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Administrative Services Committee Agenda

DATE: Tuesday, May 12, 2020
TIME: 8:30 AM
PLACE: WebEx Meeting

The Administrative Services Committee will meet pursuant to Section 59 of the Wisconsin Statutes via WebEx, to transact any and all business as may properly come before said meeting. You, as a member, are requested to be present.

Any member of the public wishing to attend this meeting, can do so by calling **1-408-418-9388**. Once you dial the number, you will be asked to enter an access code. That number is **962 328 015**. Once you have entered the access code correctly, you will be prompted to enter your attendee ID. Call-in users can simply press the # key. Please note that all attendees will be muted and there will be no public participation.

Page

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ELECTION OF CHAIR**
- 4. ELECTION OF VICE CHAIR**
- 5. APPROVAL OF AGENDA**
- 6. APPROVAL OF MINUTES**

- 6.1. Minutes from the February 11, 2020 Meeting
[20200211 ADM SVCS MIN](#)

7. SUPERVISOR REPORTS

- 1. Reports of Official Meetings Held in Past Month
- 2. Upcoming Events

8. DEPARTMENTAL REPORTS

8.1. DEPARTMENT OF ADMINISTRATION

- 1. Building Projects update
- 2. Hiring update

8.2. COMMUNITY ECONOMIC DEVELOPMENT

- 1. Consider approval of the Calumet County Emergency Small Business Microloan RLF Program

8.3. FINANCE DEPARTMENT

- 1. Review and approve the resolution authorizing the addition of one Police School Liaison officer
- 2. Review and approve the resolution amending the 2020 budget to reflect the award of a \$25,000 drug trafficking response grant
- 3. Review and approve transfers to cover 2019 overdrawn accounts by less than 10% of their budget
- 4. Review and approve a resolution to cover 2019 overdrawn accounts by more than 10% of their budget
- 5. Review summary of litigation between Brown County and the Brown County Taxpayers Association on the imposition of the County Sales Tax
- 6. Investment Report(s) from February, March and April 2020

- [Resolution - PSL POSITION](#)
- [Drug Trafficking Grant RES](#)
- [2019 budget to actual comparison](#)
- [2020 Res Transfer of Funds over \\$20000](#)
- [Brown County Sales Tax Upheld](#)
- [INVESTMENT REPORT Feb 2020](#)
- [INVESTMENT REPORT Mar 2020](#)

8.4. TREASURER

- 1. Update on 2016 tax foreclosure process
- 2. Update on property previously acquired through tax foreclosure (N3503 Hwy. 55, T of Stockbridge)

9. NEXT REGULAR MEETING DATE

June 9, 2020 at 8:30 AM

10. ADJOURNMENT

So as not to disturb the meeting, all cell phones must be placed on vibrate, and all calls taken outside the meeting room.

Any person wishing to attend who, because of a disability, requires special accommodation, should contact the County Clerk's Office at (920) 849-1458 at least twenty four (24) hours before the scheduled meeting time so appropriate arrangements can be made.

This is a public meeting. As such, all members or a majority of the members of the County Board may be in attendance. While a majority of the County Board members, or the majority of any given County Board Committee, may be present only the above committee will take official action based on the agenda.



**Administrative Services Committee Meeting
Minutes**

Tuesday, February 11, 2020

The Administrative Services Committee of Calumet County was called to order on Tuesday, February 11, 2020, at 8:30 AM, in Room 017, Calumet County Courthouse, with the following members present:

1 ROLL CALL

Committee Members present: Chair Merlin Gentz; Supervisor Bill Barribeau; Supervisor Ronald Dietrich; Supervisor Patrick Laughrin; Supervisor Mary Schwalenberg; and Supervisor Tom Stoffel.

Committee Member Excused: Supervisor Pete Stier

Staff in attendance: Todd Romenesko, County Administrator; Dan De Bonis, Finance Director; John Anderson, Network Administrator; Matt Payette, Director of Planning, Zoning & Land Information; Kimberly Tenerelli, Corporation Counsel; Michelle Wright, Director of Human Resources; and Beth Hauser, County Clerk.

2 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3 APPROVAL OF AGENDA

Moved by Supervisor Barribeau and seconded by Supervisor Schwalenberg to approve the agenda as presented. Motion carried unanimously.

4 APPROVAL OF MINUTES

Moved by Supervisor Stoffel and seconded by Supervisor Schwalenberg to approve the Minutes of the January 14, 2020 Meeting as presented. Motion carried unanimously.

