-" deviation) than the ideal district size. For example, the 2000 census reveals that ABC County has a total of 100,000 people with 10 supervisors, one for each district. The ideal population for each district is calculated as follows:

$$100,000 / 10 = 10,000 \text{ people per district}$$

2. *Calculating Relative Deviation from Ideal District Size.* Relative deviation is used to determine whether the 10% deviation rule (discussed below) has been achieved. Relative deviation is calculated by dividing the population deviation from the ideal population by the ideal population and is expressed in terms of a percentage. For example, if there is a 500-person deviation from the ideal population of 10,000 people, the relative deviation is calculated as follows:

$$500 \text{ (amount over ideal population)} / 10,000 \text{ (ideal population)} = .05 \text{ or } 5\%$$

3. *Overall Range.* Once the relative deviation is calculated for each individual district, the overall deviation range is determined. This statistic is calculated by determining the difference between districts with highest and lowest relative deviation. For example, if the highest and lowest deviations are +5% and -4% respectively, the overall range is 9%. Overall range is most commonly used in evaluating whether a district plan meets the one-person one, vote equal population standard.

Acceptable Deviation

1. *The 10% Rule.* The general rule that courts have applied in evaluating the constitutionality of redistricting is that districts should have a total population deviation of no more than 10% between the most populated district and the least populated district. Deviations below 10% in overall range are generally presumed to be constitutional. Deviations above 10% in overall range are presumed to be unconstitutional.

Courts have made exceptions to the 10% rule where a local government can demonstrate that legitimate reasons exist for the deviation. As such, the 10% rule is not hard and fast and must be considered in the particular facts and circumstances facing a local government in redistricting.

⁶ States may rely on total population (not only registered or eligible voters) to satisfy the one person, one vote requirement when drawing districts. *See Evenwel v. Abbott*, 136 S.Ct. 1120 (2016).

However, a redistricting plan with a deviation of 16.5% is unconstitutional because it substantially deviates from the 10% range that is presumed to be constitutional.⁷

2. *Justifying Deviations Greater Than 10%.* A county can justify a deviation greater than 10% based on traditional redistricting concepts. These concepts include drawing districts that are compact and contiguous (all parts connected and touching), keeping political subdivisions intact, protecting incumbents, preserving the core of existing districts, and complying with the Voting Rights Act.

In addressing acceptable deviations involving local government redistricting, the United States Supreme Court in *Abate v. Mundt*, 403 U.S., 182, 185 (1971) recognized that slightly greater deviations may be acceptable in the case of local governments due to their often-smaller size and specific circumstances:

The facts that local legislative bodies frequently have fewer representatives than do their state and national counterparts and that some local legislative districts may have a much smaller population than do congressional and state legislative districts, lend support to the argument that slightly greater percentage deviations may be tolerable for local government apportionment schemes. Of course, this Court has never suggested that certain geographic areas or political interests are entitled to disproportionate representation. Rather, our statements have reflected the view that the particular circumstances and needs of a local community as a whole may sometimes justify departures from strict equality.

In summary, the key for local officials to satisfy the one person, one vote standard is to develop supervisory district plans that keep the overall range below 10%. When district plans exceed this threshold, local officials should be prepared to justify the overall deviation by showing that the districts were created based on legitimate, consistently applied and nondiscriminatory redistricting policies.

MINORITY POPULATIONS AND CONSIDERATIONS OF RACE IN REDISTRICTING

Dilution and Methods of Dilution

Vote dilution, as opposed to vote denial, refers to the use of redistricting plans and other voting practices that unlawfully minimize or cancel out the voting strength of racial and other minorities. Three techniques frequently used to dilute minority voting strength are "fracturing," "stacking," and "packing." Fracturing refers to fragmenting concentrations of minority population and dispersing them among other districts to ensure that all districts are majority white. Stacking refers to combining concentrations of minority population with greater concentrations of white population, again to ensure that districts are majority white. Packing refers to concentrating as many minorities as possible in as few districts as possible to minimize the number of majority-minority districts.

