



# MARATHON COUNTY HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE AGENDA

Date & Time of Meeting: **Tuesday, September 26, 2023 at 3:00pm**

Meeting Location: **Courthouse Assembly Room, Courthouse, 500 Forest Street, Wausau WI 54403**

Committee Members: John Robinson, Chair; Alyson Leahy, Vice-Chair; Kurt Gibbs, Gayle Marshall, Kody Hart, Ann Lemmer, Yee Leng Xiong

**Marathon County Mission Statement:** Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)

**Committee Mission Statement:** Provide leadership for the implementation of the County Strategic Plan, monitor outcomes, review, and recommend to the County Board policies related to human resources initiatives, finance and property of the County.

Persons wishing to attend the meeting by phone may call into the **telephone conference beginning five (5) minutes prior to the start time indicated above using the following number:**

**Phone#: 1-408-418-9388      Access Code: 146 235 4571**

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

The meeting will also be broadcasted on Public Access or at <https://tinyurl.com/MarathonCountyBoard>

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Public Comment (15 Minutes)** (Any person who wishes to address the committee during the "Public Comment" portion of the meetings, must provide his or her name, address, and the topic he or she wishes to present to the Marathon County Clerk, or chair of the committee, no later than five minutes before the start of the meeting. All comments must be germane to a topic within the jurisdiction of the committee.)
4. **Approval of the September 13, 2023, Human Resources, Finance and Property Committee Meeting Minutes**
5. **Policy Issues Discussion and Potential Committee Determination**
6. **Operational Functions Required by Statute, Ordinance, Resolution, or Policy**
  - A. Discussion and Possible Action by HRFC
    1. Consideration of CIP Program Project Amended List
    2. Consideration of Rolling Stock Policy
    3. Budget Timeline
    4. Receipt of Administrator's 2024 Budget
  - B. Discussion and Possible Action by HRFC to Forward to County Board for Consideration
    1. Authorizing the Expenditure of ARPA Funds for Phase II Design Services for Regional Forensic Science Center
    2. Discussion of Consideration Process to be Used for Request from WI RNG VDG LLC Seeking Initial Resolution Regarding Solid Waste Disposal Revenue Bond Financing for Renewable Natural Gas Production Plant Project
    3. Offer to Purchase Portion of Property at Stewart Ave and 72<sup>nd</sup> Ave
7. **Educational Presentations and Committee Discussion**
  - A. Budget Update
  - B. Social Improvement Fund Balance
8. **Next Meeting Date & Time, Announcements and Future Agenda Items**
  - A. Committee members are asked to bring ideas for future discussion.
  - B. Next meeting: Wednesday, October 11, 2023 at 3:00pm
9. **Adjournment**

\*Any Person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 261.1500 or email [countyclerk@co.marathon.wi.us](mailto:countyclerk@co.marathon.wi.us) one business day before the meeting.

**SIGNED**           s/s John Robinson            
Presiding Officer or Designee

EMAILED TO: Wausau Daily Herald, City Pages, and other Media Groups

EMAILED BY: \_\_\_\_\_

DATE & TIME: \_\_\_\_\_

**NOTICE POSTED AT THE COURTHOUSE**

BY: \_\_\_\_\_

DATE & TIME: \_\_\_\_\_



# MARATHON COUNTY HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE AGENDA WITH MINUTES

Date & Time of Meeting: **Wednesday, September 13, 2023 at 3:00pm**

Meeting Location: **Courthouse Assembly Room, Courthouse, 500 Forest Street, Wausau WI 54403**

John Robinson	Present
Alyson Leahy	Excused
Kurt Gibbs	Present
Gayle Marshall	Present – 3:07 (W)
Kody Hart	Present
Ann Lemmer	Present
Yee Leng Xiong	Present (W)

Staff Present: Lance Leonhard, Chris Holman, Mike Puerner, Kim Trueblood, Connie Beyersdorff, Jaime Alberti, Jim Griesbach, Jamie Polley, Ryan Weber, Troy Torgerson