5 SUPERVISOR REPORTS

Supervisor Laughrin reported on the WCA Legislative Exchange.

Supervisor Dietrich reported that the libraries are now allowing electronic attendance (Skype, etc) at meetings.

6 FINANCE DEPARTMENT REPORT

- a) Dan reviewed the Annual Comment from Moody's Investor Service dated January 16, 2020 with the Committee.
- b) Dan reviewed the resolution authorizing 2019 continuing appropriations in the 2020 Budget with the Committee. **Moved** by Supervisor Dietrich and seconded by Supervisor Barribeau to approve the resolution and to forward it to the full County Board at its February meeting for approval. Motion carried unanimously.
- c) Dan reviewed the January 31, 2020 Investment Report with the Committee. Total County

Investments totaled \$35,818,000.71 and county sales tax collections in January totaled \$410,243.19.

7 DEPARTMENT OF ADMINISTRATION REPORT

a) Building Project Updates:

- Additional fill is being brought in for the jail project.
- Prep work is being done for the underground electric and plumbing.
- Upcoming meeting with the Samuels Group regarding coordination of information.
- There is a change order to the jail project to accommodate the new state mandated cell size of 7 feet. Todd will bring additional information to a future meeting.
- The State Street project in the City of Chilton will be starting in March. Sewer lines to the courthouse will be scoped while everything is dug up for the project and if there are concerns, they will be taken care of while the project is ongoing.
- There is continued concern about water pressure in the county buildings.
- 3rd floor remodeling - Air and heating ducts are being worked on currently. Work hours for construction have been shifted due to the high noise levels from construction.

b) Michelle Wright provided hiring updates to the Committee. The Hiring Report will be in the County Administrator's February Report to the County Board.

c) Review of Calumet County Strategic Plan for 2019 - Todd, Michelle Wright and Matt Payette reviewed the 2019 Summary of Accomplishments of the Calumet County Strategic Plan with the Committee and will also be shared at the February County Board Meeting. A copy of the Summary is in the file and made a part of the record.

8 CLOSED SESSION

At 9:18 A.M., **moved** by Supervisor Dietrich and seconded by Supervisor Barribeau to go into closed session pursuant to Section 19.85(1)(c) of the Wisconsin Statutes to review and discuss the performance evaluation data of the County Administrator, over which the committee has jurisdiction and exercises responsibility. Roll call vote was taken and motion carried unanimously.

9 NEXT REGULAR MEETING DATE

March 10, 2020 at 8:30 A.M.

10 ADJOURNMENT

Chair Gentz adjourned the meeting at 9:54 A.M.

RESOLUTION 2020-XX

RESOLUTION TO CREATE 1.0 FTE POLICE SCHOOL LIAISON OFFICER IN THE HILBERT AND STOCKBRIDGE SCHOOL DISTRICTS EFFECTIVE SEPTEMBER 1, 2020

Motion:	Adopted:	<input type="checkbox"/>
1 st _____	Lost:	<input type="checkbox"/>
2 nd _____	Tabled:	<input type="checkbox"/>
Yes: _____ No: _____	Absent:	<input type="checkbox"/>
Number of votes required:		
<input type="checkbox"/> Majority	<input checked="" type="checkbox"/> Two-thirds	
Reviewed by: Kimberly Tenerelli	Corp Counsel	

To the Honorable Chair and Board of Supervisors of Calumet County, Wisconsin:

WHEREAS, The Hilbert School District has requested that the Calumet County Sheriff's Office provide the school district with 28 hours a week of Police School Liaison coverage; and

WHEREAS, The Stockbridge School District has requested that the Calumet County Sheriff's Office provide the school district with 12 hours a week of Police School Liaison coverage; and

WHEREAS, The addition of the Police School Liaison will allow other deputies to attend to emergencies and call response to other areas of the County; and

WHEREAS, The purpose of the one (1.0) FTE Police School Liaison Officer is to assist in meeting the needs of the school districts, as well as the parents and children that attend these schools by conducting investigations, providing security at the school grounds and communicating other available resources to families when necessary; and

WHEREAS, The estimated cost of a new Police School Liaison Officer position for the calendar year is \$97,659 based on the average Calumet County Sheriff's Office deputies wage, including fringe benefits; and

WHEREAS, The one (1.0) Police School Liaison Officer position is contingent upon 75% of the funding being provided by the Hilbert and Stockbridge School Districts, estimated to be \$73,244.

