

**AMENDED**  
**REGULAR MEETING**  
**ONEIDA COUNTY BOARD OF SUPERVISORS**  
**MAY 20, 2014 - 9:30 A.M**  
**COUNTY BOARD MEETING ROOM 2<sup>ND</sup> FLOOR - ONEIDA COUNTY COURTHOUSE**

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**CALL TO ORDER:**

Chairman Hintz called the meeting to order at 9:30 a.m. in the County Board Meeting Room at the Oneida County Courthouse. There was a brief moment of silence for our troops here and overseas, followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Supervisors: Ted Cushing, Bill Freudenberg, Billy Fried, David Hintz, Scott Holewinski, Jim Intrepidi, Mitchell Ives, Robb Jensen, Tom Kelly, Lance Krolczyk, Bob Metropulos, Bob Mott, Sonny Paszak, Carol Pederson, Tom Rudolph, Jack Sorensen, Michael Timmons, Alan VanRaalte, Alex Young and Lisa Zunker

**# OF MEMBERS PRESENT:** 20

**SUPERVISORS EXCUSED:** 1- Greg Oettinger

**STUDENT REPRESENTATIVES PRESENT:** 1- Bailey Nichols, 1 Absent - Erin Tenderholt

**OTHERS PRESENT:** Mary Bartelt, County Clerk; Melodie Gauthier, Chief Deputy Clerk, Brian Desmond, Corporation Counsel; Mike Romportl, Land Information; John Bilogan, Forestry

**ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS**

Sign Attendance Form at the Podium

Please Use Microphones When Speaking - limit 4 minutes each.

Capital Project Listing - The Administration Committee is attempting to develop a capital project report or listing for the full county. A draft memo describing this process and asking for feed-back will come out. Please respond with ideas.

Electronic Voting - Administration Committee is considering purchasing software and hardware to allow voting on the county floor. This will be more efficient and County Board will vote on this after the demonstration which will be at the June County Board meeting.

Administrator/ County Board Size Sub-Committee - This idea went to Administration Committee for consideration and is to come back to the County Board in August. A sub-committee was appointed to help the Administration Committee - Supervisors: Hintz, Cushing, Young, Kelly and three department heads- Brian Desmond, Margie Sorenson and Lisa Charbarneau.

Please return the Oneida County Outdoor Recreation Plan (2014-2018) if you do not want to keep it.

**ACCEPT THE MINUTES OF THE APRIL 15, 2014 ORGANIZATIONAL MEETING**

**MOTION/SECOND:** Cushing/Rudolph to accept the April 15, 2014 minutes. All "aye" on voice vote, motion carries.

Correction, additions or deletions: - none

**REPORTS/PRESENTATIONS**

Forestry 2013 Annual Report - John Bilogan, Forestry Director, This will be brought back to the June 17 2014 meeting due to the report not being sent with the County Board packets.

**\*PUBLIC COMMENT**

Joel Knutson regarding Resolution #46-2014 - is for evening/night meetings.

## **CONSENT AGENDA**

**RESOLUTION # 35-2014** - Offered by the Public Works Committee regarding the “absent of need” of bikeways and sidewalks pursuant to Trans 75.08 for the Highway J project (Oneida County).

**RESOLUTION #36-2014-** Offered by Forestry, Land and Recreation Committee regarding the approval of entering into an (MOA) Memorandum of Agreement with the DNR for the Knowles-Nelson Stewardship Land Acquisition Grant program.

**RESOLUTION #37-2014** - Offered by Forestry, Land & Recreation Committee regarding the approval of the Oneida County five-year Outdoor Recreation Plan for years 2014-2018. Attachment: Booklet - 2014-2018 Outdoor Recreation Plan.

**RESOLUTION #38-2014** - Offered by the Land Records Committee regarding a quit claim deed for the sale of parcels HA1140 through 1147, Town of Hazelhurst and RH 426, City of Rhinelander.

**RESOLUTION #39-2014** - Offered by the Land Records Committee regarding a quit claim deed a portion of the 100 ft. strip of land adjoining Four Mile Creek Rd. Town of Three Lakes.

### **Appointments to committees, commissions and other organizations**

To appoint Ed Hammer to the **Commission on Aging (Health & Aging Committee)** as a new citizen member with a term to expire April 2017.

To reappoint Ted Cushing to the **Aging and Disability Resource Center of the Northwood’s Board (ADRC/Family Care)** for a term to expire April 2016.

To appoint Mitch Ives and Roger Luce to the **Northwoods Rail Transit Commission**.

To reappoint Bill Kowieski, Pat Brainard Blaine Oborn and Phil Albert (alt.) to the **Economic Development Corporation Revolving Loan Committee** with a 2 year term to expire April 2016.

To reappoint Alan Lewis to the **Law Enforcement Grievance Committee** with a 3 year term to expire April 2017.

### **Proclamation**

Act/Read: Proclamation update for the Fair Housing Month.

**MOTION/SECOND:** **Cushing/Sorensen** to approve the Consent Agenda. All “aye” on voice vote, motion carries.

## **CONSIDERATION OF RESOLUTIONS & ORDINANCES**

**RESOLUTION #40-2014-**Offered by the Administration and Land Records Committees

Resolution offered by the Supervisors of the Administration and Land Records Committees. Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, Wisconsin Statutes s. 75.365 provides that counties may enter into agreements with any local municipality for the purpose, among other things, of limiting the liability of the County in taking tax title to lands or otherwise acting pursuant to such agreement; and

**WHEREAS**, the above-described property was previously the site of a dry-cleaning facility and the property remains in blighted condition and requires testing for and possible remediation of existing contamination; and

**WHEREAS**, the property taxes on this parcel are delinquent (approximately \$70,000.00) and Oneida County has avoided foreclosing its tax liens and taking judgment to this parcel, due to Oneida County's policies regarding contaminated tax delinquent properties; and

**WHEREAS**, the City of Rhinelander and Oneida County have reached an agreement whereby the County shall obtain title to the property and convey the same to the City of Rhinelander for \$1,500.00 which amount reflects the payments made by the County to the City of Rhinelander for water/sewer penalties; and

**WHEREAS**, as further consideration for said property, the City of Rhinelander agrees to pay for special assessments for the tax year of 2014 and to assume liability for any 2014 real estate taxes assessed against said parcel, and to indemnify, hold harmless, and defend Oneida County from any and all liability including claims, legal expenses and costs of every kind related to the taking of tax title to the property and the sale of the property to the City of Rhinelander;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Oneida County Board of Supervisors duly assembled this 20th day of May, 2014, that the County Board Chair, County Clerk & County Treasurer are hereby authorized to enter into the attached Agreement with the City of Rhinelander for the acquisition and sale of the property located in the City of Rhinelander and described more commonly known as Lindy Cleaners located at 34 S Stevens St., parcel identification number RH 185, more particularly described as,

*The North Thirty (N 30' ) Feet of Lot Ten (10) in Block Twenty Five (25) of the Original Plat of the Village (now City) of Rhinelander, Wisconsin, according to the recorded Plat thereof, together with all right, title and interest in and to that certain adjacent easement for ingress and egress purposes.*

AND:

*The South Twenty (S 20' ) Feet of Lot Number Nine (9) in Block Twenty Five (25) of the Original Plat of the Village (now City) of Rhinelander, Wisconsin, according to the recorded Plat thereof.*

**BE IT FURTHER RESOLVED**, that the County Clerk is authorized to sign and place the county seal upon a quit claim deed for the parcel described above; and,

**BE IT FURTHER RESOLVED**, that the County Treasurer is authorized and instructed to assign to the City of Rhinelander, at the time of issuance of the quit claim deed, all county certificates on the property conveyed.

Approved by the Administration Committee this 8<sup>th</sup> day of May, 2014.

Offered and passage moved by Supervisors: Hintz, Cushing, Jensen and Paszak.

Approved by the Land Records Committee this 13<sup>th</sup> day of May, 2014.

Offered and passage moved by Supervisors: Intrepidi, Timmons, Oettinger and Zunker.

#### **AGREEMENT FOR TRANSFER OF CONTAMINATED PROPERTY (Page 1 of 2)**

**THIS AGREEMENT**, is made by the County of Oneida, a political subdivision of the State of Wisconsin, with its principal place of business at 1 South Oneida Avenue, Rhinelander, Wisconsin 54501 (hereinafter 'County') and the City of Rhinelander, a municipal corporation with its principal place of business at 135 S. Stevens St. Rhinelander, WI 54501 (hereinafter "City").

WITNESSETH:

**WHEREAS**, the following described property (hereinafter "Property"), is currently subject to foreclosure by the County for unpaid taxes, plus applicable interest and penalties,

*The North Thirty (N 30' ) Feet of Lot Ten (10) in Block Twenty Five (25) of the Original Plat of the Village (now City) of Rhinelander, Wisconsin, according to the recorded Plat thereof, together with all right, title and interest in and to that certain adjacent easement for ingress and egress*

purposes.

AND:

*The South Twenty (S 20' ) Feet of Lot Number Nine (9) in Block Twenty Five (25) of the Original Plat of the Village (now City) of Rhinelander, Wisconsin, according to the recorded Plat thereof.*

**WHEREAS**, Said property is commonly known as Lindy Cleaners located at 34 S Stevens St., parcel identification number RH 185, and said parcel is tax delinquent in the amount of approximately \$70,000; and,

**WHEREAS**, the County has the right to judgment vesting title to the property in the County, and

**WHEREAS**, the County has not tax foreclosed on said property due to its policies directed at avoiding any possible liabilities which may be imposed on parties having an ownership interest in a potentially contaminated property; and

**WHEREAS**, the property is located in the City of Rhinelander and the City and County believe that the Property was contaminated with hazardous substances as defined in Wis. Stat. s. 292.01(5); and

**WHEREAS**, the City and County wish to enter an agreement pursuant to Wis. Stat. s. 75.365 to transfer of the contaminated property to the City with the intent of the City to implement a plan to remediate the site and convert it to a public parking lot; and

**WHEREAS**, the City has requested the County to acquire title to the property for purposes of conveying the property to the City.

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. Upon final disposition of the foreclosure process, the County will sell the property to the City for a total sum of \$1500.00, which amount reflects water/sewer penalties previously paid to the City by the County.
2. The City will continue to pursue a grant and or funds to remediate the property as required by state and federal regulations and will notify the County before the final tax foreclosure date if they are no longer interested in obtaining title to the property.
3. The County will pursue a tax foreclosure of the above described property, and provided the City does not withdraw its request, upon final tax foreclosure judgment, will transfer the property immediately to the City.
4. The City shall also pay the tax bill and any special assessments for the 2014 tax year.
5. The City assumes all liability and risks associated with said property from the date and time of the tax foreclosure, and indemnify, hold harmless, and defend the County from any and all liability including claims, awards, damages, demands, settlement costs, legal expenses and costs of every kind related to the taking of tax title to the property and the sale of the property to the City, pursuant to this agreement.
6. This Agreement constitutes the entire agreement between the parties with respect to the subject matter contained herein, and no Agreements or promises shall be recognized which are not embodied in this Agreement.