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Public Comment** - None
4. **Approval of the August 22, 2023, Human Resources, Finance and Property Committee Meeting Minutes** – Motion by Lemmer, Second by Gibbs to approve the minutes as presented. Motion carried on a voice vote unanimously.
5. **Policy Issues Discussion and Potential Committee Determination**
6. **Operational Functions Required by Statute, Ordinance, Resolution, or Policy**
  - A. Discussion and Possible Action by HRFC
    1. Claim Disallowance – Mueller – Corporation Counsel provided some background on this claim. Motion by Gibbs, Second by Lemmer to deny the claim consistent with our insurance carrier's recommendation. Motion carried on a voice vote unanimously.
    2. Approval of July and August Claims and Questioned Costs – Discussion regarding the formatting of the report being provided. There will be a check register that is able to be provided in the future as well. Motion by Gibbs, Second by Hart to approve the July and August claims and questioned costs. Motion carried on a voice vote unanimously.
  - B. Discussion and Possible Action by HRFC to Forward to County Board for Consideration
7. **Educational Presentations and Committee Discussion**
  - A. Tax Deed Property Status Update – Corporation Counsel provided an update on the in rem process for tax delinquent properties. The first batch will be ready to be filed soon. This process is a learning curve, but progress is being made. He also talked through the steps involved in the in rem process.
  - B. Budget Update – Administrator Leonhard gave an update on the budget work that is ongoing. He is meeting with each department head, looking for opportunities to identify savings. No new positions are being approved. Employee compensation and benefits is also a focus. Departments are also looking at the fee schedule to find opportunities to increase revenue. Additional details will be provided in the budget message. Administration and Finance is doing everything possible to have the budget document available by the September 26 meetings to provide for meaningful discussions. Update will be provided at the September 21 County Board meeting.
  - C. Capital Improvement Program Projects and Rolling Stock Update – Deputy Administrator stated staff has been going through the CIP program list in an effort to bring costs down and identify the “should-do’s” in an effort to allow the committee and board to give additional guidance. He talked through the new project document. Discussion was had and questions were asked and answered. Captain Weber, Jamie Polley, and Jim Griesbach addressed the rolling stock situation in each of their departments. A draft rolling stock policy update was discussed and will be considered at the next meeting.
  - D. Reports from Standing Committees – In the packet is a document that was generated from the ERC and CPZ relative to fee increases. The ERC wanted to make sure that HRFC was aware of and in support of that document. Discussion relative to when to look at the overall fee structure on a recurring basis and what criteria should be used to do that. Have a fee appendix to the budget document will be helpful in determining that policy.

8. **Next Meeting Date & Time, Announcements and Future Agenda Items**

A. Committee members are asked to bring ideas for future discussion – CIP and Rolling Stock update, potential budget document, approval of funding for final design of the Forensic Science Center

B. Next meeting: Tuesday, September 26, 2023 at 3:00pm

9. **Adjournment** – Motion by Lemmer, Second by Hart to adjourn. Motion carried on a voice vote unanimously. Meeting adjourned at 5:04 p.m.