Section 2 of the Voting Rights Act: Prevention of Unlawful Voting Practices

1. *General Purpose.* Section 2 of the Voting Rights Act is designed to prevent dilution of voting strength of racial and other minorities through redistricting. Section 2 provides that a voting practice, such as redistricting, is unlawful if it "results" in discrimination, i.e., if, based on the totality of circumstances, it provides minorities with "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." A court must look to the "totality of circumstances" in determining whether a voting rights violation of Section 2 has occurred. Factors to be considered include, but are not limited to, bloc voting, a history of discrimination, depressed levels of minority employment, income disparity, and a lack of minorities elected to office.

⁷ *Connor v. Finch*, 431 U.S. 407, 416-418 (1977).

Section 2 does not create a right of proportional representation for minorities, i.e. a right to have members of a protected class elected in numbers equal to their proportion in the population. The ultimate question to be answered under a Section 2 challenge is whether the minority has been denied an equal opportunity to participate and elect candidates of his or her choice.

2. *Scope.* Section 2 of the Voting Rights Act can apply to any jurisdiction in any state. It enables a person filing suit to prove a violation of Section 2 if, as a result of the challenged practice or structure, plaintiffs did not have an equal opportunity to participate in the political process and to elect representatives of their choice.

When it was first enacted, the Voting Rights Act prohibited discrimination based on "race or color." In 1975, Congress extended the protection of the act to language minorities, defined as American Indians, Asian-Americans, Alaskan Natives, and persons of Spanish heritage. Consequently, under Section 2, a governing body may not create districts that result in the denial or abridgment of any U.S. citizen's right to vote on account of race, color, or status as a member of a language minority group.

3. *Establishing a Section 2 Violation.* In *Thornburg v. Gingles*, 478 U.S. 30, 44 (1986), the United States Supreme Court developed a three-part test that a minority group must meet in order to establish a vote dilution claim under Section 2 of the Voting Rights Act. The test requires that a minority group prove that (1) it is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) it is politically cohesive; and (3) in the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate. Stated another way, if these three conditions are present, the presumption is that a minority district must be established.

In creating a majority-minority district, the percentage of minorities required to provide minority voters with a fair chance to elect their candidate must be considered. In making this determination, information about differences between the majority and minority population regarding voter registration, past voter participation, and, especially, voting age population needs to be examined. The goal is to create a district with an effective voting majority of minority voters. There is no fixed percentage of minority population that translates into an effective voting majority in all cases. Rather, that percentage depends on the totality of circumstances. The percentage of minority voters assigned to a district must be based on empirical evidence rather than an arbitrarily applied formula. Also, those responsible for redistricting must follow the traditional redistricting principles of compactness, contiguity, and respect for political subdivisions. Lacking empirical evidence or focusing solely on creating a majority-minority district can result in a racial gerrymander— a district that is drawn solely or predominantly on account of race.

In order to satisfy the first factor, the minority must make up 50% plus 1 of the voting age population (VAP) in a district on the theory that only those of voting age have the potential to elect candidates of their choice within the meaning of Section 2. The Supreme Court affirmed this view in *Bartlett v. Strickland*, 129 S.Ct. 1231 (2009) by holding that: "Only when a geographically compact group of minority voters could form a majority in a single-member district has the first *Gingles* requirement been met."

With respect to the compactness element of the first factor, the Supreme Court has ruled that a district complies with Section 2 if it "is *reasonably* compact and regular, taking into account traditional redistricting principles such as maintaining communities of interest and traditional boundaries." Most courts have applied an "eyeball" test to determine compactness, i.e., if a district looks reasonably compact and is similar in shape to other districts drawn by the jurisdiction it is deemed compact within the meaning of Section 2 and the first *Gingles* factor.

In order to satisfy the cohesion factor, the Supreme Court held in *Gingles* that political cohesion can be shown by evidence “that a significant number of minority group members usually vote for the same candidates.” Elsewhere in the opinion, the Court said that racial bloc voting and political cohesion could be established “where there is ‘a consistent relationship between [the] race of the voter and the way in which the voter votes.’” Most courts have applied a common-sense rule that if a majority of minority voters vote for the same candidates a majority of the time, the minority is politically cohesive.