**CITY OF RHINELANDER**

By: \_\_\_\_\_, Date: \_\_\_\_\_  
Richard Johns, Mayor

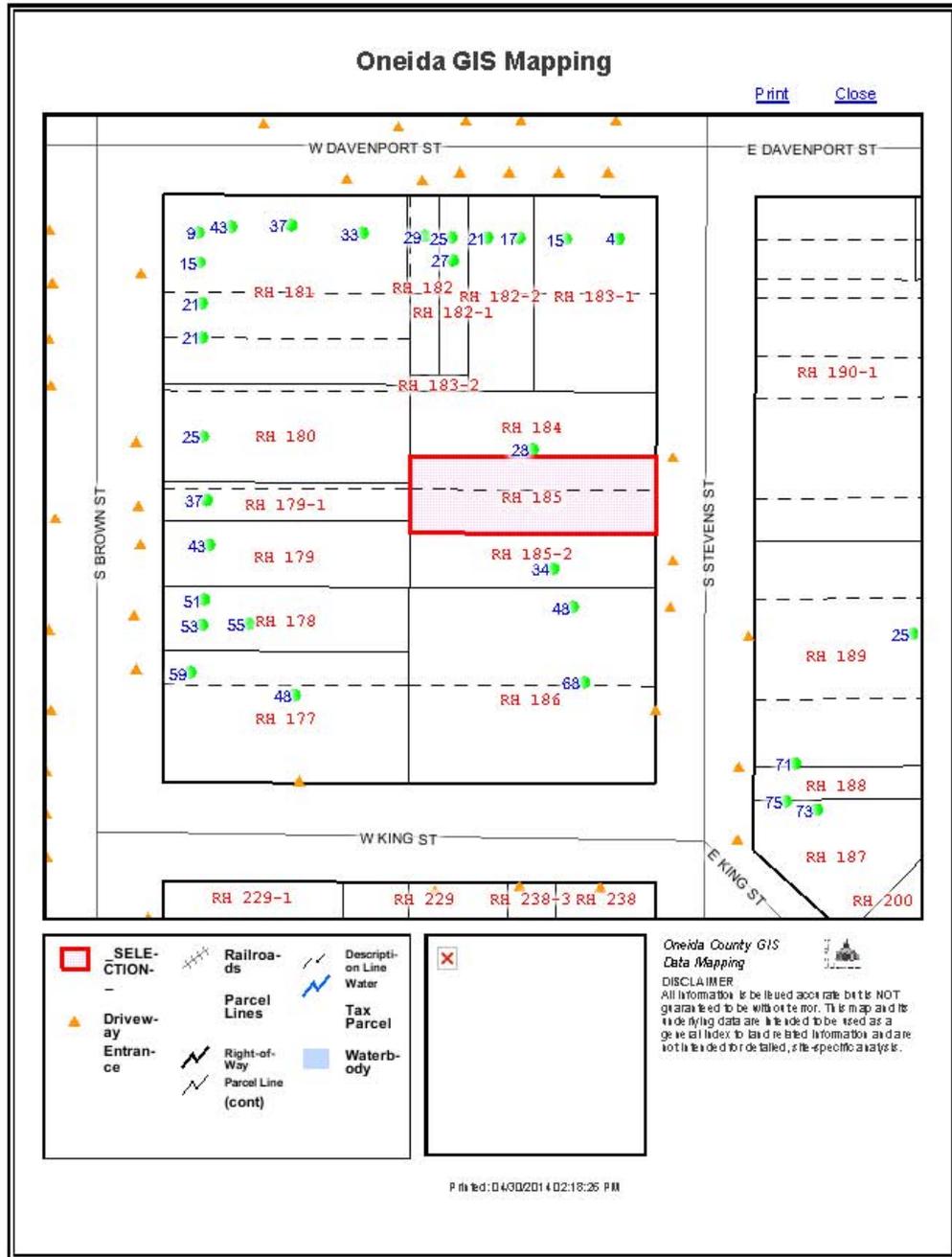
By: \_\_\_\_\_, Date: \_\_\_\_\_  
Valerie Foley, City Clerk

**COUNTY OF ONEIDA**

By: \_\_\_\_\_, Date: \_\_\_\_\_  
David Hintz, County Board Chair

By: \_\_\_\_\_, Date: \_\_\_\_\_  
Kris Ostermann, County Treasurer

By: \_\_\_\_\_, Date: \_\_\_\_\_  
Mary Bartelt, County Clerk



**ROLL CALL VOTE:** 20 Ayes, 0 Nays 1 Absent - Oettinger  
**STUDENT REPRESENTATIVE:** 1 Aye  
**RESOLUTION #40-2014:** adopted.

**RESOLUTION #41-2014**

Resolution offered by the Land Records Committee.

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

**WHEREAS**, Oneida County obtained title to Highlander Plat by tax delinquency in June 1940 as recorded in Document # 107629, Oneida County Register of Deeds, said plat being part of Government Lots 4 & 5, Section 1, Township 38 North, Range 7 East; and,

**WHEREAS**, in February 1944, Oneida County conveyed all lots in said Plat to Oscar Truettner as recorded in Document # 117638 Oneida County Register of Deeds, **except** a strip of land being the South 66' of Lot 1, which was reserved by the County for highway purpose, shown on the sketch in Exhibit A below; and,

**WHEREAS**, the Town of Lake Tomahawk and an adjoining landowner has requested that the South 66' east of Poplar RD be discontinued and or vacated subject to an exchange of easements for all landowners who may use the strip for access to their property; and,

**WHEREAS**, in order to discontinue said strip, the County, Town and Department of Natural Resources (DNR) must follow statutory procedures for publications, hearings and other processes to accomplish such discontinuance and or vacation; and,

**WHEREAS**, if said discontinuance and or vacation is approved, the South 66' of land east of Poplar RD would be offered for sale to the adjoining landowners subject to an exchange of easements among the landowners who may be using said strip for access to their property; and,

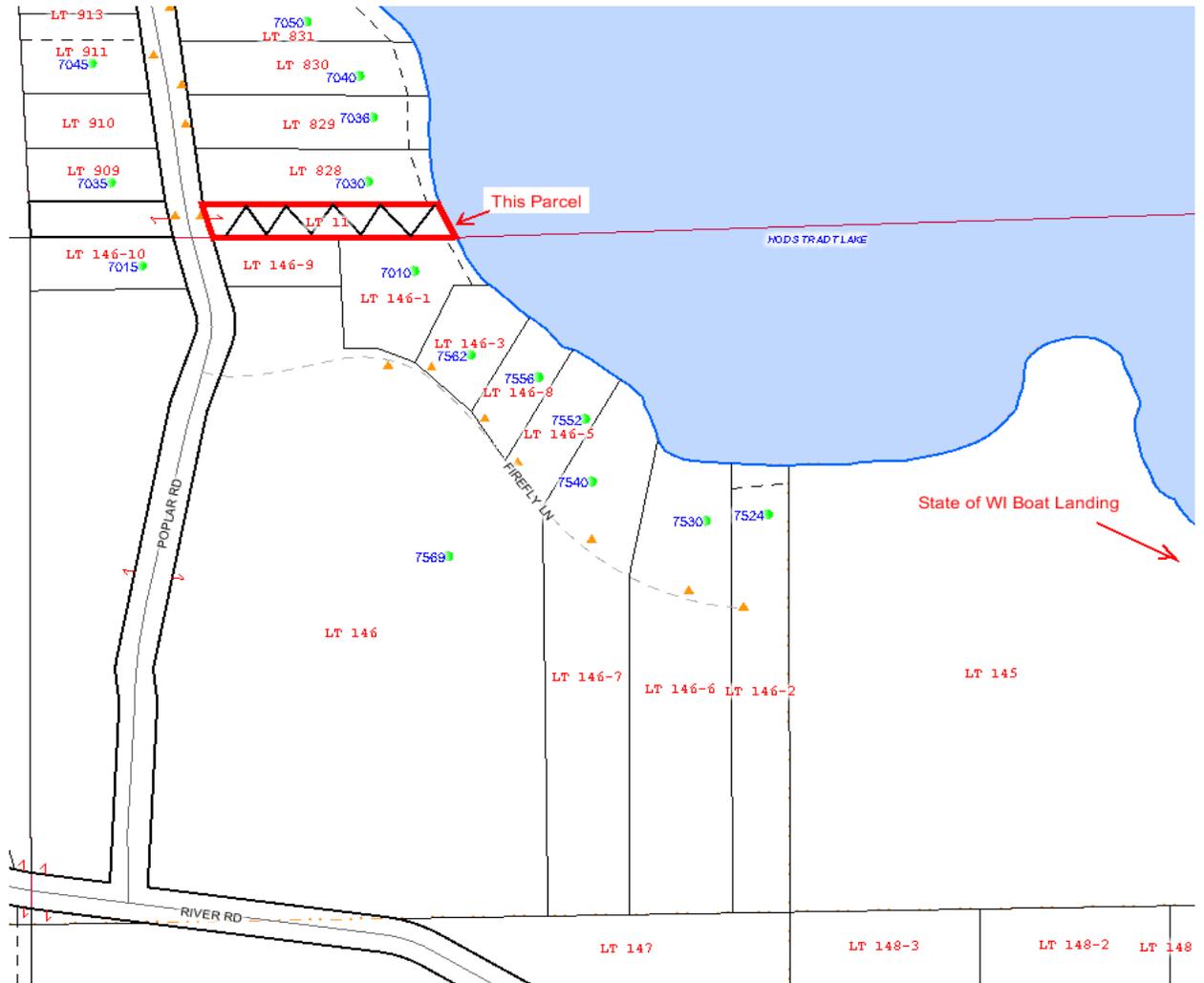
**WHEREAS**, the Land Records Committee recommends that the County proceed with such discontinuance and or vacation and work with the Town, DNR and adjoining landowners to accomplish the same.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Oneida County hereby authorizes the Land Records Committee to proceed with the discontinuance and or vacation of the South 66' of land described above east of Poplar RD, and if granted offer the land for sale subject to easements for adjoining landowners.

Approved by the Land Records Committee this 13<sup>th</sup> day of May, 2014.

Offered and passage moved by Supervisors: Intrepidi, Paszak, Timmons, Oettinger and Zunker.

**EXHIBIT A**



**ROLL CALL VOTE:** 20 Ayes, 0 Nays, 1 Absent - Oettinger

**STUDENT REPRESENTATIVE:** 1 Aye

**RESOLUTION #41-2014:** - adopted

**RESOLUTION #42-2014**

Resolution offered by the Supervisors of the Public Safety Committee  
Resolved by the Board of Supervisors of Oneida County, Wisconsin:

**WHEREAS**, pursuant to Oneida County Code section 5.01(9)(a) the County Civil Service Commission shall "Prepare and publish such rules and regulations to carry out its duties under this chapter to secure the best service for the County. Such rules and regulations shall be submitted to the County Board for its approval", and

**WHEREAS**, on February 11<sup>th</sup>, 2014 the Civil Service Commission approved changes to the Civil Service Rules and Regulations (see attached Civil Service Rules and Regulations); and

**WHEREAS**, the Oneida County Civil Service Commission believes that the proposed rules are in the best interest of Oneida County.

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that the attached Civil Service Rules and Regulations are hereby adopted.

Offered and passage moved by Supervisors: Timmons, Metropulos, Holewinski, Ives and Fried.

**TO THE HONORABLE MEMBERS OF THE ONEIDA COUNTY BOARD OF SUPERVISORS:**

The Sheriff and the Civil Service Commission of Oneida County, herein present the revised *Rules and Regulations*, ~~Fourth~~ **Fifth** Edition. These are prepared for the general administration and operation of the Sheriff's Department. This booklet is a successor to the first three editions that were also prepared by the Civil Service Commission of Oneida County. The Commission was established by the Oneida County Board of Supervisors on January 1, 1973.