Minutes prepared by Kim Trueblood, County Clerk

DRAFT

**No Committed Funds.** County Board Will Approve Final List and Associated Funding At Budget Adoption.

TYPE	DEPARTMENT	PROEJCT REQUEST COST	YEARS PREVIOUSLY FUNDED	PROJECT DESCRIPTION	FUNDING SOURCES							TOTAL
					Not Funded	CIP Fund Balance	Tax Levy	ARPA Funding	Hwy Reserve Funding	Registration Fees	Other	
<b>PROJECTS NOT FUNDED BY CIP</b>												
Imp	HWY	\$2,983,815	Recurring	Bituminous Surfacing <b>Total: \$5,943,815</b>			\$2,983,815			\$2,960,000		\$5,943,815
Imp	HWY	\$0	Recurring	Replace and Rehabilitate County Bridges and Culverts (See Highway Projects Below)								\$0
Imp	HWY	\$0	Recurring	Replace and Rehabilitate Federally Funded Bridges and Culverts. (See Highway Projects Below)								\$0
Imp	HWY	\$458,663	Recurring	Culverts / Bridges Aid.			\$458,663					\$458,663
Imp	CWA	\$608,000	INFO ONLY	Tower Modernization and Rehabilitation							\$608,000	\$608,000
Imp	Solid Waste	\$300,000	INFO ONLY	Gas Well Installation							\$300,000	\$300,000
Imp	Solid Waste	\$5,280,491	INFO ONLY	Phase A, Closure Area B							\$5,280,491	\$5,280,491
Imp	Solid Waste	\$1,200,000	INFO ONLY	Landfill Compactor. If refurbished vs. new, cost is \$800,000.							\$1,200,000	\$1,200,000
	<b>Sub Total</b>	<b>\$10,830,969</b>										<b>\$13,790,969</b>
<b>RECURRING PROJECTS</b>												
Imp	FCM	\$50,000	Recurring	County Facility Parking Lot Fund s/b @ \$50,000.		\$50,000						\$50,000
Imp	Parks	\$150,000	Recurring	Annual Playground Replacement		\$150,000						\$150,000
Imp	Parks	\$75,000	Recurring	Annual Restroom Replacement		\$75,000						\$75,000
	<b>Sub Total</b>	<b>\$275,000</b>										<b>\$275,000</b>
<b>TECHNOLOGY PROJECTS</b>												
Equip	CCIT	\$166,000	Recurring	PC Upgrade Fund.				\$166,000				\$166,000
Equip	CCIT	\$101,000	Recurring	Network / Server Upgrade Fund.				\$101,000				\$101,000
Equip	CCIT	\$40,000	Recurring	Video Equipment Upgrade Fund.				\$40,000				\$40,000
Equip	CCIT	\$40,000	Recurring	Voice Equipment / Phone System Upgrade Fund.				\$40,000				\$40,000
Equip	CCIT	\$80,000		Workday Enhancements				\$80,000				\$80,000
Equip	CCIT	\$233,000		Move Critical IT Hub off of River Drive				\$233,000				\$233,000
Equip	CCIT	\$50,000		Update West Side Jail Cameras				\$50,000				\$50,000
Equip	CCIT	\$150,000		City-County Asset Management Software - Workday Integration				\$150,000				\$150,000
Equip	CCIT	\$99,000		Assembly Room Microphones				\$99,000				\$99,000
Equip	CCIT	\$75,000		Contract Management Software				\$75,000				\$75,000
Equip	CCIT	\$274,000		Fiber Optics (Bug Tusset) Turn Dark Fiber On				\$274,000				\$274,000
	<b>Sub Total</b>	<b>\$1,308,000</b>										<b>\$1,059,000</b>
<b>ROLLING STOCK</b>												
Equip	Medical Examiner	\$395,000		Replace 3 Existing Vans & Add Refrigerated Van for Livery Services (FSC Project)--Lease Discussions In Progress				\$395,000				\$395,000
Equip	Emergency Mgmt.	\$70,000		Replace Ford Van 350 and SUV with Crew Cab 4x4 + Towing Package--Lease Discussions In Progress	\$70,000.00							\$0
Equip	FCM / CPZ	\$56,000	Recurring	Rolling Stock Lease. <b>Increased each year by Net New Construction or 5-Year Average Annual CPI-U, whichever is higher</b>		\$60,441						\$60,441
Equip	PR&F	\$173,460	Recurring	Rolling Stock Fund s/b @ \$173,460. Increased each year by Net New Construction or 5-Year Average Annual CPI-U, whichever is higher		\$36,220		\$173,460				\$209,680
Equip	Sheriff	\$333,696	Recurring	Rolling Stock Fund s/b @ \$333,696. Increased each year by Net New Construction or 5-Year Average Annual CPI-U, whichever is higher		\$69,680		\$333,696				\$403,376
Equip	HWY	\$957,600	Recurring	Rolling Stock Fund s/b @ \$957,600. Increased each year by Net New Construction or 5-Year Average Annual CPI-U, whichever is higher		\$200,008		\$957,600	\$1,457,697			\$2,615,305
	<b>Sub Total</b>	<b>\$1,985,756</b>										<b>\$3,683,802</b>
<b>MAIN / END OF LIFE / REGULATORY</b>												
Bldg	Medical Examiner	\$14,800,000		New Regional Forensic Science Center Schematic Design & Fundraising Ongoing (\$7m State, \$2m County, \$2m Federal-PENDING)							\$11,000,000	\$11,000,000
Imp	FCM	\$261,855		Exterior Signage @ 1100 Lakeview Campus (85% MC, 15% NCHC)				\$261,855				\$261,855
Imp	FCM	\$4,936,742	<b>ADJUSTED</b>	<b>1100 Lakeview Drive Construction (Schematic Design and Final Construction Costing Completed in 2023)</b>				\$3,879,458				\$3,879,458
Imp	FCM	\$2,832,224		Replace Chillers/HVAC at 300 N. 1st Street (Library)				\$2,832,224				\$2,832,224
Imp	FCM	\$67,870		Replace Pavement of Courthouse East Side Parking Lot	\$67,870.00							\$0
Imp	FCM*	\$700,000		*Upgrade and Replace Sanitary and Plumbing at Lakeview Professional Plaza (*Construction Cost by October 1)	\$700,000.00							\$0
Imp	Highway	\$957,567		CTH J - STP Resurfacing - STH 153 to STH 29					\$957,567		\$3,830,266	\$4,787,833
Imp	Highway	\$217,820		CTH T - STP Resurfacing - South County Line to STH 97		\$217,820					\$1,141,277	\$1,359,097
Imp	Highway	\$441,840		CTH C - STP Resurfacing - CTH J to CTH I		\$441,840					\$1,720,320	\$2,162,160
Imp	Highway	\$359,535		CTH O - Bridge Replacement (Replace and Rehabilitate Federally Funded Bridges and Culverts)		\$359,535					\$1,381,500	\$1,741,035
Imp	Highway	\$135,015		CTH L - Bridge Replacement (Replace and Rehabilitate Federally Funded Bridges and Culverts)		\$135,015					\$508,380	\$643,395
Imp	Highway	\$350,000		CTH J - Culvert Replacement (Replace and Rehabilitate County Bridges and Culverts)		\$350,000						\$350,000
Imp	Highway	\$40,000		CTH U - Culvert Extension (Replace and Rehabilitate County Bridges and Culverts)		\$40,000						\$40,000
Imp	Highway	\$105,000		Abbotsford Highway Shop Parking Lot (2023 Address Subgrade Drainage. 2024 Pave new)				\$105,000				\$105,000
Equip	CPZ	\$85,000		Hydro-Seeder (Shared Use w/Municipalities and Highway + Rental)	\$85,000.00							\$0
Imp	Parks	\$394,575		East Gate Hall: Flooring (\$137,034), Lighting & Electrical (\$24,380), Acoustic Tile (\$53,619), Windows (\$78,292), Siding (\$60,000) + Labor, Materials, Dumpster, Etc.				\$137,034				\$137,034
Imp	Parks	\$670,300		Dells of Eau Claire: Add Bathroom/Shower Facilities, Camper Cabins, and Replace Dump Station (\$135,000)	\$670,300.00							\$0
Imp	Parks	\$468,100		Big Eau Pleine Campgrounds: Add Bathroom/Shower Facilities	\$468,100.00							\$0
Imp	Parks	\$81,400		Cherokee Park: Repalce Failing Bathroom Facility (Existing is Failing Block Construction)				\$81,400				\$81,400
Imp	Parks	\$273,720		Nine Mile Forest Recreation Area: Replace Septic System				\$273,720				\$273,720
Imp	Parks	\$120,000		Westside Master Plan: Marathon Junction/Family Area Planning & Architectural Study	\$120,000.00							\$0
Imp	Sheriff's Office*	\$1,650,000		Public Safety Training and Response Center (TRC): Fully Renovate and Update Facilities (*Construction Cost by October 1)				\$1,650,000				\$1,650,000
Imp	UWSP-Wausau (A)	\$372,000		Central Plant Boiler/System Replacement (OPTION A)								\$0
Imp	UWSP-Wausau (B)	\$885,500		Central Plant Boiler/System Replacement (OPTION B)								\$0
Imp	UWSP-Wausau (C)	\$275,000	<b>PHASED</b>	Central Plant Boiler/System Replacement (OPTION C) - 2 Year Phasing (Year 1: \$275,000 + Year 2: \$550,000)				\$275,000				\$275,000
	<b>Sub Total</b>	<b>\$31,481,063</b>										<b>\$31,579,211</b>
<b>2023 Total of All Project Requests</b>					<b>\$2,181,270.00</b>	<b>\$2,185,559</b>	<b>\$3,442,478</b>	<b>\$12,663,447</b>	<b>\$2,415,264</b>	<b>\$2,960,000</b>	<b>\$26,970,234</b>	<b>\$50,387,982</b>
					Not Funded	Total Amount Funded from 2024 CIP	Total Amount from Tax Levy	Total Amount from ARPA Funding	Total Amount from Hwy Reserve	Total Amount from Registration Fees	Total Amt from Other Funding Sources	Total Amount of all Project Requests (Info, Funded & Un-Funded)
					Total CIP Rollover and Total Unallocated ARPA funds		\$2,862,903	\$14,324,703	Remaining CIP + Remaining ARPA: \$2,338,600			
					Remaining Funds in CIP and ARPA based upon this document		\$677,344	\$1,661,256				



