



Legislation Committee  
Agenda  
Kenosha County Administration Building  
2nd Floor Committee Room  
June 19, 2018, Tuesday, 6:00 p.m.

NOTE: UNDER THE KENOSHA COUNTY BOARD RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SECTION 2 C OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE DISCUSSED AND ACTED UPON DURING THE COURSE OF THIS MEETING AND ANY NEW MATTER NOT GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN

1. Call To Order
2. Citizen Comments
3. Reports From Chairperson
4. Reports From Committee Members
5. Communications
6. Approval Of Minutes

- a. May 15, 2018 Minutes

Documents:

[MAY 15, 2018 MINUTES.PDF](#)

7. Legislative Update Presentation With Dan Bahr, Wisconsin Counties Association
8. Ordinances On Amendment Of MCKC Chapter 2.04 (1) (A) 4- County Board Rules Of Procedure Relating To Elections Of Chair And Vice-Chair

Documents:

[ORDINANCE MCKC 2.04\(1\)\(A\) 4.PDF](#)  
[ORDINANCE MCKC 2.04\(1\)\(A\) 4 ALTERNATE.PDF](#)

9. Resolution To Place An Advisory Referendum On The November 2018 Ballot On Addressing The Dark Store Loophole

Documents:

[RESOLUTION 12- DARK STORE REFERENDUM.PDF](#)

10. Resolution Calling On The Legislature To Address The Dark Store Loophole

Documents:

[RESOLUTION 13- DARK STORE.PDF](#)

11. Other Matters As May Be Appropriately Brought Before The Committee
12. Adjourn

There may be a quorum of other Committees of the County Board.

MINUTES  
Legislative Committee  
May 15, 2018

Present: Gabe Nudo, Andy Berg, Dayvin Hallmon, Boyd Frederick, John Franco, Zach Rodriguez, Mark Nordigian

6:01 PM

1. Call to order: The meeting was called to order by Chair Gabe Nudo in the 2<sup>nd</sup> floor Auditor's room at the Administration Building.

6:01 PM

2. Citizen Comments: None

6:02 PM

3. Reports from Chairperson: Chair Nudo welcomed everyone and spoke about his goals and expectations for the committee's term.

6:02 PM

4. Reports from Committee Members: None

6:03 PM

5. Communications: None

6:03 PM

6. Supervisor Introductions: Supervisors briefly introduced themselves.

6:07 PM

7. Nomination of 2<sup>nd</sup> Vice Chair: Chair Nudo opens up floor for nominations. **Supervisor Hallmon nominates Supervisor Rodriguez. Seconded by Supervisor Frederick. Supervisor Rodriguez declined due to being elected 2<sup>nd</sup> vice chair on Planning, Development & Extension Education Committee. Supervisor Rodriguez nominates Supervisor Nordigian. Seconded by Supervisor Berg. Nominations closed. Without objection the vote is unanimous.**

6:10 PM

8. Approval of March 20, 2018 minutes: **Supervisor Boyd made a motion to approve. Seconded by Supervisor Hallmon. All aye. Motion passes.**

6:11 PM

9. Discussion on possible rule changes: Chair Nudo discussed potential rule changes on multiple nominations for elections of Vice-Chair. Discussion was held and the committee asked Joseph Cardamone to draft an ordinance reflecting an amendment which eliminates the candidate who received the lowest number of votes

6:34 PM

10. Other matters: Nudo discussed the letter that will be sent to the Legislators to invite them to future committee meetings.

6:41 PM

11. Adjourn: **Supervisor Rodriguez made a motion to adjourn. Seconded by Supervisor Hallmon. All aye. Motion passes.**

A recording of the minutes is available.

Respectfully submitted,

Emily Bruno  
Executive Assistant

DRAFT

# KENOSHA COUNTY

## BOARD OF SUPERVISORS

ORDINANCE NO.

Subject: Amendment of MCKC Chapter 2.04 (1)(a)4 - County Board Rules of Procedure relating to elections of Chair and Vice-Chair			
Original <input type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted:		Date Resubmitted:	
Submitted By: Supervisor Jeff Gentz			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Joseph M. Cardamone III Corporation Counsel		Signature:	

THE KENOSHA COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN that Municipal Code of Kenosha County Chapter 2.04 (1)(a)4, the County Board Rules of Procedure, is hereby amended as follows:

### 2.04 Meetings. Time and Place.

#### (1) ORGANIZATIONAL MEETING

(a) The county board at the first meeting after each regular election at which members are elected for full terms shall:

1 Meet for the purpose of organizing and for transacting general business, and

2 Elect a member chair. The chair shall assume the emergency powers bestowed upon the county executive in the absence of the county executive. Beginning with the 1990-1992 term, the Kenosha County Board of Supervisors approves the deletion of past protocol in the election of its leadership and is morally free to elect leadership on the basis of desirability and qualification regardless of the area of residence, previous office or seniority. The chair shall appoint members to the standing committees of the County Board and shall call upon the chairs of such standing committees to advise him or her from time to time as the need arises as members of the chair's advisory committee.