Dated this \_\_\_\_\_, **2014**

Respectfully submitted:

CIVIL SERVICE COMMISSION

\_\_\_\_\_  
JOHN H. VANNEY-CHAIRMAN CIVIL SERVICE COMMISSION

\_\_\_\_\_  
BERNIE DART, MEMBER

\_\_\_\_\_  
MARY MARTIN, MEMBER

\_\_\_\_\_  
TIMOTHY MELMS, MEMBER

\_\_\_\_\_  
BRUCE RHODE, MEMBER

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## **OFFICE OF THE SHERIFF**

This manual for Deputy Sheriffs is intended to be a practical guidebook and a copy of this book is being placed in the hands of each Deputy Sheriff. This book is intended to cover matters with which our Deputies are required to be familiar.

It is expected and hoped that this *Rules and Regulations, Fourth Edition* publication will contribute to the maintenance of our high Department standards. Deputies will be expected to know these Rules and Regulations and from time to time the Deputies will be subject to examination.

Acknowledgment is hereby given to the County Board of Supervisors, County Civil Service Commission, the Chief Deputy, Oneida County Deputy Sheriff's Association, Labor Relations Director, and the Corporation Counsel for their able co-operation in the preparation of this book. I am very pleased that they have shared their commitment in this process of providing our citizens with the very best in law enforcement and service to our Oneida County communities, our State of Wisconsin, and our great United States of America.

\_\_\_\_\_  
~~Timothy G. Miller~~ Grady Hartman  
Sheriff of Oneida County

## **INTRODUCTION**

The prime functions of the Sheriff's Office are the preservation of the public peace and order, the prevention and detection of crime, the apprehension of offenders, the protection of persons and property, and the enforcement of the laws of the State and the ordinances of the County. For these purposes the deputy sheriffs are endowed with legal authority. In the exercise of this power, justice and equity should be the actuating motives.

To achieve true success the department must earn and retain the confidence and respect of the public whom it serves. This can be accomplished only by constant and earnest endeavor on the part of all members of the department to perform their duties in an efficient, honest and business-like manner, and by exemplary conduct, cultivation in the public mind the fullest realization that the Sheriff's Department is a most vital prerequisite to public well being.

In order to properly perform, it is essential that members of the department familiarize themselves thoroughly with all the rules pertaining to their respective duties as deputies.

Deputy Sheriff's, regardless of rank, should remember that in the execution of their duties they act not for themselves, but in the interest of the public. The entire law regulating their functions hinges

upon this principle. Deputy Sheriff's must bear in mind that they represent the dignity and authority of the State and County and are the representatives of the law to whose lawful demands all must submit and such submission can be compelled when necessary. Deputy Sheriffs should use no unnecessary force nor hesitate to use necessary force when circumstances require.

### **LAW ENFORCEMENT CODE OF ETHICS**

**AS A LAW ENFORCEMENT OFFICER**, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence and disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

**I WILL** keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn, or ridicule, develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and regulations of my department. Whatever I see or hear of a confidential nature or is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

**I WILL** never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

**I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession ---- law enforcement.

### **AN OFFICER'S CREED**

**AS A DEPUTY SHERIFF**, I regard myself as a member of an important and honorable profession.

**AS A DEPUTY SHERIFF**, I will keep myself in good physical condition so that I may perform at all times my police duty with utmost efficiency and, if necessary, defend my uniform with honor.

**AS A DEPUTY SHERIFF**, it is my duty to know my work thoroughly and to know and understand all other phases of police work. It is my further duty to avail myself of every opportunity to learn more about my professional work.

**AS A DEPUTY SHERIFF**, I will be exemplary in my conduct, edifying in my conversation, honest in all my activities and obedient to all the laws of the County, State and Nation and I shall regard my oath as I regard my sacred honor.

**AS A DEPUTY SHERIFF**, I will not, in the performance of my duty, work for personal advantage or profit. I shall recognize at all times that I am a public servant obligated to give the most efficient and impartial service of which I am capable. I will forever be courteous in all my contacts and activities.

**AS A DEPUTY SHERIFF**, I will regard my fellow officer with the same standards as I hold for myself. It is my duty to guard their honor and their life, as I guard my own.

**AS A DEPUTY SHERIFF**, I will be loyal to my superiors who determine my policies and accept responsibility for my actions. I shall do only those things, which will reflect honor upon them, upon myself, and upon my profession.

#### **ADMINISTRATION POWERS, DUTIES AND LIABILITIES OF SHERIFF**

The duties and powers of the Sheriff are not prescribed by the Constitution, but they were well known at the time the Constitution was adopted, and neither the legislature nor any other body has the right to take away any of the Sheriff's powers or duties as they existed when the Constitution was adopted, and confer them on some other officer. The Sheriff is required to keep and preserve the peace in their –respective county and quiet and suppress all affrays, routs, riots, and unlawful assemblies and insurrections. This is the provision of law, which makes "peace officers" the term generally used.

#### **OTHER DUTIES**

The Sheriff is responsible for the enforcement of all criminal laws, and the fact that other officers may be given by law special duties and powers in the enforcement of specific laws does not relieve the

Sheriff of the duty to enforce such laws when the Sheriff learns of the violation. The Sheriff is an officer of every court within the county, and is also responsible for the conduct of the county jail.

The Sheriff shall see that the laws of the state and the ordinances of the county are duly enforced. The Sheriff shall have sole and absolute command over all persons connected with the Sheriff's department and shall possess full authority over its organization, government, and discipline.

### **RESPONSIBILITY OF COMMAND**

All conduct of the members of the Sheriff's Department, detrimental to the welfare of the department, coming to the knowledge of the superior officers, shall be investigated by them and report of same made to the Sheriff or Chief Deputy. The relative rank in positions and command of officers of the Sheriff's Department shall be designated as follows:

1. Sheriff
2. Chief Deputy
3. Lieutenant
4. Sergeants and Detective Sergeants
5. Deputies

In the absence of the Sheriff, Chief Deputy, and Lieutenant, the Sheriff shall designate an officer from the officers of highest rank and seniority in the department to be in command of the department.

Detective Sergeants shall be in command at a crime scene and they shall coordinate the assignment of personnel with the Patrol Sergeant.

### **CHIEF DEPUTY**

The Chief Deputy has full charge of the Sheriffs Department during the Sheriffs absence, and during such absence has all the Sheriffs duties, authority and powers. The Sheriff may direct and delegate such duties to the Chief Deputy essential to the efficient operation of the department. Those duties may include responsibility for criminal investigations and solution of the criminal cases, public relations, and cooperation and mutual assistance with other enforcement agencies within and out of the county.

Under the direction of the Sheriff, the Chief Deputy shall be responsible for the operation of the Sheriffs Department in the absence of the Sheriff. The Chief Deputy shall perform the following

related work, as required.

Be the head administrative and personnel officer with the department. It is the intent in connection with the specifying of duties to provide, within the limitations of the existing law and Constitution, a continuity in law enforcement as it relates to the Sheriff's Department and to provide any incoming Sheriff an efficient trained working organization and to relieve the Sheriff of many details in connection with the responsibility of that office.

It is to be understood that all general policy and top direction will still ultimately come from the Sheriff but that the Chief Deputy with the authority herein, will furnish the necessary leadership and administration on a continuing basis so as to eliminate morale problems and provide a more efficiently trained and operable department detached from any political influence whatsoever.

The Chief Deputy shall require from subordinates a proper attitude of respect and obedience at all times, and shall on no occasion indulge in un-officer-like familiarities with them. The Chief Deputy shall set an example of proper conduct in sobriety, dignity, courtesy, discretion, and the proper observance of discipline and shall at all times during a tour of duty appear neatly attired, clean in person, and equipment.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES**

1. Evaluate department staffing needs, develop and administer budget resources and manage personnel to achieve department wide program objectives. Assign areas of accountability and delegate authority to subordinate supervisory personnel.
2. Manage and direct department personnel, which includes discipline, transfer, suspension, evaluation and recommendation for hiring, discharge and promotion. Assume responsibility for all department grievances and the proper referral on such matters to the appropriate agency.
3. Manage and direct criminal investigations in the department. Evaluate the needs of staff and provide the required equipment and resources for investigations, undercover operations, raids, arrests and or surveillance.
4. Analyze and evaluate effectiveness of organizational operations and institute new or revised methods, develop policies, procedures, and work rules as indicated. Coordinate these operations with County Departments, Cities, Townships as well as federal, state, and local agencies.
5. Provide professional guidance, develop and direct training programs and provide policy interpretations for supervisors and staff.
6. Make recommendations to the Civil Service Commission and/or Personnel Committee related to personnel issues and represent the department as required in labor negotiation issues.

7. Develop and manage department facilities, equipment and vehicles to promote efficiency, effectiveness, and safety.
8. Develop and maintain a close liaison with federal, state, and local Departments/agencies, news media, professional organizations and civic groups.
9. Represent the Sheriff in matters pertaining to department programs or operations and represent the Sheriff at public speaking engagements.
10. Maintain personal proficiency in the use of weapons and enforcement tools or techniques. Attend professional conferences, seminars for law enforcement managers. Take proper enforcement action for law violations.

### **LIEUTENANT**

The Lieutenant is third in command of the Department, working such hours as directed by the Sheriff or Chief Deputy. The Lieutenant is responsible to plan, organize, and implement Department operations and programs. The Lieutenant shall assign and direct subordinates, ensuring that all policy, rules, regulations, orders, procedures and directives are enforced and implemented. The Lieutenant shall make independent decisions or recommendations in the hiring, promotion, transfer, discipline or discharge of department employees in accordance with Department Policy and Procedures, Oneida County Code, and Wisconsin Statutes. The Lieutenant shall set an example of proper conduct in sobriety, dignity, courtesy, discretion, and the proper observance of discipline and shall at all times during their tour of duty appear neatly attired, clean in person, and equipment.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

1. Provide supervision to assigned personnel on a daily basis. Monitor and evaluate operations for improvements, coordinating and integrating new procedures.
2. Manage and evaluate staff, develop job descriptions, objectives, and perform employee performance evaluations.
3. Receive the complaints and notification of the grievances of the employees, and use independent judgment in making recommendations to effectively adjust the complaints and grievances.
4. Assist in the preparation of the Department budget, monitor the budget, and prepare reports and analysis as called upon.
5. Ensure that all assigned personnel are competent to carry out their assigned duties and to relieve from duty any member considered incompetent.
6. Ensure that all staff meets Federal, State, and County training requirements. Attend training programs to keep current on issues affecting law enforcement operations.

7. Administer and supervise assigned functions. Review, prioritize, and assign as required to meet program goals.
8. Meet with the Sheriff, Chief Deputy, Jail Administrator, and other management staff to discuss policies, procedures, rules and changes that affect the operation of the department.
9. Communicate with appropriate agencies in regard to Department operations.
10. Perform the duties of the Sheriff in the absence of the Sheriff and Chief Deputy.
11. Perform any other duty as assigned by the Sheriff or Chief Deputy.

### **ADMINISTRATIVE SERGEANT**

The Administrative Sergeant shall supervise Deputy Sheriffs and ~~assigned civilian personnel~~ **Court Services**, subject to the order of the Sheriff or Chief Deputy. The Administrative Sergeant shall direct the work of the Department in accordance with State Statute, Policy and Procedures prescribed by the Sheriff and Chief Deputy, under the direction of the Chief Deputy.