NOW THEREFORE BE IT RESOLVED That the Calumet County Board of Supervisors herein assembled authorizes the creation of one (1.0) FTE Police School Liaison Officer in the Calumet County Sheriff's Office, effective September 1, 2020. The Finance Director is authorized to make the necessary adjustments to reflect the increase in revenues and expenditures to reflect the inclusion of this 75% funded position.

Dated this 19th day of May 2020.

	YES	NO	A
1 <u>BARRIBEAU</u>			
2 <u>BUDDE</u>			
3 <u>CONNORS</u>			
4 <u>DIETRICH</u>			
5 <u>DRAHEIM</u>			
6 <u>GENTZ</u>			
7 <u>HANDSCHKE</u>			
8 <u>HARTL</u>			
9 <u>HOFBERGER</u>			
10 <u>IRWIN</u>			
11 <u>KARTH</u>			
12 <u>KESLER</u>			
13 <u>KLECKNER</u>			
14 <u>MUELLER</u>			
15 <u>SCHUH</u>			
16 <u>SCHWALENBERG</u>			
17 <u>STIER</u>			
18 <u>STILLMAN</u>			
19 <u>STOFFEL</u>			
20 <u>VOIGHT-CONE</u>			
21 <u>WYNGAARD</u>			

**INTRODUCED BY THE PROTECTION OF
PERSONS & PROPERTY COMMITTEE**

Pete Stier

Alice Connors

Marilyn Schuh

Joe Mueller

Kenneth Irwin

**AND INTRODUCED BY
THE ADMINISTRATIVE SERVICES
COMMITTEE**

Merlin Gentz

Bill Barribeau

Ronald Dietrich

Mary Schwalenberg

Tom Stoffel

Pete Stier

Hope Karth

COUNTERSIGNED BY

Alice Connors, County Board Chair

RESOLUTION 2020-XX

RESOLUTION AUTHORIZING THE AMENDMENT OF THE 2019 BUDGET FOR THE AWARD OF THE DRUG TRAFFICKING RESPONSE GRANT

To the Honorable Chair and Board of Supervisors of Calumet County, Wisconsin:

WHEREAS, The Calumet County Sheriff's Office applied for and was subsequently awarded the State of Wisconsin Department of Justice Drug Trafficking Response grant; and

Motion:	Adopted: <input type="checkbox"/>
1 st _____	Lost: <input type="checkbox"/>
2 nd _____	Tabled: <input type="checkbox"/>
Yes: _____ No: _____	Absent: <input type="checkbox"/>
Number of votes required:	
<input type="checkbox"/> Majority	<input checked="" type="checkbox"/> Two-thirds
Reviewed by: _____	Kimberly Tenerelli Corp Counsel

WHEREAS, The grant provides the Calumet County Drug Task force funding to purchase an undercover vehicle to be used by task force member during the course of their drug investigations; and

WHEREAS, The addition of a dedicated specifically equipped vehicle will allow task force investigators to conduct more advanced thorough and safe investigations, helping reduce the flow of drugs into our communities.

NOW, THEREFORE, BE IT RESOLVED That the Calumet County Board of Supervisors hereby authorizes the Calumet County Board Chair to accept the Wisconsin Department of Justice Drug Trafficking Response grant.

BE IT FURTHER RESOLVED That the Finance Director be authorized to amend the 2020 budget to reflect the award of the drug trafficking response grant in the amount of \$25,000.

Dated this 19th day of May 2020.

INTRODUCED BY THE PROTECTION OF PERSONS & PROPERTY COMMITTEE

Pete Stier

Alice Connors

Marilyn Schuh

Joe Mueller

Kenneth Irwin

	YES	NO	A
1 BARRIBEAU			
2 BUDE			
3 CONNORS			
4 DIETRICH			
5 DRAHEIM			
6 GENTZ			
7 HANDSCHKE			
8 HARTL			
9 HOFBERGER			
10 IRWIN			
11 KARTH			
12 KESLER			
13 KLECKNER			
14 MUELLER			
15 SCHUH			
16 SCHWALENBERG			
17 STIER			
18 STILLMAN			
19 STOFFEL			
20 VOIGHT-CONE			
21 WYNGAARD			

**AND INTRODUCED BY
THE ADMINISTRATIVE SERVICES COMMITTEE**

Merlin Gentz

Bill Barribeau

Ronald Dietrich

Mary Schwalenberg

Tom Stoffel

Pete Stier

Hope Karth

COUNTERSIGNED BY

Alice Connors, County Board Chair

AGENDA ITEM #8.3.