3 Elect one of its members vice-chair. Beginning with the 1990-1992 term, the Kenosha County Board

of Supervisors approves the deletion of past protocol in the election of its leadership and is morally free to elect leadership on the basis of desirability and qualification regardless of the area of residence, previous office or seniority. (7/11/89)

- 4 Repealed (10/15/96) In relation to the elections for Chair and Vice-Chair described in sections 2 and 3 above, whenever there are more than two candidates for the office, if a single candidate does not receive a simple majority on the first ballot, only the two candidates who receive the first and second most votes shall proceed to the second ballot.
- 5 In the absence of the County Board Chair and the County Board Vice-Chair and where their presence is necessary to carry out the responsibilities of their office, the Kenosha County Board of Supervisors does hereby delegate to the most recent past chair present the responsibility of the chair of the county board. In the absence of a past chair, such responsibilities of the chair shall be delegated to the most senior member of the county board of supervisors. (10/7/86)
  - (b) The county board shall also hold an organizational meeting on the third Tuesday in April in non-election years for the purpose of transacting business that is permitted at the annual meeting and for the further purpose of organizing or reorganizing as may be deemed necessary.
  - (c) The organizational meeting may be adjourned in the same manner as prescribed for the adjournment of the annual meeting as set forth in section 59.11 (1) of the Wisconsin Statutes.

Respectfully submitted,

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Jeffrey Gentz

Approved by:

Legislative Committee:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
_____ Gabe Nudo, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Andy Berg, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Dayvin Hallmon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Boyd Frederick	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Zack Rodriguez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Mark Nordigian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# KENOSHA COUNTY

## BOARD OF SUPERVISORS

ORDINANCE NO.

Subject: Amendment of MCKC Chapter 2.04 (1)(a)4 - County Board Rules of Procedure relating to elections of Chair and Vice-Chair			
Original <input type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted:		Date Resubmitted:	
Submitted By: Legislative Committee			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Joseph M. Cardamone III Corporation Counsel		Signature:	

THE KENOSHA COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN that Municipal Code of Kenosha County Chapter 2.04 (1)(a)4, the County Board Rules of Procedure, is hereby amended as follows:

### 2.04 Meetings. Time and Place.

#### (1) ORGANIZATIONAL MEETING

(a) The county board at the first meeting after each regular election at which members are elected for full terms shall:

1 Meet for the purpose of organizing and for transacting general business, and

2 Elect a member chair. The chair shall assume the emergency powers bestowed upon the county executive in the absence of the county executive. Beginning with the 1990-1992 term, the Kenosha County Board of Supervisors approves the deletion of past protocol in the election of its leadership and is morally free to elect leadership on the basis of desirability and qualification regardless of the area of residence, previous office or seniority. The chair shall appoint members to the standing committees of the County Board and shall call upon the chairs of such standing committees to advise him or her from time to time as the need arises as members of the chair's advisory committee.

3 Elect one of its members vice-chair. Beginning with the 1990-1992 term, the Kenosha County Board



of Supervisors approves the deletion of past protocol in the election of its leadership and is morally free to elect leadership on the basis of desirability and qualification regardless of the area of residence, previous office or seniority. (7/11/89)

- 4 ~~Repealed (10/15/96)~~ In relation to the elections for Chair and Vice-Chair described in sections 2 and 3 above, whenever there are more than two candidates for the office, if a single candidate does not receive a simple majority on the first ballot, the candidate receiving the lowest numbers of votes shall be eliminated from the ballot. This process shall be repeated as many times as necessary until such time as one candidate receives a majority.
- 5 In the absence of the County Board Chair and the County Board Vice-Chair and where their presence is necessary to carry out the responsibilities of their office, the Kenosha County Board of Supervisors does hereby delegate to the most recent past chair present the responsibility of the chair of the county board. In the absence of a past chair, such responsibilities of the chair shall be delegated to the most senior member of the county board of supervisors. (10/7/86)
  - (b) The county board shall also hold an organizational meeting on the third Tuesday in April in non-election years for the purpose of transacting business that is permitted at the annual meeting and for the further purpose of organizing or reorganizing as may be deemed necessary.
  - (c) The organizational meeting may be adjourned in the same manner as prescribed for the adjournment of the annual meeting as set forth in section 59.11 (1) of the Wisconsin Statutes.