Sergeants shall require from their subordinates a proper attitude of respect and obedience at all times, and shall on no occasion indulge in un-officer like familiarities with them. They shall set an example of proper conduct in sobriety, dignity, courtesy, discretion, and the proper observance of discipline and shall at all times during their tour of duty appear neatly attired, clean in person and equipment.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

1. Performs all essential duties of deputy sheriffs as appropriate.
2. Ensure adequate allocation of personnel and resources for completion of assignments in the Court Services and Records Bureau.
3. Directs the work of deputy sheriffs who are assigned to court services and transports, clerk-matron, and secretaries as required.
4. Coordinate the transportation of all prisoners in the custody of the Sheriff and make arrangements for the movement of inmates for all scheduled appearances. This responsibility includes the operation of the detention area located at the Oneida County Courthouse.
5. Coordinate and maintain a working relationship for all court related activities between the Department, and: Circuit Court, Clerk of Courts, Corporation Counsel, District Attorney's Office, and County Departments. This includes maintaining security at the Courthouse to the level established by Oneida County.
6. Review reports and arrests generated by court service deputies and review and assign work to clerk matron and secretaries.

7. Be present or available for consultation regarding any incidents of a serious nature occurring in assigned area of responsibilities.
8. Read, review and implement practical applications contained in the Wisconsin State Statutes, Law Enforcement Bulletin, Wisconsin Law Enforcement Officers Criminal Law Handbook, Policies and Procedures, and other manuals.
9. Review schedules for assigned personnel to ensure adequate assignment of personnel for future shifts.
10. Ensure that assigned personnel have adequate supplies, make recommendations for replacement or additional supplies or equipment.
11. Make recommendations for training of staff under their supervision
12. Complete ongoing evaluation of staff under their supervision and complete required forms.
13. Any other assigned duties.

### **PATROL SERGEANT**

Sergeants shall, if possible and practicable, be present at accident scene, criminal act of serious nature, or any incident occurring during their tour of duty where their presence would be of value to the investigation.

Sergeants shall require from their subordinates a proper attitude of respect and obedience at all times, and shall on no occasion indulge in un-officer like familiarities with them. They shall set an example of proper conduct in sobriety, dignity, courtesy, discretion, and the proper observance of discipline and shall at all times during their tour of duty appear neatly attired, clean in person and equipment.

Patrol Sergeants shall supervise patrol, dispatch and secretarial staff during their respective shifts, subject to the order of the Sheriff or Chief Deputy. They shall direct the work of the Department in the accordance with State Statute, Policy and Procedures prescribed by the Sheriff and Chief Deputy under the direction of the Patrol Lieutenant.

### **ESSENTIAL DUTIES & RESPONSIBILITIES:**

1. Performs all essential duties of patrol deputy as appropriate.
2. Ensure adequate allocation of personnel and resources during their shift.
3. Directs the work of patrol deputies, transport officers, secretarial staff and emergency 911 personnel as required.

4. Ensure that all calls for service from citizens are answered by assignment of personnel or referral.
5. Review reports and arrests generated by patrol deputies.
6. Be present or available for consultation regarding any incidents of a serious nature occurring during their shift.
7. Read, review and implement practical applications contained in the Wisconsin State Statutes, Law Enforcement Bulletin, Wisconsin Law Enforcement Officers Criminal Law Handbook, Policies, Procedures and other manuals.
8. Review schedules to ensure adequate assignment of personnel for future shifts.
9. Ensure that patrol and emergency 911 center has adequate supplies, make recommendations for obtaining or replacing supplies and equipment.
10. Make recommendations for training of staff under their supervision.
11. Complete ongoing evaluation of staff under their supervision and complete required forms.
12. Any other assigned duties as directed.

#### **DETECTIVE SERGEANT**

Detective Sergeants shall not leave the county to conduct any investigation or to perform any act within the scope of their duties without the express permission of their commanding officer or superior officer in charge, except when in immediate pursuit of a fugitive.

Plain clothes Detective Sergeants assigned to duty in radio equipped department vehicles will be subject, in the operation of same, to the rules laid down for the government of deputies assigned to squad car duty insofar as they are applicable. The fact that plain clothes Detective Sergeant is detailed to special service in the detection and prevention of crime shall not be construed as relieving the Detective Sergeant of the responsibility for taking prompt and proper action in the matter of any violation of the laws, ordinances, and regulations coming to the Detective Sergeant's attention.

Detective Sergeants shall require from their subordinates a proper attitude of respect and obedience at all times, and shall on no occasion indulge in un-officer-like familiarities with them. They shall set an example of proper conduct in sobriety, dignity, courtesy, discretion, and the proper observance of discipline and shall at all times during their tour of duty appear neatly attired, clean in person and equipment.

Detective Sergeants shall supervise deputies and Department personnel as required, subject to the order of the Sheriff or Chief Deputy. They shall direct the work of the Department in the

accordance with State Statute, Policy and Procedures prescribed by the Sheriff and Chief Deputy, under the general supervision of the Chief Deputy.

**ESSENTIAL DUTIES & RESPONSIBILITIES:**

1. Performs all essential duties of a patrol deputy as appropriate.
2. Conduct criminal investigations as directed and respond to critical incidents as requested. Request and utilize the proper cooperation of other law enforcement authorities when required to assist with the investigation of crimes being committed in the jurisdiction of the department.
3. Supervises the work of Department personnel, as assigned.
4. Review reports and arrests generated by patrol deputies and patrol sergeants and identify any trends with criminal activity or suspects. Utilize the crime prevention officer as required to assist with crime prevention activities in the department.
5. Be present or available for consultation regarding any incidents of a serious nature occurring during their duty shift.
6. Read, review and implement practical applications contained in the Wisconsin State Statutes, Law Enforcement Bulletin, Wisconsin Law Enforcement Officers Criminal Law Handbook, Policies, Procedures and other manuals.
7. Ensure that adequate crime scene investigation equipment and supplies are available, and make recommendations for replacement or additional supplies and equipment.
8. Make recommendations for training of staff under their supervision.
9. Complete ongoing evaluation of staff under their supervision and complete required evaluation forms as directed.
10. Conduct background investigations of individuals being considered for employment and report these findings as directed.
11. Conduct internal investigations as directed by the Sheriff or Chief Deputy.
12. Any other assigned duties.

**DEPUTY SHERIFF**

All original appointments to the Sheriff's Department as Deputy Sheriff shall be for a probationary period of one-year (12 months). Continuation in the service being dependent upon the conduct of the appointee and the fitness for the performance of the duties to which assigned, as indicated by reports and evaluations of superior officers. If at any time during the one-year (12 months) probationary period the appointee shall be deemed unfit or fail to meet the mandatory requirements of recruit training, field training program, the appointment may be terminated by the Sheriff.

It shall be the duty of a Deputy Sheriff of the department to interchangeably carry out the duties with

respect to traffic enforcement and patrol, investigations, public facility security, transportation of inmates, civil process and court security as may be required by the assignment of the commanding officer. The Deputy Sheriff shall at all times during their tour of duty appear neatly attired, clean in person, and equipment.

These duties constitute the responsibility to protect life and property through enforcement of laws. Directed supervision is received from a Sergeant. Assigned duties are performed in accordance with state statutes and department policy and procedure.

**ESSENTIAL DUTIES & RESPONSIBILITIES:**

1. Patrols streets, highways and other public and private areas to enforce laws, protect citizens, investigate suspicious circumstances, and discourage the commission of crimes.
2. Responds to calls for service from the public to investigate crimes, disputes, motor vehicle accidents and disturbances.
3. Provides first aid, other assistance and referrals for accident victims and others requesting or requiring assistance.
4. Issue citations, make arrests, conduct interviews, interrogations, and intervene where appropriate.
5. Transmit and receive radio messages, operate squad vehicle and equipment, dictate and prepare required reports.
6. Operate department equipment such as firearms, computers, radios, radar, ATV, boat, motor vehicles, baton, OC spray.
7. Maintain security of all persons in their custody.
8. Maintain security as assigned in courtrooms and designated public buildings as directed.
9. Read, review and implement practical applications contained or derived from the Wisconsin State Statutes, Wisconsin Law Enforcement Bulletin, Wisconsin Law Enforcement Officers Criminal Law Handbook, Department Policies and Procedures and other manuals as directed.
10. Assume the duties, responsibilities and authority of the Sergeant, as directed, in the Sergeant's absence.
11. Any other duties assigned by the Sheriff.

**RANGE OFFICER**

The Sheriff may appoint a Range Officer from within the ranks of the department. The Department member selected shall be required to maintain current certification by the State of Wisconsin. The Range Officer, while performing in that capacity, shall have complete supervision and direction over all department members, regardless of rank, this authority shall not extend beyond the training, handling, and care of assigned weapons and other areas related thereto. The Sheriff may assign a

Department Armorer(s) and Department Firearms instructor(s) to assist the Range Officer with these duties. When executing these duties, these members shall be subordinate to the Range Officer.

**ESSENTIAL DUTIES & RESPONSIBILITIES:**

1. Shall be familiar with current training methods and programs in the use of weapons and ammunition as related to law enforcement.
2. Shall implement in-service training programs for all officers and within that program conduct qualifying shoots on an annual basis. Minimum qualifications shall be implemented in accordance with the standards recommended by the State of Wisconsin, Law Enforcement Standards Board.
3. Shall keep complete records of all training programs.
4. Shall ensure that all new deputies are qualified to operate assigned department weapons and conduct the necessary training to accomplish this.
5. Shall conduct training to provide that all officers become familiar with the care and operation of assigned weapons and understand the limitations and applications of the assigned department weapons. The Range Officer will insure that all deputies assigned to training have adequate personal safety protection. The minimum safety protection for deputies at range training is eye and ear protection.
6. Shall be responsible for ensuring the availability of adequate supplies of service and practice ammunition and weapons to all officers at all times.
7. Shall maintain an inventory and assignment ledger for all department weapons.
8. Shall use the established chain of command to seek approval for the purchase and/or disposal of any firearms that may be required for the Department.
9. Shall be responsible for the regular cleaning and maintenance of all department weapons. The Sheriff may authorize the Range Officer to train additional deputies to perform duties as Armorer(s) to assist with these duties.
10. Shall be responsible to coordinate the required security, maintenance, and upkeep of the Department firing range. This shall be conducted with the cooperation of the Buildings and Grounds Department.
11. Shall function as range master when assigned to Department firearms training.

**RULES AND REGULATIONS**

**FOR THE**

**ONEIDA COUNTY SHERIFF'S DEPARTMENT**

Pursuant to 5.06 (5) of the General Code of Oneida County Wisconsin, the Sheriff, the Chief Deputy, and the Civil Service Commission have jointly prepared these rules for the Sheriff's Department.

Members of the Department will understand that no arbitrary rules can be established which will embrace all cases arising in the general discharge of their duties; something must necessarily be left to the intelligence and discretion of the individual, but if that discretion is used maliciously or

improperly, the member of the Department is answerable to higher authority.

All previous rules, regulations and orders in conflict with these Rules and Regulations are hereby revoked.

Dated this \_\_\_\_\_, 2014

~~TIMOTHY G. MILLER~~ \_\_\_\_\_  
**GRADY HARTMAN**  
SHERIFF of ONEIDA COUNTY

\_\_\_\_\_  
CHIEF DEPUTY of ONEIDA COUNTY

\_\_\_\_\_  
JOHN H. VANNEY  
CHAIRMAN, CIVIL SERVICE COMMISSION

Pursuant to the provisions of the laws of Wisconsin, the Rules and Regulations hereinafter set forth are compiled, adopted and published by the Sheriff, Chief Deputy, and Civil Service Commission of Oneida County for guidance and governing of the Oneida County Sheriff's Department and members thereof. The right is reserved under law, Chapter 63, Stats, to amend or revoke any of the rules or to make additional ones from time to time as the circumstances or the good of the service may require.