WORKING DRAFT

**CAPITAL IMPROVEMENT PROGRAM  
ROLLING STOCK POLICY UPDATE  
September 2023**

**Rolling Stock Policy**

To make the rolling stock process more manageable and keep funding levels stable over time, the rolling stock funding for the following departments will be considered a recurring fund:

- Highway Department
- Parks, Recreation, and Forestry
- Facilities & Capital Management
- Sheriff's Office
- Conservation, Planning, and Zoning

Due to no increases in rolling stock funding for over a decade, starting in 2024 annual funding increases will be based upon the following:

***“Each year, increases to rolling stock funding levels for the departments listed in this policy will be based upon either the Net New Construction percentage or the 5-Year Average Annual CPI percentage—whichever is greater. The Human Resources, Finance, and Property Committee and County Board may also consider increases based on available funding, demonstrated need or to fit a fleet management program and development more appropriately.”***

For example, Net New Construction published by the Wisconsin Department of Revenue in 2021 for the 2022 budget was 2.017%. The Average Annual CPI for 2017-2021 was 2.460%. Therefore, the 2021 rolling stock funding for the above departments totaling \$1,657,575 would increase by 2.460% for a 2023 funding level of \$1,698,351.

Annual funding increases are subject to approval by the Human Resources, Finance, and Property Committee and the full County Board. Typically, these increases would take place as a part of the annual budget process, though it is understood that contingency and emergency situations can and may arise during the year.

“Rolling Stock” will be defined as: Any vehicle licensed for road use or any contractor equipment (all vehicles or equipment not licensed for road use) with a value of no less than \$5,000.00.

Rolling Stock will be required to adhere to the following guidelines:

- An itemized list of all rolling stock (including make, model, year, and mileage/hours) will be maintained and used to inform decisions made by Administration, the Human Resources, Finance, and Property Committee, and the County Board.
- Fleet size will not increase unless approved by the County Administrator. Increases that require additional funding should be made as part of the budget development process.
- In most cases, if a department gets a new vehicle, they will dispose of an old vehicle.
- With improvements in automotive reliability, many vehicles are still in good working condition after 120,000 miles or 12 years. The replacement schedule should take this along with the county's ability to recapture value and/or gain equity into consideration.