The third *Gingles* factor (whether white bloc voting is “legally significant”) is satisfied if the majority votes sufficiently as a bloc to enable it “usually” to defeat the minority’s preferred candidate. The fact that some minority candidates may have been elected does not foreclose a Section 2 claim. Instead, where a challenged scheme generally works to dilute the minority vote, it cannot be defended on the ground that it sporadically benefits minority voters.

Shaw v. Reno: Restricting Considerations of Race

The United States Supreme Court has placed strict limits on the manner in which race may be considered in redistricting. In *Shaw v. Reno*, 509 U.S. 630 (1993), the Court found that where racial considerations predominate in the redistricting process to the subordination of traditional non-race-based factors, the redistricting will be subject to a strict scrutiny test. The state or local government must demonstrate that race-based factors were used in furtherance of a compelling state interest, such as compliance with the Voting Rights Act and where the local government applied race-based factors in a “narrowly tailored” manner to achieve this interest.

Decisions following *Shaw* have established the following principles in redistricting: (1) race may be considered as a factor along with other traditional factors; (2) race may not be considered as the predominant factor in redistricting to the detriment of traditional redistricting principles; (3) bizarrely shaped districts are not unconstitutional *per se* but may be evidence that race was the predominant consideration in redistricting; (4) if race is the predominant consideration in redistricting, it may be constitutional if it is “narrowly tailored” to address a compelling government interest, i.e., the redistricting will use race no more than as necessary to address the compelling government interest. In 2015, the U.S. Supreme Court reaffirmed these principles, and held that voters may present statewide evidence of discrimination to prove that an individual district was drawn in a racially discriminatory manner.⁸ This means that voters may present evidence that a statewide discriminatory redistricting policy was applied to the specific district being challenged in court.

In light of *Shaw* and the cases that followed it, local governments should be careful to adopt and apply redistricting criteria that fairly consider race as well as traditional redistricting factors. These criteria should include:

- Using identifiable boundaries;
- Using whole voting precincts, where possible and feasible;
- Maintaining communities of interest;
- Basing the new plan on existing precincts;
- Adopting precincts of approximately equal size;
- Drawing precincts that are compact and contiguous;
- Keeping existing representatives in their precincts; and
- When considering race, narrowly tailoring to comply with the Voting Rights Act.

While the Supreme Court, in *Shaw v. Reno*, has limited the use of race in redistricting, it recognizes that race should not be excluded altogether. It remains impermissible for counties and other governmental entities to use redistricting to unlawfully minimize or cancel out minority voting interests. Rather, race should

⁸ *Alabama Legislative Black Caucus v. Alabama*, 135 S. Ct. 1257 (2015).

have equal standing with traditional districting principles when legislators or other government officials develop district plans.

GERRYMANDERING

Gerrymandering is the process where the majority party draws an election district map with district boundary lines that give itself an unfair and undeserved numerical vote advantage during each election. This numerical advantage is obtained by maximizing the number of districts with a majority of voters from the majority party. Here, majority party refers to the party with a majority of seats in the state legislature, which usually but not always corresponds to the party that received the majority of total votes in the previous election. Exceptions are possible due to gerrymanders.

A gerrymandered redistricting map concentrates minority party voters into the fewest possible number of election districts (packing), distributes minority party voters among many districts so their vote will not influence the election outcome in any one district (vote dilution), and/or divides incumbent minority party legislator districts and constituents up among multiple new districts with a majority of majority party voters (fracturing). In some gerrymander cases, multiple minority party incumbents are forced to run against each other in the same district. Bizarre election district boundaries are drawn to connect distant disjointed areas with thin strips of land running through unpopulated areas such as industrial parks and cemeteries, down highways and railroad tracks, and through bodies of water such as rivers, lakes, and the ocean.

