

**REGULAR SESSION
of the
JACKSON COUNTY BOARD OF SUPERVISORS**

October 17, 2016

The Regular Session of the Jackson County Board of Supervisors was called to order at 5:30 P.M., on Monday, October 17, 2016, at the Jackson County Courthouse in the County Board Room by Chairman Ransom.

County Clerk, Kyle Deno, took roll call with all 19 members present.

The Pledge of Allegiance was given.

Supervisor Iverson led the County Board in a moment of reflection.

Chairman Ransom asked if there were any corrections or additions to the minutes of the previous meeting. Supervisor Hunter made a motion to approve the minutes. This was seconded by Supervisor Stevens. Voice vote was taken with 19 present voting Aye.

Supervisor Carney made a motion to temporarily suspend the rules and read the following Ordinance and Zoning Petition changes only one time. This was seconded by Supervisor Chrest. Voice vote was taken with 19 present voting Aye.

RESOLUTION NO. 42-10-2016

TO: HONORABLE COUNTY BOARD OF SUPERVISORS

RE: Ordinance Revision to Chapter 4 Personnel Policy required by the Department of Labor's Fair Labor Standards Act Final Rule,

WHEREAS, It is the intent of Jackson County to follow the Fair Labor Standards Act (FLSA) established by the Department of Labor (DOL) to clarify definitions of employment classifications regarding employees status and benefit eligibility; and

WHEREAS, The Department of Labor on May 18, 2016 issued the Final Rule to update the Federal Labor Standards Act regulations defining and delimiting the exemption for Executive, Administrative and Professional employees to take effect December 1, 2016; and

WHEREAS, The Final Rule focusses primarily on updating the salary and compensation levels needed for Executive, Administrative and Professional workers to be exempt; and

WHEREAS, The Final Rule sets the standard salary at the 40th percentile of earnings of full-time salaried workers in the lowest-wage Census Region, currently the South, which is \$913 per week or \$47,476 annually for a full-year worker; and

WHEREAS, The Final Rule is not changing any of the existing job duty requirements to qualify for exemption; and

WHEREAS, Chapter 4 requires the Fair Labor Standards position classification status to be changed only upon process of resolution approved through all proper committee levels; and

WHEREAS, language in Chapter 4 needs to be amended to accommodate the necessary changes to Chapter 4 (see attachment) required by the Department of Labor's Fair Labor Standard Act Final Rule, and

THEREFORE BE IT ORDAINED, the Honorable Jackson County Board of Supervisors ordains changes to Chapter 4 (see attachment); and

BE IT FURTHER RESOLVED, that changes to the Fair Labor Standards position classification status be made to all positions based on the standard salary set in the Final Rule; and

BE IT FURTHER RESOLVED this ordinance change will become effective November 18th, 2016.

Respectfully submitted by,

Jackson County Personnel
Bargaining Committee
s/Ray Ransom, Chairman
s/Jeff Amo, Vice Chairman
s/Ron Carney
s/John Chrest
Chuck Jensen
s/Roger Stevens
s/Karen Thayer

Jackson County Executive and
Finance Committee:
s/Ray Ransom, Chairman
s/Jeff Amo, 1st Vice Chairman
s/Ron Carney, 2nd Vice Chairman
s/Roger Stevens
s/Karen Thayer

4.02 (7) **HOURS OF WORK:** Add the following as the 4th paragraph.....13

Non-exempt hourly employees who are in a position which is classified exempt by the Fair Labor Standards Act (FLSA) duties test, but the position is classified as non-exempt due to the standard salary level set by the updated Fair Labor Standards Act (FLSA) Final Rule, will be allowed to continue to practice a floating 40 hour workweek with the approval of their immediate supervisor.

