

RESOLUTION AMENDING EMPLOYEE POLICY MANUAL § 8.14(5)(a)
(Performance Evaluations)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has authorized an Employee Policy Manual (“Employee
2 Policy Manual”) to establish uniform personnel policies and procedures; and
3

4 WHEREAS, Section 8.14 (Performance Standards) establishes the performance standards
5 expected of county employees; and
6

7 WHEREAS, amendments must be made to the Employee Policy Manual from time-to-time
8 to keep policies current, reflect current practice, and address new issues and circumstances; and
9

10 WHEREAS, the proposed revision to Section 8.14(5)(a) provides an opportunity for new
11 employees to have a step increase after six months of employment if the employee exhibits
12 exceptional performance during this time; and
13

14 WHEREAS, after careful consideration and review the Personnel Committee recommends
15 approval of the following amendment to the Employee Policy Manual;
16

17 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
18 county of Manitowoc amends Section 8.14(5)(a) (Performance Evaluations) of the Manitowoc
19 County Employee Policy Manual Section §8 (Performance Standards) as follows:
20

21 Employee Policy Manual § 8.14(5)(a) (Performance Evaluations) is amended to read as follows:
22

23 8.14 Performance Evaluations
24

25 ...

26 (5) Progression through the wage schedule provided by § 5.02 of the Manitowoc
27 County Code is dependent on an employee’s cumulative score received on the
28 annual performance evaluation as follows:

29 (a) An employee’s progression through the wage schedule from the minimum
30 to the midpoint is based on overall job performance which meets or exceeds
31 job requirements. This is defined to be a cumulative score of at least 1.75
32 on the employee performance evaluation. Upon successful completion of
33 a six-month evaluation, new employees may be moved up one (1) step
34 within their paygrade, not to exceed midpoint. This increase may be
35 awarded at the discretion of their department director and is reserved for
36 new employees that demonstrate performance that exceeds requirements.
37 “Performance that exceeds requirements” means a cumulative score of at
38 least 2.75 on the employee performance evaluation conducted at the end of
39 an employee’s first six months of employment.

Dated this 16th day of July 2024.

Respectfully submitted by the
Personnel Committee

Susie Maresh, Chair

FISCAL IMPACT: Indeterminable.

FISCAL NOTE: Reviewed and approved by Finance Director. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**RESOLUTION APPROVING TOWN OF NEWTON ZONING
ORDINANCE**

(Dylan VanderWheele)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the town of Newton adopted a zoning ordinance pursuant to the authority
2 granted to towns under Wis. Stat. § 60.62; and
3

4 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority
5 granted to counties under to Wis. Stat. § 59.69; and
6

7 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances, and amendments
8 thereto, are subject to county board approval in counties that have adopted a zoning ordinance
9 under Wis. Stat. § 59.69; and
10

11 WHEREAS, the town of Newton amended its zoning ordinance on June 12, 2024 by
12 rezoning a 0.38-acre parcel of property owned by Dylan VanderWheele from B-1 (Business)
13 District to A-2 (General Agriculture) District in accordance with Wis. Stat. § 60.62; and
14

15 WHEREAS, the town of Newton has submitted its amended zoning ordinance to the county
16 board of supervisors of the county of Manitowoc for approval, and a copy of the amended zoning
17 ordinance has been provided to each member of the county board for review;
18

19 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
20 county of Manitowoc approves the town of Newton’s amended zoning ordinance that rezones that
21 certain 0.38-acre parcel of property owned by Dylan VanderWheele from B-1 (Business) District
22 to A-2 (General Agriculture) District and was adopted by the town Board of the town of Newton
23 on June 12, 2024.

Dated this 16th day of July 2024.