While racially gerrymandered districts and districts that violate the "one person, one vote" principle are unconstitutional, the Supreme Court held that partisan gerrymandering claims are not justiciable.⁹ This means that opponents of districts gerrymandered for partisan purposes may not challenge them in court. Wisconsin's county board supervisors are elected in nonpartisan elections, so partisanship should not be an issue in drawing county board supervisor districts. However, critics of potential redistricting plans may refer to gerrymandering because the litigation has been controversial.

DETERMINATION OF COUNTY BOARD SIZE IN DECENNIAL REDISTRICTING

Related to the issue of equal representation is the issue of county board size. Wisconsin counties may increase or decrease the size of their boards during redistricting following the decennial census. Once a board determines its size, district lines can then be drawn in accordance with traditional redistricting principles, substantial equal population requirements, and minority and race considerations. Redistricting is the best time for county leaders to evaluate the size of their county boards since the number of seats in an electoral body are a key component in determining what each seat will look like.

The maximum number of county board supervisors any county may have is governed by statute. The classification plan establishing the maximum number of supervisors is detailed in Wis. Stat. § 59.10(3) as follows:

- a. Counties having a population of less than 750,000 but at least 100,000: 47 supervisors.
- b. Counties having a population of less than 100,000 but at least 50,000: 39 supervisors.
- c. Counties having a population of less than 50,000 but at least 25,000: 31 supervisors.
- d. Counties having a population of less than 25,000 and containing more than one town: 21 supervisors.

If the population of any county is within 2% of the minimum population for the next most populous grouping, the county board, in establishing supervisory districts may employ the maximum number for districts set for the next most populous group.

⁹ *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019).

CHAPTER 4: GUIDELINES TO DECENNIAL REDISTRICTING

Redistricting is a complex process. The following guidelines will assist counties in moving forward with redistricting and in meeting their statutory obligation under Wis. Stat. § 59.10(3). Included are general time frames within which each step in the process should be completed.

STEP ONE: Determine the Board Size and Appoint a Redistricting Committee February 2021 and March 2021

As part of the redistricting process, county boards need to determine the number of districts that will be incorporated in the redistricting plan that, by definition, will determine the size of the board (county boards are single member districts). If the board size is to remain the same, no action should be taken. If the board size is going to increase or decrease, the county board should adopt a resolution establishing the new number of districts and board size.

County boards must then decide who will be responsible for overseeing the process of drawing district lines. The whole board can work in this capacity, but it is more efficient to select a redistricting committee that is tasked with the responsibility of drawing district lines. There are no restrictions on who may serve on a redistricting committee. A committee may, therefore, include county board members, representatives of affected municipalities, and citizens. Considering the integral role that municipalities play in the redistricting process and the obligation of counties to solicit suggestions from municipalities in the development of the plan, it is beneficial to have one or more representatives from municipalities on the committee.

The redistricting committee is not responsible for actually drafting the redistricting plans. The actual drafting will be done by county staff or a qualified consultant retained by the county to draw the district lines. The redistricting committee is responsible for establishing the guidelines that will govern the redistricting process and reviewing and making alterations to draft plans prepared by the consultant or staff.

STEP TWO: Establish Guidelines for Redistricting March 2021

The redistricting committee is responsible for establishing the principles that will guide the redistricting process. The primary focus of the consultant will be on establishing a redistricting plan that focuses on substantial equal, contiguous, and compact districts. The redistricting committee should determine the extent to which other traditional concepts of redistricting will be reflected in the plan including preservation of political subdivisions, communities of interest and cores of prior districts, protection of incumbent interests, and consideration of minority interests, when appropriate. Additional considerations include municipal ward size restrictions, development of aldermanic districts, and other municipal redistricting concerns. The redistricting committee will need to guide the consultant in the development of plans to ensure that the guidelines chosen by the redistricting committee will be reflected in the plan.

STEP THREE: Develop a Tentative Plan April 2021 through May 2021

Following receipt of census information, counties need to proceed forward with the preparation of a tentative plan. As indicated above, counties have 60 days under statute to complete this process from receipt of the census information.