Calumet County, Wisconsin
Analysis of 2019 Budget to Actual

	<u>2019 Original</u> <u>Adopted Budget</u>	<u>2019</u> <u>Amended Budget</u>	<u>2019</u> <u>Actuals</u>	<u>Budget</u> <u>Variance</u>
ESTIMATED REVENUES				
*GENERAL FUND				
FINANCE DEPARTMENT	\$1,582,663	\$1,582,663	\$2,852,228	\$1,269,565
INFORMATION SERVICES	60,000	60,000	65,586	5,586
COUNTY ADMINISTRATOR	-	369,998	8,854	(361,144)
CIRCUIT COURT	273,076	273,076	262,844	(10,232)
DISTRICT ATTORNEY	62,500	62,500	64,675	2,175
MEDICAL EXAMINER	10,000	10,000	6,025	(3,975)
CLERK	154,290	154,290	157,387	3,097
TREASURER	227,100	227,100	273,683	46,583
REGISTER OF DEEDS	383,000	383,000	397,359	14,359
VETERANS SERVICE	14,500	14,500	13,379	(1,121)
PLANNING, ZONING & LAND INFORMATION	205,734	205,734	252,952	47,218
PARKS	356,041	435,679	597,866	162,187
UNIVERSITY EXTENSION	5,630	5,630	2,018	(3,612)
LAND & WATER CONSERVATION	1,005,218	1,394,095	378,715	(1,015,380)
MAINTENANCE DEPARTMENT	36,116	36,116	35,443	(673)
SHERIFF'S DEPARTMENT	1,333,434	1,359,228	992,596	(366,632)
FUND TOTAL	5,709,302	6,573,609	6,361,610	(211,999)
HOME NURSING AND HOSPICE	2,145,658	2,145,658	2,466,697	321,039 **
HEALTH & HUMAN SERVICES	11,748,032	11,748,032	11,366,408	(381,624)
CHILDREN W/DISABILITIES BOARD	1,174,897	1,174,897	976,802	(198,095)
JAIL MAINTENANCE	20,000	20,000	18,778	(1,222)
LAND RECORDS	153,000	153,000	107,992	(45,008)
ECONOMIC DEVELOPMENT LOANS	86,922	223,922	164,664	(59,258)
COUNTY TRUNK HIGHWAYS	1,344,680	1,344,680	1,130,630	(214,050)
MICRO LOAN PROGRAM	-	-	37,649	37,649 **
COUNTY SALES TAX	2,695,902	3,577,795	4,073,899	496,104
DEBT SERVICE	-	-	787,596	787,596 **
COUNTY HIGHWAY OPERATIONS	6,280,252	7,407,123	6,921,220	(485,903)
WORKERS COMPENSATION	110,000	110,000	98,889	(11,111)
DOG LICENSE	19,429	19,429	17,805	(1,624)
LONG-TERM PROJECTS	1,521,266	35,021,266	17,034,519	(17,986,747)
REVENUE TOTAL	\$33,009,340	\$69,519,411	\$51,565,158	(17,954,253)
ESTIMATED EXPENDITURES				
*GENERAL FUND				
FINANCE DEPARTMENT	\$825,708	\$877,730	\$786,241	\$91,489
INFORMATION SERVICES	1,438,276	1,569,748	1,197,755	371,993
COUNTY ADMINISTRATOR	1,275,301	1,750,022	1,173,487	576,535
CIRCUIT COURT	739,679	745,436	757,096	(11,660) *
DISTRICT ATTORNEY	363,444	370,031	376,559	(6,528) *
MEDICAL EXAMINER	99,840	99,840	97,751	2,089
CLERK	1,012,264	1,012,264	989,488	22,776
TREASURER	253,464	255,372	263,311	(7,939) *
CORPORATION COUNSEL	326,230	327,268	297,609	29,659
REGISTER OF DEEDS	247,867	247,867	203,279	44,588

AGENDA ITEM #8.3.