Respectfully submitted by
Ryan Phipps

Supervisor, District 11

FISCAL IMPACT: None

FISCAL NOTE: Reviewed and approved by Finance Director. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**RESOLUTION AUTHORIZING MANITOWOC COUNTY TO ENTER
INTO A SETTLEMENT AGREEMENT WITH THE KROGER CO. AND
AGREEING TO THE TERMS OF ADDENDUM TWO TO THE MOU
ALLOCATING SETTLEMENT PROCEEDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the county board of supervisors of the county of Manitowoc previously
2 authorized Manitowoc County to enter into an engagement agreement with von Briesen & Roper,
3 s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the “Law Firms”) to pursue
4 litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the
5 “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for
6 Manitowoc County’s expenditure of vast money and resources to combat the opioid epidemic; and
7

8 WHEREAS, on behalf of Manitowoc County, the Law Firms filed a lawsuit against the
9 Opioid Defendants; and
10

11 WHEREAS, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties
12 and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same
13 or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned
14 In re: Opioid Litigation, MDL 2804 (the “Litigation”); and
15

16 WHEREAS, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and
17 Walworth) hired separate counsel and joined the Litigation; and
18

19 WHEREAS, since the inception of the Litigation, the Law Firms have coordinated with
20 counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and
21 Walworth Counties) to prepare Manitowoc County’s case for trial and engage in extensive
22 settlement discussions with the Opioid Defendants; and
23

24 WHEREAS, the settlement discussions with The Kroger Co. (the “Settling Defendant”)
25 resulted in a tentative agreement as to settlement terms pending agreement from Manitowoc
26 County and other plaintiffs involved in the Litigation; and
27

28 WHEREAS, copies of the settlement agreement relating to the Settling Defendant
29 (“Settlement Agreement”) representing the terms of the tentative settlement agreement with the
30 Settling Defendant has been made available at [https://nationalopioidsettlement.com/wp-
31 content/uploads/2024/05/Kroger-Multistate-Settlement-Agreement-Circulated-to-States-March-
32 25-2024.pdf](https://nationalopioidsettlement.com/wp-content/uploads/2024/05/Kroger-Multistate-Settlement-Agreement-Circulated-to-States-March-25-2024.pdf); and
33

34 WHEREAS, the Settlement Agreement provides, among other things, for the payment of
35 certain sums to Participating Subdivisions (as defined in the Settlement Agreement) upon the
36 occurrence of certain events detailed in the Settlement Agreement; and
37

38 WHEREAS, Manitowoc County is a Participating Subdivision in the Settlement
39 Agreement and has the opportunity to participate in the benefits associated with the Settlement
40 Agreement provided the County: (a) approves the Settlement Agreement; (b) approves Addendum
41 Two to the Memorandum of Understanding allocating proceeds from the Settlement Agreement
42 (“MOU”) among the various Wisconsin Participating Subdivisions, a copy of which is attached to
43 this Resolution as *Exhibit A* (“Addendum Two”); and (c) the Legislature’s Joint Committee on
44 Finance approves the terms of the Settlement Agreement; and
45

46 WHEREAS, the Wisconsin Participating Subdivisions previously negotiated and approved
47 the allocation of proceeds among themselves, which allocation is reflected in Exhibit A to the
48 MOU, which is an agreement between all of the entities identified in the MOU as to how the
49 proceeds payable to those entities under the Settlement Agreement will be allocated; and
50

51 WHEREAS, Manitowoc County and all other Wisconsin Participating Subdivisions agreed
52 to and entered into that certain Addendum to the MOU (“Addendum One”) that provided for
53 allocation of settlement proceeds from previous settlements with certain pharmacies and
54 manufacturers according to the same percentages as that provided in the MOU;
55

56 WHEREAS, pursuant to Section 12 of the State-Local MOU entered into between the
57 Wisconsin Participating Subdivisions and the Attorney General of the State of Wisconsin (“State-
58 Local MOU”), the Attorney General has provided notice that the terms of the State-Local MOU
59 shall apply to the Settlement Agreement and all proceeds of such Settlement Agreement; and
60

61 WHEREAS, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes
62 relating to the settlement of all or part of the Litigation; and
63

64 WHEREAS, pursuant to Wis. Stat. § 165.12(2), the Legislature’s Joint Committee on
65 Finance is required to approve the Settlement Agreement; and
66

67 WHEREAS, pursuant to Wis. Stat. § 165.12(2), the proceeds from any settlement of all or
68 part of the Litigation are distributed 70% to local governments in Wisconsin that are parties to the
69 Litigation and 30% to the State; and
70

71 WHEREAS, Wis. Stat. § 165.12(4)(b)2. provides the proceeds from the Settlement
72 Agreement must be deposited in a segregated account (the “Opioid Abatement Account”) and may
73 be expended only for approved uses for opioid abatement as provided in the Settlement
74 Agreement; and
75