Suggested Timeline

The following is a general timeline to assist in moving forward with the process:

1. Test the 2011 county plan. Using the 2020 census data, test the existing county plan. It may be possible to use the existing county plan as the basis for the tentative plan.
2. Draft plan options (about two weeks).
3. Review and revise plan (about two weeks).
4. Select a tentative plan.
5. Solicit municipal input (for split municipalities).
6. Hold a public hearing (early May).
7. Adopt tentative plan (May county board meeting).

Tips for Developing a Tentative Plan

1. When developing the tentative county plan, try to create districts that use whole contiguous municipalities and whole contiguous parts of municipalities. To be contiguous, the municipalities and/or parts of municipalities must have a common boundary or corner.
2. In the event that municipalities need to be divided, try first to divide those municipalities that are required to otherwise divide themselves under law, i.e., those with populations over 1,000. Only divide smaller municipalities when it is absolutely necessary in order to create supervisory districts that comply with the principle of one person, one vote.
3. Whenever it becomes necessary to divide a municipality, the county must submit a request to the municipality in writing, stating the size of the required ward and location for contiguity purposes. The county plan should not impose ward lines. It should inform the municipality of the types of wards it needs for county supervisory district purposes. The county should work with the municipality to create wards that meet both the county and municipal needs.
4. Special efforts must be made when working with cities that elect the members of the common council from districts. In these cases, the wards must serve both the county supervisory district purposes and the aldermanic district purposes. Careful work and negotiation with municipalities is advisable in this process.
5. The ultimate goal of any county redistricting plan should be 0% deviation from the norm; however, only districts which are *substantially equal* in population are required. With advances in mapping and redistricting software and technology, deviations below 10% (and potentially significantly lower considering the circumstances) should be readily achievable.
6. Amend the plan following the public hearing to address any issues that warrant consideration.

STEP FOUR: Create Municipal Wards
June 2021 through July 2021

As indicated above, every municipality in a county is required to make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located. If a municipality is unable to accommodate the tentative plan, the municipality must still divide itself into wards in a way that creates county supervisory districts that are in accordance with the population requirements of the tentative plan.

STEP FIVE: Finalize and Adopt the Redistricting Plan
August 2021 through September 2021

The following is a timeline for completing the redistricting process following receipt of ward plans from municipalities:

1. Adjust the tentative plan to accommodate ward plan changes.
2. Hold a public hearing (August county board meeting).
3. Enact a final plan (September county board meeting).

STEP SIX: Effectiveness of the New Plan and Application to Elections

Any decennial redistricting plan takes effect on November 15, 2021 (following its enactment by the county board). The plan first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county.

CHAPTER 5: MID-TERM REDISTRICTING

Section 59.10(3)(cm) governs mid-term redistricting, i.e., changes made during the decade following the decennial redistricting. Importantly, the only action that may be taken mid-term is a reduction in board size and corresponding redrawing of district lines to reflect the reduced board size. There are also circumstances involving municipal boundary adjustments when a board may, or may be required to, adjust districts to reflect such things as annexation or incompatibility of wards with legislative or congressional districts. However, the board may not increase or reduce the number of districts in such cases. The traditional concepts of redistricting and legal concerns outlined in this handbook apply in creating mid-term districts.

REDUCTION IN BOARD SIZE

Procedure for Mid-Term Redistricting to Reduce Board Size: Initiation by the Board

1. *Timing and Procedure.* Under Wis. Stat. § 59.10(3)(cm), a county board may, any time after the enactment of the decennial supervisory district plan, decrease the number of supervisors. Following the adoption of a resolution to reduce the size of the board, the board is required to redistrict, readjust, and change the boundaries of supervisory districts, so that (1) the number of districts equals the number of supervisors; (2) the districts are substantially equal in population according to the most recent countywide federal census; (3) the districts are in as compact a form as possible; and (4) the districts consist of contiguous municipalities or contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board must adhere to statutory requirements with regard to contiguity and must, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In mid-term redistricting, the original numbers of the districts in their geographic outlines, to the extent possible, must be retained. Mid-term redistricting may be done once in between decennial redistricting.
2. *A Board May Not Mid-Term Redistrict if a Petition for Redistricting or Referendum for Mid-Term Redistricting is Pending.* A county board may not enact a mid-term redistricting plan during the review of a petition or referendum to decrease the size of the county board. However, if the electors of the county reject a change in the number of supervisory districts by referendum, the board may proceed with mid-term redistricting as outlined above.