Calumet County, Wisconsin
Analysis of 2019 Budget to Actual

	<u>2019 Original</u> <u>Adopted Budget</u>	<u>2019</u> <u>Amended Budget</u>	<u>2019</u> <u>Actuals</u>	<u>Budget</u> <u>Variance</u>
VETERANS SERVICE	157,452	162,033	137,549	24,484
PLANNING, ZONING & LAND INFORMATION	650,384	655,569	652,749	2,820
PARKS	1,092,539	1,201,823	1,133,093	68,730
UNIVERSITY EXTENSION	137,958	138,931	123,665	15,266
LAND & WATER CONSERVATION	1,351,056	1,754,720	760,761	993,959
FAMILY COURT COMMISSIONER	75,780	75,780	77,907	(2,127) *
MAINTENANCE DEPARTMENT	806,316	830,937	801,956	28,981
SHERIFF'S DEPARTMENT	8,265,194	8,340,138	7,562,784	777,354
FUND TOTAL	<u>19,118,752</u>	<u>20,415,509</u>	<u>17,393,040</u>	<u>3,022,469</u>
HOME NURSING AND HOSPICE	2,145,658	2,145,658	2,407,459	(261,801) **
HEALTH & HUMAN SERVICES	16,646,897	16,652,587	15,490,014	1,162,573
CHILDREN W/DISABILITIES BOARD	2,085,090	2,085,090	2,116,744	(31,654) **
LAND RECORDS	210,807	210,807	177,628	33,179
ECONONMIC DEVELOPMENT LOANS	86,922	223,922	1,328,458	(1,104,536) **
COUNTY TRUNK HIGHWAYS	2,085,934	2,118,260	1,833,257	285,003
MICRO LOAN PROGRAM	-	-	30	(30) *
COUNTY SALES TAX	3,019,018	4,436,820	3,480,319	956,501
DEBT SERVICE	2,657,005	2,657,005	2,865,978	(208,973) **
COUNTY HIGHWAY OPERATIONS	6,626,136	7,753,008	7,379,932	373,076
WORKERS COMPENSATION	110,000	110,000	98,889	11,111
DOG LICENSE	19,429	19,429	17,805	1,624
LONG-TERM PROJECTS	1,521,266	35,021,266	5,181,246	29,840,020
EXPENSE TOTAL	<u>\$56,332,914</u>	<u>\$93,849,361</u>	<u>\$59,770,799</u>	<u>\$34,078,562</u>
PROVIDED BY				
TOTAL ESTIMATED REVENUES	\$33,009,340	\$69,519,411	\$51,565,158	17,954,253
FUNDS APPLIED-GENERAL FUND	1,350,099	1,782,549	(1,027,921)	2,810,470
FUNDS APPLIED-HOME HEALTH CARE & HOSPICE	-	-	(59,238)	59,238
FUNDS APPLIED-HEALTH & HUMAN SERVICES	-	5,690	(775,259)	780,949
FUNDS APPLIED-CHILDREN WITH DISABILITIES	150,000	150,000	379,749	(229,749)
FUNDS APPLIED-JAIL MAINTENANCE	(20,000)	(20,000)	(18,778)	(1,222)
FUNDS APPLIED-LAND RECORDS	-	-	11,829	(11,829)
FUNDS APPLIED-ECONOMIC DEVELOPMENT LOANS	-	-	1,163,794	(1,163,794)
FUNDS APPLIED-COUNTY TRUCK HIGHWAYS	-	32,326	(38,627)	70,953
FUNDS APPLIED-MICRO LOAN PROGRAM	-	-	(37,619)	37,619
FUNDS APPLIED -COUNTY SALES TAX	323,116	859,025	(593,580)	1,452,605
FUND APPLIED-DEBT SERVICE	-	-	(578,623)	578,623
FUNDS APPLIED-COUNTY HIGHWAY OPERATIONS	345,884	345,885	458,712	(112,827)
FUNDS APPLIED-LONG TERM PROJECTS	-	-	(11,853,273)	11,853,273
GENERAL TAX LEVY	21,174,475	21,174,475	21,174,475	-
	<u>\$56,332,914</u>	<u>\$93,849,361</u>	<u>\$59,770,799</u>	<u>\$34,078,562</u>

* Committee authorized to make budget amendment per Res. #2019-02

** County Board authorized to make budget amendment

RESOLUTION 2020-xx

RESOLUTION AUTHORIZING TRANSFERRING FUNDS TO COVER 2019 OVERDRAWN ACCOUNTS

To the Honorable Chair and Board of Supervisors of Calumet County, Wisconsin:

Motion:	Adopted: <input type="checkbox"/>
1 st _____	Lost: <input type="checkbox"/>
2 nd _____	Tabled: <input type="checkbox"/>
Yes: _____ No: _____	Absent: _____
Number of votes required:	
<input type="checkbox"/> Majority	<input checked="" type="checkbox"/> Two-thirds
Reviewed by: _____	Kimberly Tenerelli Corp Counsel

WHEREAS, Certain budgeted activities for calendar year 2019, have been overdrawn by more than 10 percent of their appropriation or \$20,000; and

WHEREAS, Section 65.90 (5)(a) of the Wisconsin Statutes requires approval of two thirds of the members of the County Board of Supervisors to authorize transfers of such activities which are overdrawn; and

WHEREAS, The Board of Supervisors of Calumet County authorized the Administrative Services committee to make budgetary transfers of separately appropriated departmental budgets of less than 10% of the original budget or \$20,000 per Resolution 2019-02 dated April 16th, 2019.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of Calumet County herein assembled that the following transfers be made:

	YES	NO	A
1 BARRIBEAU			
2 BUDE			
3 CONNORS			
4 DIETRICH			
5 DRAHEIM			
6 GENTZ			
7 HANDSCHKE			
8 HARTL			
9 HOFBERGER			
10 IRWIN			
11 KARTH			
12 KESLER			
13 KLECKNER			
14 MUELLER			
15 SCHUH			
16 SCHWALENBERG			
17 STIER			
18 STILLMAN			
19 STOFFEL			
20 VOIGHT-CONE			
21 WYNGAARD			

<u>Account</u>	<u>Account Name</u>	<u>Amount</u>
From:		
469-0000	Hospice Revenue	\$ 261,801.
0204-321-0000	Children w/Disability Fund Balance	31,654.
0207-321-0000	E.D. Loans Fund Balance	1,104,536.
486-0000	Debt Service – Interest Earned	<u>208,973.</u>
	Total	<u>\$ 1,606,964.</u>

To:		
554-9807	HHC Rehab Agency Expense	\$ 261,801.
556-0290	Children w/Disabilities	31,654
599-0264	E.D. Loans State Charges	1,104,536.
593-0610	Debt Service – Issuance Exp	<u>208,973.</u>
	Total	<u>\$ 1,606,964.</u>

BE IT FURTHER RESOLVED, That the Administrative Services Committee is authorized to transfer funds from Contingency Funds to cover accounts overdrawn by less than 10 percent of their budgeted amount or \$20,000, pursuant to Section 65.90 (5)(b).

Dated this 19th day of May 2020.

INTRODUCED BY THE ADMINISTRATIVE SERVICES COMMITTEE

Merlin Gentz

Ronald Dietrich

Bill Barribeau

AGENDA ITEM #8.3.

Hope Karth

Pete Stier

Mary Schwalenberg

Tom Stoffel

COUNTERSIGNED BY

Alice Connors, County Board Chair



Skip Navigation

Court Upholds Brown County Sales and Use Tax

Apr272020

Court Upholds Brown County Sales and Use Tax

Posted By: Andrew T. Phillips
Legal Update
Tax & Government Law

In a victory for counties across Wisconsin, the Brown County Circuit Court recently issued a decision upholding Brown County’s 2018 imposition of a county sales and use tax. The Court’s decision follows years of litigation between Brown County and the Brown County Taxpayers Association (“BCTA”). BCTA claimed that the County’s ordinance violated the requirements of the county sales and use tax authorizing statute (the “Sales Tax Statute”)¹ because it failed to provide that the revenues from the tax would provide a direct dollar-for-dollar offset against the County’s property tax levy. The Court concluded, consistent with Brown County’s position, that BCTA’s claim that the Sales Tax Statute requires a dollar-for-dollar offset fails. While a dollar-for-dollar reduction of a county’s property tax levy is one permissible use for county sales tax revenue, it is not the only permissible use. Importantly, county sales tax revenue may also generally be used to pay for any purposes that could otherwise be funded with property tax revenue. Spending county sales tax revenue for these purposes allows counties to avoid both immediate property tax increases and also potential future increases to the property tax levy (e.g., in order to pay for additional debt service due to increased borrowing by the county to continue its provision of essential services). This *Legal Update* will provide a brief overview of the Court’s decision.