Whenever the Sheriff, Chief Deputy, or Civil Service Commission believes that a deputy has violated any of these Rules and Regulations, such deputy may be disciplined, suspended, demoted, or dismissed in accordance with Wisconsin Statutes and the General Code of Oneida County, Wisconsin.

The word "member" as used in the provisions of the department's rules and regulations shall be construed as meaning a person duly appointed as Deputy Sheriff pursuant to the Civil Service ordinance governing such appointments to the Oneida County Sheriff's Office.

## **RULES OF THE DEPARTMENT**

### **RULE 1 - DEPARTMENT WEAPONS**

The following rules govern department issued firearms, and these shall be adhered to at all times:

- 1) No assigned firearm will be allowed to be lying about the offices, garage, or squad cars. When not in use all weapons shall be kept in assigned secure storage.
- 2) Deputy Sheriff's are not authorized to possess firearms of any type into the cellblock sections of the county jail. The exception to this rule is in the event of emergency. i.e. such as a hostage situation, an attempted escape, or riot.
- 3) Department members, while on duty, shall be armed with the department approved service weapon and ammunition and a department approved holster. The exception to this would be a Department member assigned in a special operation, who has received proper training from the range officer, and written approval has been received from the Chief Deputy or Sheriff.
- 4) Department members shall be responsible for reasonable care while handling any department weapon or ammunition assigned to them. Any malfunction or insufficiency shall be reported to

the Range Officer. Department members shall not attempt to repair, take apart, or remove any screws, from any department owned weapon. Members are authorized to complete basic field stripping and cleaning that is performed under the direction of the range officer.

- 5) The department-issued service weapon is a SIG Sauer brand, .45 caliber, semi-automatic handgun – will be approved by the Sheriff.
- 6) Failure to comply with the department weapon rule will be considered a violation of the rules and regulations governing the department and violations shall be subject to disciplinary action.
- 7) Department members may be assigned to specialized duties that require the possession and use of special weapons. Department members are not authorized to utilize any specialized weapons until they have completed the required training in the use of these weapons.

## **RULE 2 - OFFICIAL UNIFORM OF THE DEPARTMENT**

The Sheriff shall prescribe the type of official uniform of the Oneida County Sheriff's Department and direct his commanding personnel to enforce compliance thereto. The Sheriff, may adopt such rules governing the official appearance of Deputy Sheriff's while on duty to promote safety, uniformity and neatness. Members shall not possess any unauthorized equipment while on duty. The Department recognizes all items identified in the most current labor agreement as items authorized for official duty. Members of the Department are required to seek approval for the use of any other uniform, equipment, or attachment to the uniform that is not contained on this list or described in this regulation

The following rules governing uniforms and equipment shall be adhered to:

- 1) The color of the official uniform shall be brown and tan.
- 2) The official uniform shall consist of:
  - A) Brown winter jacket
  - B) Inclement Weather Safety Jacket
  - C) Class A Uniform (brown long & short sleeve, tan trousers, tan tie)
  - D) Class B Uniform (brown BDU long sleeve & short sleeve, brown BDU pants)
  - E) Special Duty Polo shirt
  - F) Special Duty shorts
  - G) Traffic safety vest
  - H) Fur cap, black knit hat, Stetson type trooper hat, or approved baseball style cap
  - I) Black turtleneck
  - J) Black shoes, oxfords or boots with black socks
  - K) Black belt w/pants, Sam Brown Belt w/accessories
  - L) Brown Sweater
  - M) Snowmobile Jacket and Bibs (available as needed)
  - N) Nameplates (shirt and jacket), whistle w/lanyard, collar brass, and shirt and jacket badge.
- 3) Members assigned to patrol in uniform duty will wear the uniform reasonably pressed and neat and clean at all times. Members assigned to patrol shall keep shoes, oxfords or boots, belts, holster and other leather equipment reasonably clean and polished at all times. Members shall not appear in public, whether on duty or off duty, in partial uniform. Members are not allowed to enter premises holding a Class B License in uniform, while off-duty.

4) Members shall report for duty in the prescribed uniform at all times. The Department recognizes the concept of Community Oriented Policing, and allows members to appear in public in uniform and properly equipped (as described below). At all times, when on duty and in uniform, members must be equipped with all issued equipment, including the following:

- A) Fully functional service weapon, holster, 2 (two) extra magazines and ammunition.
- B) Badge and nameplates displayed on shirt and jacket.
- C) OC spray, Baton, Handcuffs and keys, Portable Radio, department issued body armor.

Plain-Clothes On-Duty members must be equipped with:

- A) Fully functional service weapon, ammunition and magazines.
- B) Badge and official department identification card (ID)
- C) Handcuffs, department body armor to be used consistent with the current policy and procedure.

5) Members assigned to civilian clothes shall be in such suitable attire as to present a conservative business like appearance. Exception to this would be Deputies that are assigned to undercover duties.

6) The assigned Lieutenant will issue directive(s) prescribing the "Uniform of the Day" for uniformed personnel, allowing for seasons, weather, special duties, and events.

7) Failure to comply with official uniform rule will be considered a violation of the rules and regulations governing the department and violations may subject members to disciplinary action.

## **REGULATIONS OF THE DEPARTMENT**

### **REGULATION 1**

Authority in the department shall be exercised with firmness, understanding and justice. Superior officers shall maintain their subordinates when they can do so consistently and avoid, so far as circumstances warrant, censoring them in the presence of others. Superior officers are forbidden to injure or discredit those under their authority by oppressive conduct or abusive or demeaning language.

### **REGULATION 2**

Lieutenants, Sergeants and Detective Sergeants coming in immediate and constant contact with the deputies shall familiarize themselves with all operations of the department and are expected to set examples of sobriety, discipline, energy, activity, courtesy, moderation, accuracy, and dignity in the discharge of their official duties.

### **REGULATION 3**

It shall be the duty of all members of the Sheriff's Department to be thoroughly familiar with and adhere to such provisions of the rules and regulations of the department which deal specifically and generally with the duties of their rank, grade and position. Members of the department shall be held responsible for the proper performance of the duties assigned them and for strict adherence on their part to the rules and regulations adopted from time to time for the government of the department.

### **REGULATION 4**

Members of the department shall, at all times within the boundaries of the county, preserve the public peace, prevent crime, detect and arrest violators of the law, protect life and property.

### **REGULATION 5**

Members of the department shall be held responsible for the proper performance of the duties assigned them and conform to and abide by the rules and regulations of the department, observe the laws and ordinances enforced in the County of Oneida and render their services to the county with zeal, courage, discretion, and fidelity. In the event that a violation is alleged, the Department member shall be afforded an opportunity to provide an explanation of the circumstances surrounding the violations, prior to any disciplinary action being considered

### **REGULATION 6**

Members of the department will have regular hours assigned to them for active duty each day, and when not so employed they shall be considered "off duty." They shall, however, be held to be always subject to duty although periodically relieved from the routine performance of it. They are always subject to orders from superior officers, and to call from civilians and the fact that they may be technically "off duty" shall not be held as relieving them of their responsibility of taking proper official action in any matter coming to their attention, at any time requiring such action, using their training and experience. Deputies will determine what action is appropriate.

In situations where injury or death is likely, the Deputy should take immediate action to prevent such injury or death if they can do so safely. In all other cases, the appropriate action would likely be to contact the appropriate authority.

### **REGULATION 7**

Members will not engage in any conduct that constitutes racial, ethnic, sexual orientation or gender harassment as herein defined. The term racial, ethnic, or gender harassment, within the context of Department employment, includes any action which may reasonably be interpreted as derogatory to a particular race, ethnicity, or gender and such conduct has the purpose or intent of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

### **REGULATION 8**

Members of the department shall report any changes in address or residence telephone number to the Sheriff or Chief Deputy within 24 hours of the change.

### **REGULATION 9**

Members of the department shall report to the Sheriff any change in their domestic status with reference to marriage, divorce or death of spouse.

## **REGULATION 10**

Members of the department are required to discharge their duties while maintaining control, and in times of extreme peril, using their training, they shall act together and assist and protect each other for the restoration of peace and order. However, at times disengagement / de-escalation may be appropriate. Whoever shirks from danger or responsibility may be deemed guilty of gross neglect of duty.

## **REGULATION 11**

Members of the department shall, when making arrests, traffic accident investigations, or any other enforcement action requiring joint effort and responsibility, act with complete assurance that each will know all the facts concerning their official action. All members of the department concerned in cases before the courts are to be punctual in attendance, and all shall appear in proper uniform, except those members who have been authorized to appear in appropriate business attire. They shall cooperate with the prosecutor to have the cases in which they are involved, properly prepared and the evidence to be used suitably arranged for presentation to the court. Members shall observe the utmost attention, courtesy, and respect toward the court, prosecutor, defense counsel and other witnesses at all times. When giving testimony, they shall provide accurate facts and speak calmly and explicitly in a clear, distinct and audible tone. Members shall not appear as witnesses in civil matters arising from situations encountered in performance of their duties without being subpoenaed by legal process.

## **REGULATION 12**

Upon the order of a supervisor or ranking officer, members shall truthfully answer all questions that are specifically related to the scope of employment and operations of the Department. Members are required to speak the truth at all times, when under oath and when making a public statement related to the Department. This regulation does not apply to members who are engaged in lawfully permitted law enforcement activities.

## **REGULATION 13**

Property or evidence that has been discovered, gathered or received in connection with departmental responsibilities will be processed in accordance with established departmental procedures.

## **REGULATION 14**

Members of the department shall, when taking persons into custody, file a completed report in a timely fashion. Members shall, if a conflict or difference of opinion arises between deputies involved in any action, consult, without fail, the commanding officer in charge.

## **REGULATION 15**

Courtesy and civility toward the public are demanded of all members of the department, and any conduct to the contrary will not be tolerated. Members, in their conduct, shall be civil and orderly and shall at all times be attentive and zealous in the discharge of their duties, controlling their tempers and exercising the utmost patience and discretion. They must at all times refrain from using coarse, violent, profane, or insolent language, but when required must act with firmness and sufficient energy to perform their duties.

## **REGULATION 16**

Members of the department shall familiarize themselves with the statutes, laws and regulations enforced in the County of Oneida and of which the Sheriff's Department takes cognizance.

Failure to take action respecting violations of such statutes, laws and regulations coming to their attention or about which they have knowledge will be deemed gross neglect of duty.

**REGULATION 17**

Members of the department while on duty must at all times be neat and clean in person and dress in conformity with the official uniform of the department. Uniforms becoming soiled or disarranged should be put in proper condition as soon as circumstances permit. Equipment should be examined and cleaned as often as necessary to keep in good serviceable condition.

**REGULATION 18**

Members of the department shall not recommend to any prisoner the employment of any person as attorney or counsel, or suggest the name of any lawyer or person to a prisoner with a view to their defense at any time. Nor shall they either directly or indirectly interfere or interest themselves in any manner whatsoever, the employment of any attorneys to aid any victim of an accident or injury.

**REGULATION 19**

Members of this department shall not take part or be concerned, either directly or indirectly, in making or negotiating any compromise or arrangement for any criminal or person who has suffered by his act, with a view of permitting such criminal or other person to escape the penalty of the law, except as may be provided by law. Nor shall they seek to obtain any continuance of any trial in court out of friendship for the defendant or otherwise interfere with the courts of justice. Members having knowledge concerning such compromise or arrangement, and failure to inform their superior officer, is a violation.