- For the Sheriff's Office, "Police Vehicles" are unique due to reliability, safety issues, and driving conditions. The Sheriff's Office replacement schedule guidance for "Police Vehicles" will be 100,000 miles or 10 years. A "Police Vehicle" will be defined as a vehicle equipped with a siren in addition to red and blue emergency lights. All guidelines are minimums. It is the expectation that rolling stock will be utilized beyond the minimum guidelines (unless mechanically or structurally unsound) or opportunities to gain value and/or equity are available.
- Departments with recurring rolling stock will provide an annual report showing the previous year's acquisitions, along with a description (make, model, year, and expenditure) of each vehicle to be replaced and a description (make, model, and year) of the vehicle replacement. Departments utilizing Enterprise will work with representatives of Enterprise to meet this requirement.
- When it has been determined that a vehicle is to be replaced, the department will give due consideration to need and cost effectiveness in terms of both initial cost, fuel economy, safety, and liability.
- If a vehicle accumulates less than 10,000 miles per year, alternatives to owning that vehicle will be reviewed to determine the most cost-effective solution for the County.
- Contractor's equipment will be on a replacement schedule (where equipment can be eligible for replacement).
- If a piece of contractor's equipment accumulates less than 250 hours of use per year or the expected annual use, alternatives to owning that equipment will be reviewed to determine the most cost-effective solution for the County.
- Large dollar purchases should be planned for using the annual recurring amount or can be brought as a CIP project but will be considered along with other projects requested that year.
- Revenue earned from the sale or trade of a piece of rolling stock can be used to purchase a replacement piece of rolling stock. If the replacement cost is less than the revenue gained through the sale of rolling stock, excess funds will be returned to the CIP fund. If the rolling stock is not replaced, then any revenue from the sale will be returned to the CIP fund. If CIP funds are used to fund the entire cost of a vehicle, when the replacement vehicle is sold all funds from the sale will be returned to the CIP fund.

### **Marathon County Fleet Driver and Management Policy**

Vehicles that are a part of Marathon County's relationship with Enterprise or a part of an internal fleet run by a department shall be replaced as a part of a replacement cycle and strategy that maximizes the resale value and equity gained for reinvestment into the Fleet Program. Marathon County also adopts as its overarching Fleet Drive and Management Policy the [Fleet Driver and Management Policy as adopted by the Wisconsin Department of Administration for the State of Wisconsin](#), including any updates as they are made from time to time by the Department of Administration to that policy.

In some circumstances, a vehicle used by a county department may need to be replaced with one that better fits the county department's mission. In these cases, vehicles not removed from the fleet could be combined with another vehicle replacement so that there is an offset to any costs associated with a shift to a more appropriate vehicle. This shall also be considered within the fleet program with the overarching goal of not increasing the funding necessary to accommodate the change.

Fleet vehicles will be monitored on a yearly basis and will be replaced at a point in time that the county maximizes the resale value and equity within the fleet program.

## WORKING DRAFT

Excerpt from the Risk Management Procedures—Automobile Losses

### THIRD-PARTY RECOVERIES

Marathon County and/or its insurer will pursue subrogation from a responsible third party. Recovery will include expenses for incurred damages, external or internal repair labor, towing, disassembly and assembly of customized equipment, and other associated expenses.

Departments will be reimbursed for direct expenses incurred by that department. Expenses paid for by the Risk Management budget shall be reimbursed to the Risk Management budget.

In the event of losses where automobiles are determined to be total losses, meaning the repair costs exceed the actual cash value of the automobile, the salvage value of the vehicle will be reimbursed in accordance with the following guidelines.

#### Vehicles purchased through Capital Improvement Program Funds:

- Departments will report the acquisition date, year, make, model, and purchase value of vehicle including customization expense to the Facilities & Capital Management department and the Risk Management department within 30 days of purchase. Departments utilizing Enterprise can give both departments access to their E-Fleet management site through Enterprise to help accomplish this.
- Risk Management will reimburse the department and/or the Capital Improvement Program fund the actual cash value of the vehicle and/or customization equipment expenses if settlement is received from a third party.
- Any vehicle purchased with CIP funds is required to be equipped with a back-up sensor and/or a back-up camera.
- Any dollars left in the rolling stock fund at the end of the fund year will be returned to the CIP fund to be reused.
- The County's contingency fund (for catastrophic, major, or emergency repairs) will be subject to the recommendation of the Human Resources, Finance, and Property Committee and approval by the County Board.

This policy will serve as a guide to the Human Resources, Finance, and Property Committee and Marathon County Board of Supervisors to address rolling stock recurring requests.