The Court’s Decision

The Sales Tax Statute permits a count to impose a sales and use tax so long as: (1) the county adopts an ordinance providing for the tax; (2) the rate is 0.5% of the sales price or purchase price; and (3) the tax is imposed “only for the purpose of directly reducing the property tax levy.” According to BCTA, part (3) of the Sales Tax Statute

<https://www.vonbriesen.com/legal-news/5849/court-upholds-brown-county-sales-and-use-t...> 4/28/2020

mandates that a county sales tax provides a direct dollar-for-dollar offset to a county's property tax levy. Stated another way, BCTA argued that the Sales Tax Statute requires the County to calculate its property tax levy and then subtract the anticipated sales tax revenue from the property tax levy. BCTA's assertion was that the result is then the maximum amount that a county is permitted to levy through property taxes for the year.

BCTA's rationale is that a dollar-for-dollar offset is the *only* manner in which the county can satisfy the requirement that the tax is implemented "only for the purpose of directly reducing the property tax levy." While the argument may seem to have superficial merit, BCTA's interpretation is incorrect. Instead, the Court held that a dollar-for-dollar offset is one acceptable manner that a county may utilize to implement a county sales tax. However, it is *not* the only acceptable method. On the contrary, the Court concluded that county sales tax revenue may be used to pay for any purposes that could be funded with property tax revenue.

The Court found that BCTA's argument failed for the following reasons: (1) a dollar-for-dollar offset is not required under the plain language of the Sales Tax Statute; (2) a dollar-for-dollar offset requirement ignores the language contained within closely-related statutes; (3) a dollar-for-dollar offset fails to account for the interpretation provided by a well-reasoned Attorney General Opinion; and (4) the proper venue to begin a campaign against the County's imposition of its sales tax were the numerous public hearings and meetings held on the ordinance; not the courtroom.

First, the Court found that BCTA's argument ignored the plain language of the Sales Tax Statute. The Court concluded that the Sales Tax Statute is merely an enabling statute that outlines the "purpose" of imposing the county sales tax. While the purpose of a county sales tax is to reduce the property tax levy, nothing in the Sales Tax Statute mandates how the revenues received from the sales tax must be appropriated in order to accomplish the reduction. As discussed above, the Court found that a dollar-for-dollar offset is one way to accomplish the reduction. However, the Court also concluded that it is not the only legally permissible way to comply with the Sales Tax Statute. Importantly, the Court determined that a county has also complied with the Sales Tax Statute so long as the county uses the sales tax revenues for purposes that could otherwise be funded by property tax revenue. The requirement that the reduction may only be accomplished by a dollar-for-dollar offset is simply not required by the plain language of the Sales Tax Statute.

Second, the Court's interpretation of the plain language is further supported by the surrounding statutes that also relate to the imposition of a local sales and use tax for special purpose districts (*i.e.*, the Lambeau Field and Miller Park sales tax statutes). Unlike the Sales Tax Statute, these statutes contain specific direction as to how the proceeds from a tax are to be spent. Importantly, the Lambeau Field and Miller Park sales tax explicitly provide that the proceeds of the tax "shall be used exclusively to retire the district's debt." Unlike the typical county sales and use tax, there is no discretion as to how to apply the proceeds from the stadium taxes. In other words, if the Legislature had intended to equally constrain counties' discretion to spend sales and use tax revenue, it could have very easily done so, but did not.

Third, the Court found support for the County's position in a 1998 Wisconsin Attorney General Opinion addressing how a county may budget the proceeds from a sales and use tax.² According to the Attorney General, "such funds may be budgeted to reduce the amount of overall countywide property tax levy (*i.e.*, a dollar-for-dollar offset) or to defray the cost of any item which can be funded by a countywide property tax." The second option is the method chosen by Brown County. While Attorney General opinions are not binding precedent, they provide important guidance. This is particularly true for matters of statutory interpretation, where well-reasoned Attorney General opinions are regarded as presumptively correct.

Finally, the Court took notice of the many public hearings and board meetings on the proposed Ordinance imposing the sales and use tax. Very few members of the public voiced opposition to the County's imposition of a county sales and use tax at these hearings and meetings. Importantly, no members of BCTA attended the hearings or meetings. According to the Court, a courtroom is not the proper venue for BCTA to start its campaign against the tax. BCTA also had ample opportunity to present its interpretation of the County Sales Tax Statute to any of the county supervisors or to the County Executive. The Court found no evidence that BCTA undertook such efforts. For this reason, the Court determined that it would be an unacceptable usurpation of the legislative process for the Court to undue the County's thorough legislative process.