**REGULATION 20**

Members of the Department shall not publicly criticize the operations or personnel of the Department if such criticism clearly undermines the discipline, harmony or general efficiency of the Department. The Department recognizes that its members retain rights to expression of and freedom of speech granted by the Constitution, whether on or off-duty; however these rights do not allow for conduct which is disruptive to the function of the public's business. Generally, conduct prohibited by this regulation includes critical public statements or overt actions regarding specific employees, orders or operations, this includes abusive, frivolous or deliberately constructed false criticism of the Department or its members.

**REGULATION 21**

Members of the Department shall not speak derogatorily to other members of the Department regarding orders or instructions issues by supervisors. If such orders or instructions are inconsistent or unfair, however, members have the right and duty to appeal to higher authority or to grieve the matter, as appropriate.

**REGULATION 22**

Members of the Department shall not: Possess or use any controlled substance while on or off duty, except with the approval and guidance of a licensed physician; Report for duty under the influence of illegal drugs or alcohol to any degree or under the influence of any other drug that may cause impairment of the ability to perform their duties; Consume or possess alcoholic beverages of any kind while on duty except in the actual performance of duty; Be under the influence of alcohol, be unfit for duty due to the use of alcohol or have the odor of alcoholic beverage on their breath when reporting for or on duty; While off duty, consume alcoholic beverages while in official uniform or to the extent that their behavior would bring discredit upon themselves or the Department. (Refer to *Drug-Free Workplace*- Addendum 1)

### **REGULATION 23**

Members of the department shall treat as confidential all official business of the department. They shall not impart information to anyone except for those whom it is intended, or as directed by their commanding officer, or under due process of the law. They shall not make known to any persons, whether or not a member of the department, any special order which they may receive, unless required by the nature of the order.

### **REGULATION 24**

Members of the department shall communicate promptly to their immediate commanding supervisor all crimes, suicides, attempted suicides, fire, accidents, all important happenings, complaints, and information which the department takes cognizance, which may come to their attention. The commanding supervisors shall use the established chain of command to notify the Sheriff of matters of major importance. No member may withhold "tips" or department information with the view to personal achievement or for any other reason.

### **REGULATION 25**

The Sheriff, in the absence of the Sheriff, the Chief Deputy, or their designee, will impart current news to the press, providing the ends of justice are not thereby defeated. Members, while on duty, or off-duty and holding themselves out to represent the Department, shall not address public meetings, appear on radio or television, or release or divulge investigative information, without proper authority to represent the Department from the Sheriff or Chief Deputy.

### **REGULATION 26**

Members of the department shall not act so as to exhibit disrespect for a supervisor. Supervisors shall not act so as to exhibit disrespect for a subordinate employee. This includes making degrading comments about supervisors/subordinates or the mission, practices or policies of the Department. Members shall conduct themselves in such a manner that will foster cooperation among members of the department; showing respect, courtesy, and professionalism in all their dealings with one another.

### **REGULATION 27**

Members shall promptly obey any lawful orders of a supervisor. This will include orders relayed from a ranking supervisor by an employee of the same or lesser rank. Members shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as the legality of an order, members shall request the issuing member to clarify the order or request to confer with a higher authority.

### **REGULATION 28**

Under no circumstances shall members of the Department make public statements for publication concerning the plans, policies or affairs of the administration of the Sheriff's Department, unless authorized to do so by the Sheriff or Chief Deputy. This regulation does not prevent employees from removing or copying official public records or public departmental reports in accordance with established department procedures.

### **REGULATION 29**

Members of the department shall not engage in political activity that will conflict with federal or state law. Members will limit political activity to off duty hours and will, in no case, use official

authority or influence for the purpose of interfering with any election or nomination for office or affecting the outcome in any way.

### **REGULATION 30**

Members of the department shall be punctual in reporting for duty at their scheduled shift start time. They shall be prepared for immediate duty upon getting instructions from the commanding officer in charge. Habitual failure to report promptly at the time directed will be deemed neglect of duty.

### **REGULATION 31**

Members of the department shall not apply for any search warrant without the knowledge or approval of the Sheriff or Chief Deputy.

### **REGULATION 32**

Members of the department shall be incompetent bail for any person arrested, other than for individuals who are in the department members immediate family, shall in no case become bail for any person under arrest.

### **REGULATION 33**

When on duty, members of the department shall give their proper names and badge numbers in a respectful manner to any persons who may request the same. Department members who are assigned to properly authorized undercover activities may withhold their proper name and badge number for the performance of these law enforcement duties.

### **REGULATION 34**

Unless authorized by the Sheriff, members of the Department are not to use any concealed audio/video recording devices while on duty, off-duty on Department property, or off-duty and in their scope of employment. When authorized audio/video recordings are made, Department members are responsible to maintain these recordings under established Department evidence and/or public records procedures. This section does not prohibit members from exercising their statutory rights on matters that do not involve the Department or matters that are not related to the member's scope of employment.

### **REGULATION 35**

Members of the department shall be responsible for the proper care of all department property. Members of the department who have property assigned to them, for their use or keeping, will immediately report to their commanding officer the loss of, damage to or unserviceable condition of such property and return any issued property upon request. Members shall not abuse, negligently damage or negligently lose departmental property.

### **REGULATION 36**

Any member of the department feeling aggrieved at the treatment or orders of a superior officer, or any member wishing to call attention to any matter of official business or neglect of duty or to make suggestions for the improvement of the service have the right and duty to communicate to the Lieutenant, Chief Deputy, or Sheriff and set forth all relevant facts, or to grieve the matter as appropriate.

### **REGULATION 37**

Whenever a complaint is made by a person, and this person has requested confidentiality pursuant to law, the department member may not under any circumstances reveal the name of the confidential complainant to any person outside the department. The exception to this would be under due process of law. Department members would be authorized to communicate the circumstance of the receipt of this information to the District Attorney for the review of the confidentiality under existing statute.

### **REGULATION 38**

No member of the department shall make, or knowingly cause to be made, false official reports.

### **REGULATION 39**

No department vehicle shall be used by any member of the department while off duty unless as authorized by the Sheriff or Chief Deputy. Employees shall not use their private vehicles or equipment for official purposes unless directed or authorized.

### **REGULATION 40**

Members of the department shall as soon as practical report to their commanding officer any accident with any department motor vehicle operated by them or in their charge. Prior to the completion of the duty shift, written reports shall be made by members involved in the accident, if medically capable. This report and notification shall be made through the established chain of command.

### **REGULATION 41**

Members of the department who may have occasion to inquire as to the duties assigned to them shall seek such information through the established chain of command. Members shall not seek information related to their duties from any source outside of the department, unless they are so authorized or directed. Department members are specifically authorized to discuss their assignments and duties when attending department authorized training. This regulation also specifically recognizes a members' right to discuss their duties in matters related to collective bargaining.

### **REGULATION 42**

Sleeping while on active duty is prohibited. If unable to remain awake while on duty, they shall report to their supervisor, who shall determine the proper course of action.

### **REGULATION 43**

Invoices for expenses, necessarily incurred by members of the department in connection with official duties shall be submitted promptly through the established chain of command.

### **REGULATION 44**

Whenever any member of the department separates from employment with this department, all property belonging to the department shall be surrendered as directed to the Sheriff or Chief Deputy.

#### **REGULATION 45**

As part of their assigned duties, Department members shall read the daily shift and briefing reports on each day that they report to work. If practical, these reports shall be read at the beginning of the shift.

#### **REGULATION 46**

Members of the department, when using vehicles of the department on their tour of duty shall check such vehicles to ascertain that the required equipment is available. Department members shall insure that such vehicle is in safe operating condition and any deficiencies in these vehicles shall be reported in writing.

#### **REGULATION 47**

Members of the department shall not recommend doctors, lawyers or garages to the public. In auto accident investigations or assignments, no preference shall be given to a particular garage. Members shall ascertain the desires of the driver or owner and implement, if feasible. However, maintenance of traffic flow and public safety shall have priority.

#### **REGULATION 48**

Members of the department conveying prisoners or violators to the county jail shall not leave the jail until the subject has been accepted as an inmate by the corrections officer(s). Department members shall assist the corrections officer with all examinations or other necessary duties that may be requested during the prisoner booking process.

#### **REGULATION 49**

Department members shall, when off duty in Oneida County, be alert to any situation that involves the risk of property damage or personal injury. The department member should not delay in calling for assistance, giving all information relative to the situation and provide information as a witness to the incident, until the responding agency arrives. This rule is not to be construed as limiting an off duty officer's authority to take appropriate action.

#### **REGULATION 50**

~~Each member of the Sheriff's Department shall reside in Oneida County or within forty (40) miles of the Oneida County Courthouse,~~ Each member shall reside within Oneida County or within 15 miles of Oneida County jurisdictional boundaries, and the member shall establish such residence within ninety (90) days of such appointment. All members of the Department must be prepared to act immediately on notice that their services are required.

#### **REGULATION 51**

Members of the department, prior to accepting or undertaking any employment, shall furnish the Sheriff or Chief Deputy a statement setting forth name of employer, self-employment, hours or employment, and type of work. No member may be engaged in any part-time employment that will interfere with his/her efficiency or availability for duty, nor the health, safety or welfare of the public.

#### **REGULATION 52**

Department members shall not solicit contributions, collect or receive money, gratuities, property, or other things of value from the public for personal or departmental purposes, without the

approval of the Sheriff or Chief Deputy. Any approved solicitation must be consistent with applicable state law. This shall not be construed to prohibit Department members from carrying out their lawful duties.

### **REGULATION 53**

No civil action, that is a result from an act within the Department member's scope of employment, may be initiated without first submitting a detailed report of the matter in writing to the Sheriff or Chief Deputy.

### **REGULATION 54**

Members of the department are prohibited from knowingly joining or participating in any organization that advocates, initiates, or supports criminal acts or conspiracies.

### **REGULATION 55**

Members of the Department will not engage in any conduct that constitutes sexual harassment as herein defined. The term sexual harassment, within the context of Department employment includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### **REGULATION 56**

Department members shall use all Information Technology Resources and equipment consistent with established Department procedure. Department members shall not use Information Technology Resources in such a manner that is illegal, would conflict with the Department's Policy and Procedures, or in a manner that would create a perception of impropriety for the law enforcement profession.

For purposes of this section, Information Technology Resources shall include, but not be limited, by delineation herein, to any computer, hardware, software, any other peripheral device, mobile laptop, cell phones, fax machines or any other communications device, under the control or direction of Oneida County or its agents.

Department members shall not install hardware or software, or otherwise modify Information Technology Resources unless authorized to do so or having obtained prior approval through the appropriate chain of command.

The Department recognizes that Department members may have a need to use Information Technology Resources for personal use. Personal use shall not be excessive or used to the extent where it may be considered as neglect of duty.

The Department reserves the right, as is reasonably necessary, to search, review, audit, intercept, or access Department member's information technology resources. Department members shall not have any expectation of privacy relative to the use of Department Information Technology Resources.

Unacceptable uses of information technology resources include, but are not limited by delineation to:

- a. Unauthorized use.

- b. Illegal use.
- c. Intentionally transmitting threatening, abusive, obscene, lewd, profane or harassing material or material which suggests any lewd or lascivious act, except during the course of an official investigation.
- d. Intentionally preventing or attempting to prevent the disclosure of the user's identity to frighten, intimidate, abuse or harass another person.
- e. Transmittals, which would constitute a violation of Department procedure relative to the release of information.
- f. Disruption of network services, e.g. distributing a computer virus.
- g. Interception or alteration of networks.
- h. Use of another's identity and password for access to information resources technology without proper authorization, except under exigent circumstances.
- i. Attempt to evade, disable or "crack" password or other system security provisions.
- j. Use in commercial ventures, personal gain, religious or political causes or other non-job related solicitations.
- k. Playing computer games while on duty.