Approved by:

Legislative Committee:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
_____ Gabe Nudo, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Andy Berg, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Dayvin Hallmon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Boyd Frederick	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Zack Rodriguez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Mark Nordigian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**KENOSHA COUNTY**  
**BOARD OF SUPERVISORS**

RESOLUTION NO. 12

Subject: To Place an Advisory Referendum on the November 2018 Ballot on Addressing the Dark Store Loophole	
Original <input type="checkbox"/> Corrected <input type="checkbox"/> 2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted By: Chair Daniel Esposito	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: Dan Esposito	Signature:

WHEREAS, the Kenosha County Board of Supervisors has previously passed a Resolution 17-30, on August, 2017, calling on the Wisconsin State Legislature and Governor to support legislation proposed to address the Dark Store loopholes; and

WHEREAS, this was done in recognition of the fact that national chain stores are utilizing arguments that assessed values of new stores should be based on comparisons to sales of vacant stores in abandoned locations which, when accepted by courts, have resulted in significant reductions in assessed values, often requiring municipalities to refund tax revenue back to the stores; and

WHEREAS, these reductions in assessed values have resulted in a shifting of the tax burden to local business and homeowners; and

WHEREAS, passage of the resolution was further done in an effort to protect homeowners and local businesses from having even more of the property tax burden shifted to them; and

WHEREAS, Wisconsin State Statute 59.52(25) allows for a county board to conduct a county-wide referendum for advisory purposes; and

WHEREAS, such a county-wide referendum on the issue of Dark Stores would provide guidance to the state legislature as to the will of the Kenosha County electorate on this issue; and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors does resolve to conduct a county-wide advisory referendum, to be held with the November 2018 general election, to advise the State of Wisconsin as to the level of support within the Kenosha County population for addressing the Dark Store loopholes; and

BE IT FURTHER RESOLVED that said advisory referendum read as follows:

*Should the state legislature enact proposed legislation that closes the Dark Store loopholes, which currently allow commercial retail properties to significantly reduce the assessed valuation and property tax of such properties, resulting in a substantial shift in taxes levied against other tax paying entities, such as residential home owners, and/or cuts in essential*

*services provide by an affected municipality?*

BE IT FURTHER RESOLVED that the Corporation Counsel's Office shall fulfill its statutory obligations with respect to drafting an explanation of the above referendum question and that the Clerk be directed to place said question and explanation on the November 6, 2018 ballot.

Respectfully submitted,

\_\_\_\_\_  
Chair Daniel Esposito

Approved by:

Legislative Committee:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
_____ Gabe Nudo, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Andy Berg, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Dayvin Hallmon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Boyd Frederick	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Zack Rodriguez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Mark Nordigian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**KENOSHA COUNTY**  
**BOARD OF SUPERVISORS**

RESOLUTION NO. 13

Subject: Calling on the Legislature to Address the Dark Store Loophole	
Original <input type="checkbox"/> Corrected <input type="checkbox"/> 2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted By: Daniel Esposito, William Grady, Erin Decker and Zach Rodriguez	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: William Grady and Erin Decker	Signature:

**Whereas**, home owners in Wisconsin already pay approximately 70% of the total statewide property tax levy; and

**Whereas**, that property tax burden is about to get more disproportionate unless the legislature addresses tax avoidance strategies that national chains stores are using across the country to gain dramatic reductions in their property tax bills at the expense of homeowners and other taxpayers; and

**Whereas**, national chain stores are using what is known as the “Dark Store Theory” to argue that the assessed value of a new store in a thriving location should be based on comparing their buildings to sales of vacant stores in abandoned locations from a different market segment; and

**Whereas**, national chain stores in Wisconsin have argued in communities across Wisconsin that the assessed value of their property for property tax purposes should be less than half of their actual sale prices on the open market; and

**Whereas**, lawsuits filed by national chain stores in Wisconsin are forcing assessors to dramatically reduce the market value of thriving national retail stores, shifting their tax burden to local businesses and homeowners; and

**Whereas**, in many cases the courts have sided with these national chain stores, requiring communities to refund tax revenue back to the stores.

**Now, Therefore, Be It Resolved**, that the Kenosha County Board of Supervisors call on the Wisconsin State Legislature and Governor to protect homeowners and local businesses from having even more of the property tax burden shifted to them by passing legislation clarifying that: leases are appropriately factored into the valuation of leased properties; and when using the comparable sale method of valuation, assessors shall consider as comparable only those sales within the same market segment exhibiting a similar highest and best use rather than similarly sized but vacant properties in abandoned locations; and

**Be It Further Resolved**, that the Kenosha County Board of Supervisors call on the Wisconsin State Legislature and Governor to pass legislation prohibiting assessors from valuing new retail stores the same as nearby abandoned stores from a different market segment; and

**Be It Further Resolved**, that the Kenosha County Board of Supervisors urges our legislators and the

governor to have this matter reviewed by the Wisconsin Legislative Council Study Committee on Property Tax Assessment Practices no later than July, 2018; and

**Be It Further Resolved**, that since this matter has **not** been adequately addressed in 2018 by the Wisconsin State Legislature, the Governor shall call a special session of the Wisconsin State Legislature to address this issue no later than September 2018; and

**Be It Further Resolved**, that a copy of this resolution be forwarded to Kenosha County's legislative delegation, Governor Scott Walker, the Wisconsin Counties Association, and to all other Wisconsin counties.

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Daniel Esposito

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William R. Grady

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Erin Decker

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Zach Rodriguez

Approved by:

Legislative Committee:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
_____ Gabe Nudo, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Andy Berg, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Dayvin Hallmon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Boyd Frederick	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Zack Rodriguez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Mark Nordigian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>