4.03 (1) (C) (1)

1. FLSA Exempt Employees (Salaried Staff): Add the word "Exempt" to the start of the second paragraph.

4.03 (1) (C) (2)

2. FLSA Non-exempt Employees (Hourly Staff) Add the following as the 2nd paragraph.....24

On November 18th, 2016, exempt employees who are in a position that is exempt for the FLSA duties test, but the position is classified as non-exempt due to the standard salary level set by the updated FLSA Final Rule, will receive pay at straight time for compensation banks which exceed 24 hours. If a Stay or

Injunction is issued regarding the DOL's Fair Labor Standards Act Final Rule, then this will not take effect until the Final Rule is in effect.

Supervisor Amo made a motion to adopt this resolution. This was seconded by Supervisor Chrest. Personnel Director, Diane Peterson was present for questions. Discussion took place. Voice vote was taken with 19 present voting Aye.

RESOLUTION 43-10-2016

RE: Ordinance Revisions for Chapter 3.01 Purchasing Policy and Procedure

WHEREAS, the Jackson County Board of Supervisors has deemed it necessary to amend Chapter 3.01 "Purchasing Policy and Procedure" in the Jackson County Code of Ordinance; and

WHEREAS, the policy changes will provide clear procedures for departments to purchasing, leasing or contracting goods and services.

NOW THEREFORE BE IT RESOLVED that Jackson County Board hereby ordains the Ordinance change to Chapter 3.01 be amended as follows: (See attachment)

Respectfully Submitted:
Executive and Finance Committee
s/Ray Ransom
s/Jeff Amo
s/Roger Stevens
s/Karen Thayer
s/Ron Carney

3.01 PURCHASING POLICY AND PROCEDURE

(1) PURPOSE:

- A. To establish a uniform procedure by which the departments or other units of Jackson County may purchase, lease or contract goods or services.
- B. To establish a procedure for Jackson County grant monies.

(2) DEFINITIONS:

- A. "EXPENDITURE" any purchase, lease, or contract for goods or services. Goods refers to one item individually or a number of the same items collectively with a value of \$500.00 or greater.
- B. "GRANT" a sum of money given by an individual, organization or government to Jackson County for a particular purpose.
- C. "QUOTE" a verifiable statement of current or market price.
- D. "RFP" a request for proposal. Procedure for comparing services or products based on specific criteria.

(3) CONFLICT OF INTEREST: Any County employee or official who identifies a conflict of interest shall disclose that conflict in writing to the Corporation Counsel and remove themselves from the procurement process.

- (4) PROCEDURES: The following procedures shall be followed by departments when purchasing, leasing or contracting for goods or services on behalf of Jackson County using non-federal grant monies.
- A. BUDGETED EXPENDITURES. For any Expenditure that is specifically listed within the department's approved current year financial budget, the appropriate department head shall obtain quotes in the following manner:
 - 1. For any Expenditure up to \$5,000.00 it is recommended that two or more written competitive quotes (if available) be obtained on the goods or services. The department's oversight committee shall review and approve the final invoice or voucher for payment.
 - 2. Any Expenditure of \$5,000.00 to \$15,000.00 shall require three or more written competitive quotes (if available) on the goods or services and must receive prior approval by the department's oversight committee. If the oversight committee chooses a quote that is not the lowest quote, a complete explanation shall be made in the minutes of the oversight committee.
 - 3. Any Expenditure exceeding \$15,000.00 shall require four or more written competitive quotes (if available) on the goods or services and must receive prior approval by the department's oversight committee. The oversight committee in cooperation with the department head will select which quote to accept. If the oversight committee chooses a quote that is not the lowest quote, a complete explanation shall be made in the minutes of the oversight committee.
 - B. UNBUDGETED EXPENDITURES WITH FUNDS. Any Expenditure not listed in the department's budget where funds are contained within the department's budget must have prior approval from the department's oversight committee.
 - C. UNBUDGETED EXPENDITURES WITH NO FUNDS. Any Expenditure not listed in the department's budget where funds are not contained within the department's budget must have prior approval from the County Board of Supervisors. In the case of an emergency, the department head or designee shall consult with the County Board Chairperson or designee for approval.
 - D. Expenditures made from state bids or other government or government consortium bids must follow the approval process set forth in this procedure.
 - E. RFP. When acquiring professional services, the governing committee of any department may direct the department head to use the RFP process in place of the procedures set forth in Sections 3.01 (4) (A).
- (5) GRANTS. If County funds are to be used by a department in obtaining or engaging in any Grant, the department's oversight committee must first give approval. If matching County funds are required from outside the department's budget the County Board of Supervisors must first approve the Grant and fund transfer. Grants which are anticipated to commit the County and County funds to future programs beyond the term of the Grant must first be approved by the County Board of Supervisors. Unless specifically prohibited by the granting