### **CHARGES AND SUSPENSION**

Any member of the Oneida County Sheriff's Office may be disciplined, suspended, demoted or dismissed in accordance with Chapter 59.26(8)(b) of the Wisconsin Statutes when charged with any of the following offenses:

- a. Commission of a crime under any law.
- b. Intoxication or unauthorized drinking intoxicants on active duty.
- c. Insubordination.
- d. Willful neglect of duty.
- e. Willful neglect or disobedience of any order or department rule.
- f. Absence from duty without leave.
- g. Conduct unbecoming an officer or detrimental to the service.
- h. General inefficiency and incompetence.
- i. Communicating information on criminal or civil investigations outside of the department without permission.
- j. Making a false official statement or entry in official records.
- k. Willful mistreatment of a prisoner.
- l. Sleeping while on active duty.
- m. Uncleanliness in person or dress on active duty.
- n. Destructive criticism of departmental orders to the outside public.

- o. Refusing to give identification when requested.
- p. Failure to report any department member known to be engaged in criminal activities.
- q. Misuse or unauthorized use of departmental equipment.
- r. Any other act or omission contrary to good order and discipline or constituting a violation of any of the provisions of the Rules and Regulations of the Department.

**EFFICIENCY RECORDS**

A record will be kept in the Sheriff's office by the Civil Service Commission as to the efficiency and conduct of each member of the department in accordance with the Rules and Regulations of the Oneida County Sheriff's Office. The Sheriff, Chief Deputy and Civil Service Commission will consult such records in considering promotions and discipline. Department members will be permitted to review their efficiency rating upon application. Department members who find they have low efficiency ratings may consult with their superiors to determine how their ratings may be improved

**ADDENDUM 1**

***DRUG FREE WORK PLACE POLICY***

Members of the department shall adhere to the Drug Free Work Place policy as approved by the Oneida County Board by Resolution dated August 18th, 1992 with appendix A & B as it pertains to the ONEIDA COUNTY SHERIFF'S DEPARTMENT and any amendment thereto, all of which are incorporated by reference as if fully set forth herein.

Revd 11-12-12

**ROLL CALL VOTE:** 20 Ayes, 0 Nays, 1 Absent - Oettinger

**STUDENT REPRESENTATIVE:** 1 Aye

**RESOLUTION #42-2014:** - adopted

**RESOLUTION #43-2014-GENERAL CODE OF ONEIDA COUNTY, WISCONSIN  
ORDINANCE AMENDMENT #1-2014**

Ordinance Amendment offered by the Planning and Development Committee  
Resolved by the Board of Supervisors on Oneida County, Wisconsin

**WHEREAS**, the Planning & Development Committee, having considered Ordinance Amendment #1-2014, (copy attached) which was filed January 29, 2014 (copy attached) to amend The Oneida County Non-metallic Mining Reclamation Ordinance, of the General Code of Oneida County, and having given notice thereof as provided by law and having held a public hearing thereon February 19, 2014, and having been informed of the facts pertinent to the changes which are as follows:

**WHEREAS**, the Oneida County Planning and Zoning Department administers Chapter 22, Non-metallic Mining Reclamation; and

**WHEREAS**, the Wisconsin Department of Natural Resources (WDNR) has oversight authority on the Administration of a Non-metallic mining reclamation Ordinance; and

**WHEREAS**, the WDNR conducted an audit of Oneida County's Non-metallic Mining Reclamation Ordinance and program; and

**WHEREAS**, the WDNR requested changes to Chapter 22, Non-metallic Mining Reclamation; and

**WHEREAS**, the Planning and Development Committee held a public hearing and no one appeared in favor of or opposition to the proposed change. The Planning and Development Committee recommends passage; and

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

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

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

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

Section 4. Chapter 22 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

Sections 22.01 – 22.05 remain unchanged.

Section 22.06 (1) **FINANCIAL ASSURANCE REQUIREMENTS.** (Am. #51-2002; Am. #23-2006). All operators of nonmetallic mining sites in Oneida County shall prepare and submit a proof of financial assurance of successful reclamation that meets the requirements of §135.40, Wis. Adm. Code. Bonding or escrow account requirements for reclamation financial assurances shall be ~~\$1,000.00 per acre for sites with sufficient topsoil on site and \$4,000.00 per acre for sites with no topsoil on site. For sites with less than sufficient topsoil reserves available, a pro-rated level of financial assurance, as determined by the County, shall be required.~~ equal as closely as possible the cost to Oneida County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurances shall be reviewed periodically by Oneida County to assure it equals outstanding reclamation costs.

Sections 22.07 – 22.09 remain unchanged.

Section 22.10 (2) **PROCEDURES.** The operator of a nonmetallic mining site requesting an alternate requirement in subsection (1) shall demonstrate all the criteria in §NR 135.26(1), Wis. Adm. Code. This shall be submitted in writing to the Oneida County Planning and Zoning Administrator. Only the Oneida County Planning and ~~Zoning~~ Development Committee shall have authority to grant approvals of such requests by majority vote using the criteria set forth in §NR 135.26(1), Wis. Adm. Code. The decision of the Committee will be appealable to the Board of Adjustment. Such appeal must be made within 30 days of receipt of the Committee's decision.

Section 22.11 – 22.13 remain unchanged.

Section 22.14 (2) **AT THE OPERATOR'S OPTION.** If operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the Oneida County ~~Solid Waste~~ Planning and Zoning Department. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

Section 22.15 (2) **PROCEDURES** (AM. #54.2007). If Oneida County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in ~~§22.16(5)~~ DNR 135.25 it may issue a special order suspending or revoking such permit as set forth in §22.22(3).

(3) **CONSEQUENCES.** The consequences of ~~a~~ a reclamation permit suspension or revocation order under subsection (2) shall be as set forth in §NR 135.25(2) and (3), Wis. Adm. Code.

Section 22.16 remains unchanged.

**Section 22.17 PLAN REVIEW FEES.**

**(1) AMOUNT AND APPLICABILITY.**

1<sup>st</sup> paragraph remains unchanged.

2<sup>nd</sup> paragraph changes as follows:

Any operator starting a nonmetallic mine after August 1, 2001, will be required to have an approved nonmetallic mine reclamation plan, to include proof of financial assurance, in place prior to beginning operation. ~~Fees will be assessed as follows:~~

~~1-5 acres: \$600~~

~~6-15 acres: \$750~~

~~Greater than 15 acres: \$900~~

Fees will be periodically designated by the County Board to equal as closely as possible the County's cost for review of reclamation plans.

Section 22.18 (5) Annual nonmetallic mine permit fees ~~are~~ will be periodically designated by the County Board to equal as closely as possible the County's cost to administer Chapter 22, Non-Metallic Mining Reclamation.

~~Inactive mines \$30~~

~~1-5 acres: \$100~~

~~6-15 acres: \$250~~

~~Greater than 15 acres: \$500~~

Sections 22.19 – 22.22 remain unchanged.

**THEREFORE BE IT FURTHER RESOLVED**, The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment 1-2014 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Department of Natural Resources and each Oneida County Town Clerk.

Approved by the Planning and Development Committee this 16th day of April, 2014.

Offered and passage moved by Supervisors: Holewinski, Sorensen, Hintz, Fried and Timmons.

**ROLL CALL VOTE:** 20 Ayes, 0 Nays, 1 Absent - Oettinger

**STUDENT REPRESENTATIVE:** 1 Aye

**RESOLUTION # 43-2014/GENERAL CODE O/A:** - Enacted

**RESOLUTION #44-2014**

Resolution offered by the Supervisors of the Planning and Development Committee.

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

**WHEREAS**, the Oneida County Board of Supervisors passed Resolution #1-2014 on May 19, 2014 adopting a revised Chapter 22, Nonmetallic Mining Reclamation Ordinance; and

**WHEREAS**, the Oneida County Planning and Zoning Department has the responsibility to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Oneida County and implement the uniform statewide standards for such nonmetallic mining; and

**WHEREAS**, Chapter 22 has been modified to exclude the fees associated with the review of reclamation plans and the annual costs for administration of the nonmetallic mines in Oneida County; and

**WHEREAS**, the Oneida County Planning and Development Committee recommends a fee schedule be written to reflect the fees charged to administer Chapter 22; and  
**NOW, THEREFORE, BE IT RESOLVED**, the Oneida County Board of Supervisors adopts the attached fee schedule effective the day after passage and publication as required by law.

Offered and passage moved by Supervisors: Holewinski, Sorensen, Hintz, Fried and Timmons.

## **CHAPTER 22 – NONMETALLIC MINING RECLAMATION NONMETALLIC MINING FEE SCHEDULE**

Section 22.17 – Plan Review Fees. Any operator starting a nonmetallic mine after August 1, 2001 will be required to have an approved nonmetallic mine reclamation plan, to include proof of financial assurance, in place prior to beginning of operation. Fees will be assessed as follows:

1 – 5 acres: \$600.00  
6 – 15 acres: \$750.00  
Greater than 15 acres: \$900.00

Section 22.18 – Annual Nonmetallic mine permit fees paid to Oneida County. Operators of all nonmetallic mining sites subject to reclamation permits issued under Chapter 22 are subject to annual fees. Fees paid shall include both a share for the Wisconsin Department of Natural Resources and a share for Oneida County that equals as closely as possible the costs of examination and approval on nonmetallic mining reclamation plans and the inspection of the nonmetallic mining reclamation sites. The fees are as follows:

Inactive mines: \$30.00  
1 – 5 acres: \$100.00  
6 – 15 acres: \$250.00  
Greater than 15 acres: \$500.00

**ROLL CALL VOTE:** 20 Ayes, 0 Nays, 1 Absent - Oettinger

**STUDENT REPRESENTATIVE:** 1 Aye

**RESOLUTION #44-2014:** - adopted

### **RESOLUTION #45-2014 - GENERAL CODE OF ONEIDA COUNTY, WISCONSIN ORDINANCE AMENDMENT #**

Ordinance Amendment offered by Administration Committee

**WHEREAS**, County Code requires that County Board meetings be held on the third Tuesday of the month; and

**WHEREAS**, every year the Wisconsin County Association (WCA) holds its Annual Conference in September; and

**WHEREAS**, it is possible for the WCA Annual Conference to conflict with schedule for the County Board meetings; and

**WHEREAS**, the WCA Annual Conference is an important meeting for Oneida County Board Supervisors and Supervisors should not have to choose between the attending the WCA Annual Conference and the September County Board Meeting.

**WHEREAS**, Oneida County should amend its rules of procedure and hold the September County Board Meeting on the fourth Tuesday of the month if the WCA Annual Conference is on the third Tuesday of the month.