76 WHEREAS, Wis. Stat. § 165.12(7) bars claims from any Wisconsin local government
77 against the Opioid Defendants filed after June 1, 2021; and
78

79 WHEREAS, the definition of Participating Subdivisions in the Settlement Agreement
80 recognizes a statutory bar on claims such as that set forth in Wis. Stat. § 165.12(7) and, as a result,
81 the only Participating Subdivisions in Wisconsin are those counties and municipalities that were
82 parties to the Litigation (or otherwise actively litigating a claim against one, some, or all of the
83 Opioid Defendants) as of June 1, 2021; and

84
85 WHEREAS, the Legislature’s Joint Committee on Finance is not statutorily authorized or
86 required to approve the allocation of proceeds of the Settlement Agreement among Wisconsin
87 Participating Subdivisions; and
88

89 WHEREAS, pursuant to Manitowoc County’s engagement agreement with the Law Firms,
90 the County shall pay up to an amount equal to 25% of the proceeds from successful resolution of
91 all or part of the Litigation, whether through settlement or otherwise, plus the Law Firms’ costs
92 and disbursements, to the Law Firms as compensation for the Law Firms’ efforts in the Litigation
93 and any settlement; and
94

95 WHEREAS, the Law Firms anticipate making application to the national fee fund
96 established in the Settlement Agreement seeking payment, in whole or part, of the fees, costs, and
97 disbursements owed the Law Firms pursuant to the engagement agreement with Manitowoc
98 County; and
99

100 WHEREAS, it is anticipated the amount of any award from the fee fund established in the
101 Settlement Agreement will be insufficient to satisfy Manitowoc County’s obligations under the
102 engagement agreement with the Law Firms; and
103

104 WHEREAS, Manitowoc County, by this Resolution, and pursuant to the authority granted
105 the County in the applicable Order emanating from the Litigation in relation to the Settlement
106 Agreement and payment of attorney fees, shall authorize and direct the escrow agent responsible
107 for the receipt and distribution of the proceeds from the Settlement Agreement to establish an
108 account for the purpose of segregating funds to pay the fees, costs, and disbursements of the Law
109 Firms owed by Manitowoc County (the “Attorney Fees Account”) in order to fund a local
110 “backstop” for payment of the fees, costs, and disbursements of the Law Firms; and
111

112 WHEREAS, in no event shall payments to the Law Firms out of the Attorney Fees Account
113 and the fee fund established in the Settlement Agreement exceed an amount equal to 25% of the
114 amounts allocated to Manitowoc County by virtue of Addendum Two (Exhibit A to the MOU);
115 and
116

117 WHEREAS, the intent of this Resolution is to authorize Manitowoc County to enter into
118 the Settlement Agreement, Addendum Two, establish the County’s Opioid Abatement Account,
119 and establish the Attorney Fees Account; and
120

121 WHEREAS, Manitowoc County has been informed as to the deadlines related to the
122 effective dates of the Settlement Agreement, the ramifications associated with the County’s refusal
123 to enter into the Settlement Agreement, the form of Addendum Two and an overview of the process
124 for finalizing the Settlement Agreement and such information, together with additional resources
125 related to the settlement can be found at [https://nationalopioidsettlement.com/kroger-co-](https://nationalopioidsettlement.com/kroger-co-settlement/)
126 [settlement/](https://nationalopioidsettlement.com/kroger-co-settlement/); and
127

128 WHEREAS, Manitowoc County, by this Resolution, shall deposit the proceeds of the
129 Settlement Agreement consistent with the terms of this Resolution and Wis. Stat. § 165.12(4)(b);

130 and

131

132 WHEREAS, Manitowoc County, by this Resolution, shall authorize the County's
133 corporation counsel to finalize and execute any escrow agreement and other document or
134 agreement necessary to effectuate the Settlement Agreement and the other agreements referenced
135 herein;

136

137 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
138 county of Manitowoc hereby approves:

139

140 1. The execution of the Settlement Agreement and any and all documents ancillary
141 thereto and authorizes the corporation counsel or designee to execute same.

142

143 2. The final negotiation and execution of Addendum Two in form substantially similar
144 to that presented with this Resolution and any and all documents ancillary thereto and authorizes
145 the corporation counsel or designee to execute same upon finalization provided the percentage
146 share identified as allocated to Manitowoc County is substantially similar to that identified in
147 Addendum Two provided to the Board with this Resolution.