## Attachment A

### Rolling Stock Funding Increase Chart For Recommended Increase In 2024

Budget Year	Total Funding Level	Net New Construction	5-Year Average CPI-U	Increase
<b>2016 (Base)</b>	\$1,514,756	1.460%	1.310%	\$22,115
<b>2017</b>	\$1,536,871	1.738%	1.320%	\$26,711
<b>2018</b>	\$1,563,582	1.592%	1.510%	\$24,892
<b>2019</b>	\$1,588,474	2.161%	1.550%	\$34,327
<b>2020</b>	\$1,622,801	2.140%	1.780%	\$34,728
<b>2021</b>	\$1,657,529	2.017%	2.460%	\$40,822
<b>2022</b>	\$1,698,351	1.730%	3.640%	\$61,820
<b>2023</b>	\$1,760,171	2.343%	4.030%	\$70,934
<b>2024</b>	\$1,831,105			

In the chart above, the 5-year Average CPI has been the higher percentage in recent years.

The 5-Year Average CPI for the increase from 2023-2024 would mirror how the calculation would be done in future budget years. The 2024 budget calculation would include the CPI-U percentages from 2019-2023. Since 2023 is not over, we would rely on estimates generated toward the end of the 3<sup>rd</sup> quarter from the Fed or others who track such numbers to generate a final estimated CPI-U for 2023. [The estimate from the Federal Planning Bureau for 2023 is 4.4%](#). Therefore, the calculation for the 2023-2024 increase would look like this:

2019 CPI-U	1.81%
2020 CPI-U	1.24%
2021 CPI-U	4.70%
2022 CPI-U	8.01%
2023 CPI-U*	4.40%

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**Average: 4.030%**

\*estimated percentage for planning purposes

The recommended funding increases for each department in 2024 are shown below

Department	2016 Base Funding	2024 Funding	Increase (20.8%)
Highway	\$957,600	\$1,157,608	\$200,008
Sheriff's Office	\$333,696	\$403,376	\$69,680
Parks, Rec, Forestry	\$173,460	\$209,680	\$36,220
CPZ/FCM	\$50,000	\$60,441	\$10,441

# CAPITAL IMPROVEMENT PROGRAM ROLLING STOCK POLICY

March 2018

## ROLLING STOCK POLICY

In an effort to make the rolling stock process more manageable - Highway, Sheriff, and Parks, Recreation, and Forestry Departments rolling stock funding will be considered a recurring fund. The amount will be based on an average of the last five years of requests (see below) allowing for more flexibility. These departments will be able to address actual need, rather than what is projected to be a need, nine months prior to funding. All other departments will continue to use the existing process.

Rolling Stock will be defined as: Any vehicle licensed for road use or any contractor equipment (all vehicles or equipment not licensed for road use) with a value of no less than \$5,000.00.

### **Rolling Stock will be required to adhere to the following guidelines:**

- An itemized list of all rolling stock (including make, model, year and mileage/hours) will be required to establish a baseline for eligibility in future years.
- Fleet size will not increase unless approved by the County Administrator. If a department gets a new vehicle, they will dispose of an old vehicle.
- With improvements in automotive reliability, many vehicles are still in good working condition after 120,000 miles. The replacement schedule is 120,000 miles or 12 years. However, an exception will be made for the Sheriff's Department on "Police Vehicles" due to reliability, safety issues, and driving conditions. The Sheriff's Department replacement schedule for "Police Vehicles" will be 100,000 miles or 10 years. A "Police Vehicle" will be defined as a vehicle equipped with a siren in addition to red and blue emergency lights. All guidelines are minimums. It is the expectation of the CIP Committee that rolling stock will be utilized beyond the minimum guidelines (unless mechanically or structurally unsound).
- Departments with recurring rolling stock will provide an annual report showing the previous year's acquisitions, along with a description (make, model, year, and expenditure) of each vehicle to be replaced and a description (make, model, and year) of the vehicle replacement.
- When it has been determined that a vehicle is to be replaced, the department will give due consideration to need and cost effectiveness in terms of both initial cost and fuel economy.
- If a vehicle accumulates less than 10,000 miles per year, alternatives to owning that vehicle will be reviewed to determine the most cost effective solution for the County.
- Contractor's equipment will be on a replacement schedule (where equipment can be eligible for replacement) only after it exceeds 10,000 hours of operation.
- If a piece of contractor's equipment accumulates less than 250 hours of use per year, alternatives to owning that equipment will be reviewed to determine the most cost effective solution for the County.
- Large dollar purchases should be planned for using the annual recurring amount or can be brought as a CIP project but will be ranked against all other projects requested that year.
- Revenue earned from the sale or trade of a piece of rolling stock can be used to purchase a replacement piece of rolling stock. If the rolling stock is not replaced than any revenue from the sale will be returned to the CIP fund. If CIP funds are used to fund the entire cost of a vehicle, when the replacement vehicle is sold all funds from the sale will be returned to the CIP fund.