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

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

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

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

Section 4. Section 2.16 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**2.16 RULE 16: MEETINGS OF THE BOARD AND COMMITTEES.**

- (1) DATE OF MEETING. (Am. #24-90; #61-2002; Am. Res. #20-2009)  
Except as provided in sub. (3), below, the Board shall meet in the County Courthouse in regular meetings on the following dates and shall be in session until adjourned:
- (a) The 3rd Tuesday in January.
  - (b) The 3rd Tuesday in February.
  - (c) The 3rd Tuesday in March.
  - (d) The 3rd Tuesday in April (organizational meeting).
  - (e) The 3rd Tuesday in May.
  - (f) The 3rd Tuesday in June.
  - (g) The 3rd Tuesday in August.
  - (h) The 3rd Tuesday in September. However, if the WCA Annual Conference is scheduled for the 3<sup>rd</sup> Tuesday of the month, the County Board meeting shall be held on the 4<sup>th</sup> Tuesday of the month.
  - (i) The 3rd Tuesday in October.
  - (j) The 1st Tuesday following the second Monday in November (annual meeting). (Am. #133-99)

[The remainder of Section 2.16 remains unchanged]

Offered and passage moved by Supervisors: Hintz, Cushing, Jensen and Paszak.

**ROLL CALL VOTE:** 20 Ayes, 0 Nays, 1 Absent - Oettinger

**STUDENT REPRESENTATIVE:** 1 Aye

**RESOLUTION #45-2014-GENERAL CODE O/A:** - enacted.

**RESOLUTION #46-2014 - GENERAL CODE OF ONEIDA COUNTY, WISCONSIN  
ORDINANCE AMENDMENT #**

Ordinance Amendment offered by Supervisor Jack Sorensen,

**WHEREAS**, currently all County Board meetings are held at 9:30 a.m. pursuant to the Oneida County Code; and

**WHEREAS**, Committees of the Oneida County Board are not required to hold meetings at any specified time, most meetings of the Committees are held during the hours that the Courthouse is open for business; and

**WHEREAS**, more people in Oneida County could run for the position of County Board Supervisor or attend meetings of the County Board or the Committees if meetings were held at night;

**WHEREAS**, the County Board was previously provided with a petition, signed by local residents, requesting that County Board and Committee meetings be held in the evening hours.

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

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

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

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

Section 4. Sections 2.16 and 2.31 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**2.16 RULE 16: MEETINGS OF THE BOARD AND COMMITTEES.**

- (1) DATE OF MEETING. (Am. #24-90; #61-2002; Am. Res. #20-2009) Except as provided in sub. (3), below, the Board shall meet in the County Courthouse in regular meetings on the following dates and shall be in session until adjourned:
  - (a) The 3rd Tuesday in January.
  - (b) The 3rd Tuesday in February.
  - (c) The 3rd Tuesday in March.
  - (d) The 3rd Tuesday in April (organizational meeting).
  - (e) The 3rd Tuesday in May.
  - (f) The 3rd Tuesday in June.
  - (g) The 3rd Tuesday in August.
  - (h) The 3rd Tuesday in September.
  - (i) The 3rd Tuesday in October.
  - (j) The 1st Tuesday following the second Monday in November (annual meeting). (Am. #133-99)
- (2) HOUR OF MEETING. Except as provided in sub. (3), below, the starting time for all regular meetings of the County Board will be ~~9:30 a.m.~~ 4:00 p.m. unless otherwise specified by the County Board. ~~The time of reconvening after lunch shall be 1:30 p.m., and~~ unless otherwise ordered, the Board shall recess at 11:00 p.m. until 9:30 a.m. the next day. The Board may, by majority vote upon the adjourning motion, set the hour of reconvening of the Board. (Am. Res. #45-2013)
- (3) BOARD MEETINGS AT COUNTY LOCATIONS OTHER THAN COURTHOUSE. (Am. Res. #92-2009) The Board may schedule regular meetings at locations in the County other than the Courthouse if it is determined that a change of location would be in the best interest of the Board. A proposed change of location shall be approved not less than 30 days before the scheduled meeting date. An explanation shall be set forth in the notice of the meeting and the place of the same shall be readily accessible to the public and members of the news media who wish to attend.
- (4) RECORDS OF MEETINGS. Accurate copies of all notices of meetings and minutes of meetings shall be promptly filed in the County Clerk's office.

**2.31 RULES GOVERNING COUNTY BOARD COMMITTEES, BOARDS AND COMMISSIONS. (Rep. & recr. #55-2011)**

[Sections 2.31(1) – (7) remain unchanged]

(8) Committee meetings shall be commenced no earlier than 4:00 p.m. This rule applies only to Committees of the County Board that have a majority of members that are County Board Supervisors. The Administration Committee may schedule the annual budget hearings before 4:00 p.m.

Offered and passage moved by Supervisor Jack Sorensen  
Seconded by: Supervisor Alex Young

**Oneida County  
Fiscal Impact of Night Meetings**

The fiscal impact of night meetings is currently unknown. The following information needs to be considered.

Salaried employees will not incur additional costs in salary for meeting attendance outside of regular business hours.

Hourly employees must be compensated in pay or comp time earned for time worked.

Department Heads have the ability to flex an hourly employee's work hours, within limits, without incurring additional costs

- o To avoid incurring additional costs time worked may be flexed within the pay period as long as no individual week exceeds 40 hours worked.

For hourly employees time worked in excess of their normally scheduled hours are earned at straight time unless the hours exceed 40 hours worked in a week. Over 40 hours worked in a week must be compensated at time and one half.

Calculation of the fiscal impact of night meetings is dependent on the department's capacity to flex hours during regular business hours for hourly employees.

**Second on Resolution #46-2014 General Code O/A:** - Supervisor Young.

Supervisor Sorensen explained his Resolution stating his intent at evening meetings is to allow more people of a younger age group to become members of the County Board. Discussion took place regarding Resolution #46-2014 General Code O/A.

**MOTION/SECOND: Mott/VanRaalte** to amend Resolution #46-2014 General Code O/A by having evening meetings on a trial basis and for County Board meetings only if they start at 6:30 pm through December of this year. Committee meetings would remain at the discretion of the Chair and Committee. Also, have U.W. Extension do a survey asking the public if they would support the motion as stated by Supervisor Sorensen and would you run for office for County Supervisor if there were all evening meetings for County Board and other Committee meetings.

Brian Desmond stated what we have is an Ordinance Amendment and we are mixing a couple concepts together with what Supervisor Mott has proposed. Desmond stated we need a specific change to the language that is here. As far as the recommendations that U.W. Extension do a survey, how would this be put into ordinance language, because this is more of a Resolution type concern. Desmond questioned Supervisor Mott as to (Line 48 - 4:00 pm being changed to 6:30 pm, and lines 71 - 74 struck from the Resolution.) Supervisor Mott agreed and suggested we do this on a trial basis through December to see if we have an increase of people within this time. Desmond states that again this is more Resolution type material and that the County Board amend the Ordinance as suggested and then at the November meeting bring back a Resolution as is to whether or not to continue or to change it if it needs to be changed in that point in time.

Supervisor Sorensen stated he is "opposed to the amendment because it **essentially** "guts" my resolution". He would like it voted up or down.

More discussion took place on the motion.

**MOTION/SECOND: Holewinski/Timmons** to either defeat the motion on the floor or to table the existing Resolution and refer to a committee, (U.W. Extension Committee) for a survey and bring it back to the County Board in 4 Months (September).

Brian Desmond stated that the motion to table takes precedence over an amendment that is on the floor. Desmond asks if Supervisor Holewinski would like to table or to refer to a committee.

Supervisor Holewinski states his motion is to refer to a Committee with instructions to conduct a survey based on the Resolution that was presented and to refer to the U.W. Extension Committee and bring back in 4 months.

Tim Brown, Community Resource Development Agent, stated he feels he could develop a suitable survey and will do so, if instructed to do so. The survey should be completed in approximately 4 months.

Supervisor Sorensen states that he respects each persons view on this issue, but he feels its time we move committee meetings to evening meetings and remains opposed to sending it to U.W. Extension for a survey.

Bailey Nichols excused 11:04 am

**ROLL CALL VOTE ON MOTION TO REFER TO U.W. EXTENSION COMMITTEE:** 15  
Ayes, 5 Nays - VanRaalte, Sorensen, Ives, Fried and Freudenberg. 1 Absent - Oettinger.  
Motion passes.

**RESOLUTION #46-2014:** Resolution is referred to U.W. Extension Committee for a survey and will return to the County Board in 4 month, (September meeting).

**OTHER BUSINESS -**

**County Board Orientation Ideas:**

- Tour  
Chairman Hintz stated he received an email from Diane Jacobson, Dept. on Aging, regarding a tour conducted on the facilities of the County. She suggested they could use one of the Senior buses to conduct this tour and time it so any County Board members interested could have lunch and participate in the Senior meal on that day.
- Department Overview - would like Department Heads to come and give a brief update on their department. One or two at future County Board Meeting, approx. 15 minutes. There is a D.I.D (Department Informational Document) that departments are required to update and any Board member can pickup one.
- How closed meeting work – Brian Desmond could talk to County Board regarding the specifics of a closed meeting.
- How per diems work – Margie Sorenson, Finance Director, could make a brief presentation.

**The “Dam Plan”** - per request of Supervisor Jack Sorensen.

Supervisor Hintz stated there has been letters written to the editor on this subject and would like opinion's on this issue and any points of view: Supervisor Fried questioned why this item was put on a County Board agenda. Supervisor Fried asked if he could request this item be withdrawn from the agenda at this time and put on as a votable topic for this County Board with some materials about what it is specifically is about.

**MOTION/SECOND: Fried/Cushing** to take this item “The Dam Plan” off the agenda and bring it back with information on what the topic matter is.

Per Brian Desmond, it has to be a motion to table.

**MOTION/SECOND: Fried/Cushing** to table “The Dam Plan” until the next meeting.

Supervisor Fried asked to change the motion.

**MOTION/SECOND: Fried/Cushing** to table the Dam Plan item indefinitely.

Brian Desmond stated the motions are not debatable, not amendable and takes the majority to pass. Desmond stated that this should be postponed indefinitely which is a debatable motion.

Supervisor Fried stated he wants the motion tabled indefinitely. According to "Larmer's "A Guide to Parliamentary Procedure," there is not a motion to table indefinitely, only postpone indefinitely. Supervisor Fried corrected his motion to postpone indefinitely. This leaves the motion debatable.

Chairman Hintz stated the public can speak on the motion only, not The Dam Plan.

Supervisor Sorensen was asked to clarify his request to put the Dam Plan on the agenda. Supervisor Sorensen stated he wanted this item on the agenda to discuss dirty political campaigning and this occurred through the help of State Senator Tom Tiffany. Four supervisory districts at the last minute brought forth a piece of campaign literature that was purely fictitious and the height of negative campaigning. Supervisor Sorensen feels that such campaign tactics should be called out and that the County Board should say these tactics are not acceptable for campaigning. Discussion took place regarding the motion.

**Public Opinion on Motion:** Joel Knutson, Scott Eshelman, Karl Fate and Cheryl Andrist- against postponing the motion.

County Board Supervisors discussed the motion and voiced **their** opinions. Chairman Hintz states that the intent of including this on the agenda allowed people to speak freely. Also, Chairman Hintz stated he supports Supervisor Sorensen and feels if Supervisor Sorensen is satisfied with all the discussion, he also is satisfied. Supervisor Sorensen stated the intent of what he did by bringing this before this Committee for discussion has been met. He wishes to withdraw this item from the agenda.

Brian Desmond states we need to address the motion.

**ROLL CALL VOTE ON MOTION:** 14 Ayes, 3 Nays - Mott, Metropulos, Jensen, 3 Abstained- Krolczyk, VanRaalte & Freudenberg, 1 Absent - Oettinger. Motion passes and "The Dam Plan" is postponed indefinitely.

**ADJOURNMENT**

**MOTION/SECOND: Sorensen/Rudolph** to adjourn at: 12:05 pm. All "aye" on voice vote, motion carries.