Petition and Referendum to Reduce Board Size Mid-Term

1. *Timing.* The electors of a county may, by petition and referendum, decrease the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan. This means that the electors cannot initiate action to revise the board's decennial supervisory district plan until after the April 2022 elections, i.e., "the first election held following enactment of the supervisory district plan."
2. *Procedure*
 - Initial Petition A petition for a change in the number of supervisors may be filed with the county clerk. Prior to circulating a petition to decrease the number of supervisors in any county, the petitioner must register with the county clerk, giving the petitioner's name and address and indicating the petitioner's intent to file such a petition. No signature on a petition is valid unless the signature is obtained within the 60-day period following registration. The petition must specify the proposed number of supervisors to be elected.

- Alternate Petition Within 14 days after the last day for filing an original petition, any other petitioner may file an alternative petition with the county clerk proposing a different number of supervisors to be elected. If the petition is valid, the alternative proposed in the petition must be submitted for approval at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition.
- Petition Requirements Each petition must conform with the requirements of Wis. Stat. § 8.40 and must contain a number of signatures of electors of the county equal to at least 25% of the total votes cast in the county for the office of supervisor at the most recent spring election preceding the date of filing. The county clerk is responsible for determining the sufficiency of a petition.
- Referendum Once the county clerk determines that one or more petitions are sufficient, the county clerk must call a referendum concurrently with the next spring or general election in the county that is held not earlier than 70 days after the determination is made. If the referendum is approved by a majority of the electors voting on the referendum, the board must enact an ordinance prescribing revised boundaries for the supervisory districts in the county in accordance with the referendum. The districts created by the board are subject to the same requirements that apply to decennial redistricting. The county clerk must file a certified copy of any redistricting plan enacted under this subdivision with the Secretary of State.

Limitation on Mid-Term Redistricting to Reduce Board Size: Only Once a Decade

Under Wis. Stat. § 59.10(cm)(3), if the number of supervisors in a county is decreased by the board or by petition, no further action may be taken by the board or by petition until after enactment of the next decennial supervisory district plan by the board.

Mid-term Changes Due to Municipal Boundary Adjustments: No Changes in the Number of Supervisory Districts

After the enactment of a decennial supervisory plan, the board may amend the plan to reflect a municipal incorporation, annexation, detachment, or consolidation. The number of supervisory districts in the county may not be changed by any action under this paragraph.

On the other hand, a board must amend the county supervisory district plan to reflect any renumbering of the wards specified in the plan when a municipality enacts or adopts a revised division ordinance or resolution pursuant to Wis. Stat. § 5.15(4)(a)¹⁰. Such amendment must be made within 60 days after the enactment or adoption of the revised division ordinance.

In both of these scenarios, the districts under the amended plan must be substantially equal in population according to the most recent countywide federal census, as compact a form as possible, and consist of contiguous municipalities or contiguous whole wards in existence at the time at which the redistricting plan is adopted. The original numbers of the districts in their geographic outlines must be retained to the extent possible. An amended plan becomes effective on the first November 15 following its enactment.

¹⁰ Section 5.15(4)(a), Wis. Stats., provides, in relevant part that:

If the legislature, in an act redistricting legislative districts under article IV, section 3, of the constitution, or in redistricting congressional districts, establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the ordinance or resolution of the municipality, the municipal governing body shall, no later than April 10 of the 2nd year following the year of the federal decennial census on which the act is based, amend the ordinance or resolution to the extent required to effect the act. The amended ordinance or resolution shall designate the polling place for any ward that is created to effect the legislative act. Nothing in this paragraph shall be construed to compel a county or city to alter or redraw supervisory or aldermanic districts.