authority, Grants must be administered through a written contractual agreement between the County and the party providing the service.

The department head shall be responsible and ensure that all purchases made with Grant funds comply with the terms and conditions of the Grant and this procedure. If the requirements of the Grant conflict with this procedure, the department head may suspend the provisions of this policy that conflict with the Grant for the duration of the specific Grant.

Uniform Grant Guidance issued by the Federal Office of Management and Budget (OMB) outlined the following procurement standards for all dollars applied to federal Grant programs and these guidelines shall be used for all purchases:

A. MICRO PURCHASES (Items less than \$3,000).

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold of \$3,000. (2 CFR §200.67 Micro-purchase). To the extent practicable, the County must distribute micro-purchases equitably among the qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the department head considers the price to be reasonable.

B. SMALL PURCHASES (Items between \$3,000 and \$150,000).

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that cost between \$3,000 and \$150,000. If small purchase procedures are used, price or rate quotations must be obtained from a minimum of two qualified sources.

C. LARGE PURCHASES BY SEALED BID (Items greater than \$150,000). The sealed bid method is the preferred method for procuring construction if sealed bidding is feasible. Note that a federally funded public works project shall follow the lower dollar threshold requirements of Wisconsin Statutes 66.0901 and 59.52(29) outlined in the public works projects section below. Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

1. In order for sealed bidding to be feasible, the following conditions should be present:
 - a. A complete, adequate and realistic specification or purchase description is available;
 - b. Two or more responsible bidders are willing and able to compete effectively for the business; and
 - c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
2. If sealed bids are used, the following requirements apply:

- a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised;
- b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- c. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- e. Any or all bids may be rejected if there is a sound documented reason.

D. LARGE PURCHASES BY COMPETITIVE PROPOSALS (Items greater than \$150,000) The technique of competitive proposals for other contracts greater than \$150,000 is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. Proposals must be solicited from an adequate number of qualified sources;
3. The County must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
5. The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms are a potential source to perform the proposed effort.

E. NONCOMPETITIVE PROPOSALS. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one

source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the County; or
4. After solicitation of a number of sources, competition is determined inadequate.

(6) PUBLIC WORKS PROJECTS. In accordance with Wisconsin Statutes 66.0901 and 59.52(29), public works contracts for construction, execution, repair, remodeling or improvement of a public work, building or for the furnishing of supplies or materials of any kind over \$25,000 shall be competitively bid and shall be awarded to the lowest responsible, responsive vendor without regard to the vendor's location. The County Board shall give a class 1 notice before it contracts for public works contracts estimated to have a cost between \$5,000 and \$25,000 or shall contract with a person qualified as a bidder under Wisconsin Statutes 66.0901(2).

(7) EXCLUSIONS. Certain Expenditures and county departments are not covered by this purchasing policy.

- A. Office and maintenance supplies, maintenance service agreements and repairs to office equipment that are in the budget are not covered by this procedure.
- B. The Jackson County Highway Department is not covered under this Procedure according to Wisconsin State Statutes Chapter 59. The Highway Department will follow procedures established in the Wisconsin State Statutes chapters 80, 83 and 86.
- C. In the event a County Declaration of Emergency is declared pursuant to Jackson County Ordinance 6.09, any Expenditure made by the head of emergency management services or his or her designee and any Expenditure made by the head of law enforcement or his or her designee are not covered by this procedure.