148

149 3. The execution by the corporation counsel or designee of any additional documents
150 or agreements for the receipt and disbursement of the proceeds of the Settlement Agreement.

151

152 and

153

154 BE IT FURTHER RESOLVED all proceeds from the Settlement Agreement not otherwise
155 directed to the Attorney Fees Account shall be deposited in Manitowoc County's Opioid
156 Abatement Account. The Opioid Abatement Account shall be administered consistent with the
157 terms of this Resolution, Wis. Stat. § 165.12(4), and the Settlement Agreement; and

158

159 BE IT FURTHER RESOLVED Manitowoc County hereby authorizes the establishment of
160 an account separate and distinct from any account containing funds allocated or allocable to the
161 County which shall be referred to by Manitowoc County as the "Attorney Fees Account." An
162 escrow agent shall deposit a sum equal to up to, but in no event exceeding, an amount equal to
163 20% of Manitowoc County's proceeds from the Settlement Agreement into the Attorney Fees
164 Account. If the payments to Manitowoc County are not enough to fully fund the Attorney Fees
165 Account as provided herein because such payments are made over time, the Attorney Fees Account
166 shall be funded by placing up to, but in no event exceeding, an amount equal to 20% of the proceeds
167 from the Settlement Agreement attributable to Local Governments (as that term is defined in the
168 MOU) into the Attorney Fees Account for each payment. Funds in the Attorney Fees Account
169 shall be utilized to pay the fees, costs, and disbursements owed to the Law Firms pursuant to the
170 engagement agreement between Manitowoc County and the Law Firms provided, however, the
171 Law Firms shall receive no more than that to which they are entitled under their fee contract when
172 considering the amounts paid the Law Firms from the fee fund established in the Settlement
173 Agreement and allocable to Manitowoc County. The Law Firms may make application for
174 payment from the Attorney Fees Account at any time and Manitowoc County shall cooperate with

175 the Law Firms in executing any documents necessary for the escrow agent to make payments out
176 of the Attorney Fees Account; and

177
178 BE IT FURTHER RESOLVED that all actions heretofore taken by the board of supervisors
179 of the county of Manitowoc and other appropriate public officers and agents of Manitowoc County
180 with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and
181 approved.

Dated this 16th day of July 2024.

Respectfully submitted by the
Executive Committee

Tyler Martell, Chair

FISCAL IMPACT: Indeterminable.

FISCAL NOTE: Reviewed and approved by Finance Director. _____

LEGAL NOTE: This resolution amends the budget and requires a two-thirds vote of the
entire county board. Reviewed and approved as to form by Corporation
Counsel. _____

APPROVED:

Bob Ziegelbauer, County Executive

Date

ORDINANCE CREATING MANITOWOC COUNTY CODE CHAPTER 33
(County Sales and Use Tax)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wis. Stat. § 77.70 permits a county to adopt a sales and use tax; and

2
3 WHEREAS, the Finance Committee has carefully reviewed the finances of the county and
4 has determined that adoption of a county sales and use tax is in the county’s best interest to ensure
5 adequate funding for county operations, programs, and services on a continuing and ongoing basis;
6 and

7
8 WHEREAS, after careful consideration and review, the county board of supervisors of the
9 county of Manitowoc wishes to adopt a sales and use tax in order to mitigate the impact of rising
10 costs on property taxes while still ensuring adequate funding for county operations, programs, and
11 services;

12
13 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
14 ordain as follows:

15
16 Manitowoc County Code Chapter 33 is created to read as follows:

- 17
18 33.01 Title.
19 33.02 Authority.
20 33.03 Purpose.
21 33.04 County Sales and Use Tax.
22 33.05 Sales and Use Tax Rate.
23 33.06 Revenue Account.
24 33.07 Reports From Finance Director.
25 33.08 Effective Date.

26
27 33.01 Title.

28
29 This ordinance may be referred to as the Sales and Use Tax Ordinance.

30
31
32 33.02 Authority.

33
34 This ordinance is enacted under the authority of Wis. Stat. § 77.70.

35
36
37 33.03 Purpose.
38

39 This ordinance is enacted for the purpose of utilizing revenues from the County sales and
40 use tax to reduce the property tax levy.

41

42

43 33.04 County Sales and Use Tax.