***Excerpt from the Risk Management Procedures – Automobile Losses***

THIRD PARTY RECOVERIES

Risk Management will pursue subrogation from a responsible third party. Recover will include: Expense for incurred damages, external or internal repair labor, towing, disassembly and assembly of customized equipment, and other associated expenses.

Departments will be reimbursed for direct expenses incurred by that department. Expenses paid for by the Risk Management budget shall be reimbursed to the Risk Management budget.

In the event of losses where automobiles are determined to be total losses, meaning the repair costs exceed the actual cash value of the automobile, the salvage value of the vehicle will be reimbursed in accordance to the following guidelines:

Vehicles purchased through Capital Improvement Program Funds:

- Departments will report the acquisition date, year, make, model, and purchase value of vehicle including customization expense to the Facilities and Capital Management department and the Risk Management department within 30 days of purchase.
- Risk Management will reimburse the Capital Improvement Program fund the actual cash value of the vehicle and/or customization equipment expenses if settlement is received from a third party.
- Any vehicle purchased with CIP funds is required to be equipped with a back-up sensor and/or a back-up camera.
- Any dollars left in the rolling stock fund at the end of the fund year will be returned to the CIP fund to be reused.
- The County's contingency fund (for catastrophic, major or emergency repairs) will be subject to the recommendation of the CIP Committee.

This policy will serve as a guide to the CIP Committee to address rolling stock recurring requests.

The five year averages are as follows:

Highway Department.....	\$957,600.00
Sheriff's Department.....	\$333,696.00
Parks Department.....	\$173,460.00

The five year average was established using rolling stock requests from each department from 2009-2013. The established amounts will not be a rolling average, the amount will remain constant and can only be changed with approval from the CIP Committee and the Human Resources, Finance, and Property Committee.

State of Wisconsin

# Fleet Driver and Management Policies and Procedures

## Manual



Wisconsin Department of Administration  
Division of State Agency Services  
101 East Wilson Street, 6<sup>th</sup> Floor  
Madison, Wisconsin 53702  
<http://doa.wi.gov>

Published: November 3, 2004  
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# Executive Summary

This manual combines into a single document the policies and procedures previously published separately as the Fleet Drivers Policies and the Fleet Management Policies. The Department of Administration (DOA) has chosen to consolidate the policies to (1) align more closely the use and management of State vehicles, (2) eliminate confusion between previous versions, (3) increase employee and public understanding of the overall state fleet program and (4) provide for greater accountability of fleet policies.

The following overview provides a general sense of the state fleet policies. However, the reader should thoroughly read Chapters One (fleet drivers) and Two (fleet managers) of the manual for a clear understanding of enforceable policies.

## Fleet Driver

- Only state employees, authorized University of Wisconsin System students and other authorized agents of the state may drive a state vehicle. All drivers must meet minimum standards and execute an approved Vehicle Use Agreement.
- Authorization to drive a state vehicle may be denied or revoked if the employee, student or agent's driving record reflects certain violations.
- Use of a state vehicle must be for official state business only. Incidental use associated with official business is strictly limited.
- State vehicles shall not be used for personal purposes except commuting under strictly limited circumstances.
- An employee must reimburse the state for personal miles traveled and adhere to all IRS reporting requirements.
- Non-state employees may ride in a state vehicle only if authorized and on official state business.
- Drivers and passengers must comply with all Wisconsin laws. Drivers are responsible for paying all vehicle citations.
- Employees should use a state vehicle whenever a vehicle is required and available for conducting state business. State vehicles are categorized as personally assigned, work shared, motor pool and qualified non-personal use vehicles.
- Drivers are responsible for immediately reporting all accidents or any damage to state vehicles.

## Fleet Management

- DOA is responsible for developing uniform state policies for vehicle acquisition, use and maintenance.
- State agencies must adhere to DOA policies. Any deviations must be authorized in writing by the DOA Secretary.
- All driving records of employees with active Vehicle Use Agreements will be reviewed annually.
- Agencies may void agreements of any employee that fails to meet minimum driving standards.
- Fleet managers/coordinators are mandated to monitor the assignment and use of vehicles by all agency employees on a semi-annual basis (or more frequently if necessary) and submit a complete report to the DOA Secretary.
- Fleet managers will develop and maintain a preventative maintenance program and procedures for unscheduled maintenance.
- All state vehicles are required to have red state-owned license plates (with the exception of vehicles authorized by DOA; for instance, undercover law enforcement).
- All agencies are required to report their vehicle information in the FleetAnywhere database.

# Preface

## Authority

The Fleet Drivers and Management Policies and Procedures Manual is based on the collection of statutes, administrative codes, memoranda and collective bargaining agreements that govern the use of state vehicles. DOA approved and issued this Fleet Drivers and Management Policies and Procedures Manual to control the use of all state vehicles. Fleet policies reflect minimum requirements that state agencies and drivers must abide by to use vehicles owned by the State of Wisconsin.