Supervisor Stevens made a motion to adopt this resolution. This was seconded by Supervisor Reid. Voice vote was taken with 19 present voting Aye.

**PETITION #2016-47
TOWN OF FRANKLIN**

REPORT OF THE ZONING COMMITTEE

TO THE JACKSON COUNTY BOARD OF SUPERVISORS:

The Jackson County Zoning Committee, having considered Petition #2016-47 to amend the Jackson County Zoning Ordinance filed by Michael R Olson on the day of June 22, 2016 to change the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the R-6 (Rural Residential) District.

On property located in the SE1/4-SE1/4, Section 9, T20N, R6W, Town of Franklin, Jackson County, WI. The request is to change 10 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the R-6 (Rural Residential) District for the construction of a single family home.

Located in the Town of Franklin, and having held public hearing thereon pursuant to Sec. 59.97(5)(e), Wis. Stats., notice thereof having been sent as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

That the zone change be Denied.

Dated this 18th day of July 2016.

JACKSON COUNTY ZONING COMMITTEE
BY: s/John Chrest, Chairman

Motion was made by Supervisor Chrest to deny this zone change. This was seconded by Supervisor Iverson. Voice Vote was taken with 19 present voting Aye.

**PETITION #2016-64
TOWN OF CLEVELAND**

REPORT OF THE ZONING COMMITTEE

TO THE JACKSON COUNTY BOARD OF SUPERVISORS:

The Jackson County Zoning Committee, having considered Petition #2016-64 to amend the Jackson County Zoning Ordinance filed by John Olson, owner and Chad Staniec, agent on the day of August 30, 2016 to change the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the R-2 (Residential) District on the following described lands:

On property known as Lot 1 of CSM 3935 located in the NW1/4-NE1/4, Section 17, T24N, R5W, Town of Cleveland, Jackson County, WI. The request is to change 4.21 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the R-2 (Residential) District for the construction of a single family home.

Located in the Town of Cleveland, and having held public hearing thereon pursuant to Sec. 59.97(5)(e), Wis. Stats., notice thereof having been sent as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

That the zone change be Approved.

Dated this 17th day of October 2016.

JACKSON COUNTY ZONING COMMITTEE
BY: s/John Chrest, Chairman

Motion was made by Supervisor Stoker to accept this zone change. This was seconded by Supervisor Staff. Voice Vote was taken with 19 present voting Aye.

**PETITION #2016-65
TOWN OF CLEVELAND**

REPORT OF THE ZONING COMMITTEE

TO THE JACKSON COUNTY BOARD OF SUPERVISORS:

The Jackson County Zoning Committee, having considered Petition #2016-65 to amend the Jackson County Zoning Ordinance filed by Roger Leque on the day of September 12, 2016 to change the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the R-2 (Residential) District on the following described lands:

On property known as Lot 1 of CSM 3373 located in the NW1/4-NE1/4, Section 12, T24N, R5W, Town of Cleveland, Jackson County, WI. The request is to change 1.5 acres of the Official Zoning Map from the A-2 (Forestry and Limited Agriculture) District to the R-2 (Residential) District for the construction of a single family home.

Located in the Town of Cleveland, and having held public hearing thereon pursuant to Sec. 59.97(5)(e), Wis. Stats., notice thereof having been sent as provided by law, and being duly informed of the facts pertinent to the changes proposed, and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

That the zone change be Approved.

Dated this 17th day of October 2016.

JACKSON COUNTY ZONING COMMITTEE
BY: s/John Chrest, Chairman

Motion was made by Supervisor Chrest to accept this zone change. This was seconded by Supervisor Carney. Voice Vote was taken with 19 present voting Aye.

Chairman Ransom asked County Clerk, Kyle Deno to give an overview of the proposed Budget for 2017. Discussion took place.

Supervisor Jensen made a motion to adjourn. This was seconded by Supervisor Stevens. All present voted Aye by voice vote. Meeting adjourned at 6:10 P.M.