44

45 Pursuant to and in strict conformity with the provisions of Wis. Stat. ch. 77, Subchapter V,
46 the County of Manitowoc does hereby elect to impose a county sales and use tax in the
47 manner and to the extent permitted by Wis. Stat. ch. 77, Subchapter V. The tax may only
48 be used as permitted by Wisconsin law.

49

50

51 33.05 Sales and Use Tax Rate.

52

53 The sales and use tax imposed by this Chapter shall be at the rate of one half of one percent
54 (0.5%).

55

56

57 33.06 Revenue Account.

58

59 All revenue from the sales and use tax shall be receipted to the County Sales Tax Revenue
60 Account.

61

62

63 33.07 Reports From Finance Director.

64

65 The Finance Director shall provide a report to the Finance Committee no later than July 31
66 of each year analyzing the revenues derived hereunder for the previous year.

67

68

69 33.08 Effective Date.

70

71 This Sales and Use Tax Ordinance shall take effect on January 1, 2025.

Dated this 16th day of July 2024.

Respectfully submitted by the
Finance Committee

Paul Hansen, Chair

FISCAL IMPACT: Anticipated increase in revenues of \$7.5 million to \$9.5 million.

FISCAL NOTE: Reviewed and approved by Finance Director. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
Tyler Martell, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**RESOLUTION AUTHORIZING ADDITIONAL .75 FULL-TIME
EQUIVALENT HUMAN SERVICES EMPLOYEE**
(Community Navigator)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the mission of the Human Services Department’s Child and Family Services
2 Unit is to protect the health and safety of children; and
3

4 WHEREAS, to support this mission, the focus of the Child and Family Services Unit is on
5 intervention and prevention of delinquent juvenile behavior; and
6

7 WHEREAS, the Human Services Department has applied for and received a Juvenile
8 Deflection and Diversion Implementation Program grant from the Wisconsin Department of
9 Justice in the amount of \$87,500; and
10

11 WHEREAS, the grant will fully fund wages and benefits for a .75 full-time equivalent
12 (“FTE”) Community Navigator position through June 2025; and
13

14 WHEREAS, the Community Navigator position will assist schools and law enforcement
15 with getting services to at-risk youth based on their needs; and
16

17 WHEREAS, the goal of the Community Navigator position is to eliminate youth justice
18 referrals that are better served in other ways; and
19

20 WHEREAS, the Community Navigator position will terminate and be removed from the
21 Full-Time Equivalent Report (FTE) by Department included in the applicable Adopted Annual
22 Budget Book FTE report when funding is no longer available through the Juvenile Deflection and
23 Diversion Implementation Program grant from the Wisconsin Department of Justice; and
24

25 WHEREAS, after careful consideration and review, the Human Services Board and the
26 Personnel Committee recommends the creation of a .75 full-time equivalent Community Navigator
27 position as described in this Resolution;
28

29 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
30 county of Manitowoc authorizes the creation of a .75 full-time equivalent Community Navigator
31 position in the Human Services Department; and
32

33 BE IT FURTHER RESOLVED that the .75 full-time equivalent Community Navigator
34 position shall terminate and be removed from the Full-Time Equivalent Report (FTE) by
35 Department included in the applicable Adopted Annual Budget Book FTE report when funding
36 through the Juvenile Deflection and Diversion Implementation Program grant from the Wisconsin
37 Department of Justice is no longer available; and
38

39 BE IT FURTHER RESOLVED that the 2024 Full-Time Equivalent Report (FTE) by
40 Department included in the 2024 Adopted Annual Budget Book is amended accordingly and that
41 the Finance Director is directed to record such information in the official books of the County for
42 the year ending December 31, 2024 as may be required.

Dated this 16th day of July 2024.

Respectfully submitted by the
Personnel Committee

Susie Maresh, Chair

Human Services Board

Jim Brey, Chair

FISCAL IMPACT: No levy impact as revenues and expenses offset. The 2024 annual cost of the position is estimated to be \$62,476 on a full year basis, which is to be funded through the Juvenile Deflection and Diversion Implementation Program grant from the Wisconsin Department of Justice.

FISCAL NOTE: Reviewed and approved by Finance Director. _____

LEGAL NOTE: This resolution amends the budget and requires a two-thirds vote of the entire county board. Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____
Bob Ziegelbauer, County Executive Date