Conclusion and Next Steps

The Court's decision is important for all counties throughout the State because it recognized county authority to appropriately utilize sales tax revenue and to ease the burden on county property taxpayers while also maintaining critical services to their residents. Again, a county may choose to use county sales tax revenue as a dollar-for-dollar offset against its property tax levy, but the key is that this is not the only permissible use of sales tax revenue. Because the County funding sources are limited, the Court held that the Sales Tax Statute enables counties to reduce property tax levies through several avenues as elected officials or voters decide.

BCTA has indicated its intent to appeal the Court's decision and the Association will keep you apprised as to the progress of the appeal. If you have any questions about the Brown County case, the county sales and use tax generally, or any other governmental law needs, please contact the Association or any member of the von Briesen Government Law Group.

¹ Wis. Stat. § 77.70

² OAG 01-98

von Briesen & Roper Legal Update is a periodic publication of von Briesen & Roper, s.c. It is intended for general information purposes for the community and highlights recent changes and developments in the legal area. This publication does not constitute legal advice, and the reader should consult legal counsel to determine how this information applies to any specific situation.

CALUMET COUNTY
 INVESTMENT REPORT
 February 29, 2020

General Investments			Int	
Financial Inst.	Dated	Due	Rate	Amount
Nicolet National Bank - MM Acct		Feb. Rate	0.20%	145,459.07
Nicolet National Bank - ICS Account		Feb. Rate	1.24%	3,543,902.26
Local Gov Invest Pool		Feb. Rate	1.62%	16,928,800.26
Associated Bank MM Acct*		Feb. Rate	1.51%	1,035,887.80
BMO CDBG Planning Grant		Feb. Rate	0.00%	85.00
BMO Savings Account*		Feb. Rate	1.75%	367,790.62
BMO Harris Financial Advisors		Feb. Rate	1.62%	6,630,048.05
Sub-Total General Investments				<u>\$ 28,651,973.06</u>
Bond Proceed Investments				
BMO Harris Savings Account*		Feb. Rate	1.66%	4,323,959.39
BMO Harris Collateralized CD	09/09/19	3/9/2020	1.72%	1,300,000.00
BMO Harris Collateralized CD	09/09/19	4/9/2020	1.69%	1,300,000.00
BMO Harris Collateralized CD	09/09/19	5/9/2020	1.65%	1,300,000.00
BMO Harris Collateralized CD	09/09/19	6/9/2020	1.62%	1,300,000.00
BMO Harris Collateralized CD	09/09/19	7/9/2020	1.58%	1,300,000.00
Sub-Total Bond Investments				<u>10,823,959.39</u>
Total County Investments				<u>\$ 39,475,932.45</u>

CALUMET COUNTY
INVESTMENT REPORT
March 31, 2020

General Investments				
Financial Inst.	Dated	Due	Int Rate	Amount
Nicolet National Bank - MM Acct		Mar.	Rate	0.16% 145,459.07
Nicolet National Bank - ICS Account		Mar.	Rate	1.24% 3,547,636.34
Local Gov Invest Pool		Mar.	Rate	1.14% 18,545,408.15
Associated Bank MM Acct*		Mar.	Rate	0.64% 1,036,443.95
BMO CDBG Planning Grant		Mar.	Rate	0.00% 100.00
BMO Savings Account*		Mar.	Rate	0.40% 368,142.19
BMO Harris Financial Advisors		Mar.	Rate	1.55% 6,654,215.18
Sub-Total General Investments				\$ 30,297,404.88
 Bond Proceed Investments				
BMO Harris Savings Account*		Mar.	Rate	0.85% 4,323,959.39
BMO Harris Collateralized CD	09/09/19	4/9/2020	1.69%	1,300,000.00
BMO Harris Collateralized CD	09/09/19	5/9/2020	1.65%	1,300,000.00
BMO Harris Collateralized CD	09/09/19	6/9/2020	1.62%	1,300,000.00
BMO Harris Collateralized CD	09/09/19	7/9/2020	1.58%	1,300,000.00
Sub-Total Bond Investments				9,523,959.39
Total County Investments				\$ 39,821,364.27

County Sales Tax Collections**	Year To Date	\$ 1,081,591.55
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* Collateralized investment
** Represent a cash basis collection