This manual provides drivers with the basic regulatory requirements for operating a vehicle owned by the State of Wisconsin. It also provides agencies with the basic regulatory requirements for managing a vehicle owned by the State of Wisconsin.

It is each driver's responsibility to obtain supervisory approval to travel. Authority to travel—both in state and out-of-state—is regulated. Statutes authorizing employees to travel for state business are contained in Chapters 16 and 20, Wisconsin Statutes. A number of collective bargaining agreements also contain provisions relating to travel and state vehicle usage. Drivers should consult with fleet managers regarding those provisions.

Likewise, the laws granting state government the authority to own and operate a fleet of vehicles are contained in Wisconsin Statutes and Administrative Codes. The following statutes and rules are among those that govern the use and management of the State fleet:

- s. 11.37 Travel by public officers
- s. 16.003(1) Department of Administration-Purpose (Enterprise Fleet Management)
- s. 16.04 Fleet management and maintenance
- s. 16.045 Storage and use of gasohol and alternative fuels
- s. 16.70(le) Definition of "agency"
- s. 16.70(2) Definition of "authority"
- s. 20.505(2)(k) Risk management (State Self-funded Property and Liability Program)
- s. 20.915 State motor vehicles and aircraft
- s. 20.916 Traveling expenses (Uniform Travel Schedule Amounts governed by this statute)
- s. 20.916(4) Use of privately owned automobiles
- s. 20.916(7) Personal use of state vehicles and aircraft
- s. 20.916(8) Uniform travel schedule amounts; allowances
- s. 20.916(9) Reimbursement for travel expenses
- c. 102 Conditions of liability
- s.340.01(41g) Operator's license
- s. 341.14(3) Private plates for law enforcement vehicles
- s. 893.82 Claims against state employees; notice of claim; limitation of damages
- s. 895.46 State and political subdivisions thereof to pay judgements taken against officers

## Definitions of Terms

**Agency:** State departments, boards, commissions, institutions, and University campuses, except agency heads.

**Agency Dispatcher:** The agency employee who reserves and issues pool vehicles.

**Agency Fleet Coordinator:** The employee in a state agency who manages vehicles leased from DOA. Agencies that lease vehicles instead of owning them have a Fleet Coordinator instead of a Fleet Manager.

**Agency Fleet Manager:** The employee who manages an agency's owned vehicle assets.

**Agency Head:** The head of a department (secretary), board (chairperson), commission (commissioner), or university campus (chancellor). Agency heads may delegate their duties to an appropriate agency employee. Delegation of duties must be documented and a copy filed with the DOA Bureau of Enterprise Fleet Director.

**Agency Risk Manager:** A state employee whose responsibilities involve administering the agency's risk management program.

**Agency Supervisor:** An agency employee who monitors the driver's compliance regarding mileage reports, fuel usage and maintenance issues and reports to the agency fleet manager/coordinator.

**ADA:** Americans with Disabilities Act

**Authority:** Wisconsin state agency with administrative powers regarding enforcement of policy compliance by other state agencies. DOA has authority over fleet driver fleet management policies.

**BSRM:** DOA Bureau of State Risk Management.

**Business Miles:** Miles driven in state vehicles by state employees, while performing official state business.

**Commuting:** Direct travel from home to headquarters or headquarters to home.

**DOA:** Department of Administration

**DUI:** Driving Under the Influence of an intoxicant, controlled substance or other drug.

**Employing Agency:** The board, commission, committee, council, university campus, or department in state government that appointed an employee to the employee's current state position (or the employee's position at the time in question).

**Headquarters City:** The area within the city, town or village limits where an employee's permanent work site is located and the area within a radius of 15 miles (based on odometer mileage) from the employee's permanent work site.

**Home:** The employee's place of residence.

**Incidental Use:** Typically occurs while enroute on official business. Stops at an ATM or financial institutions or for lunch would qualify as incidental use and are not considered personal miles if in work status and do not require reimbursement. Incidental use may also occur during commuting when personal miles are to be reimbursed. During commuting, mileage for incidental use must be reimbursed.

**IRS:** U.S. Internal Revenue Service

**Motor Pool:** Motor pool vehicles are available to all employees without regard to funding source, and are billed back on a daily use basis to the appropriate funding source.

**Non-availability Slips:** Written authorization to use an employee's private vehicle at the reimbursement rate stated in the current UTSA.

**On-Call:** Generally, when the Employer requires that an employee must be available for work and able to report for work in less than one hour. Definition of "on-call" may vary between collective bargaining agreements/Compensation Plan and may also be called "standby."

**Operator's License:** Defined in s. 340.01(41g), Wis. Stats.

**OSER:** Office of State Employment Relations

**OWI:** Operating While Intoxicated, i.e., under the influence of an intoxicant, controlled substance or other drug.

**Owner Agency:** The board, commission, committee, council, university campus, or department in state government that owns the vehicle.

**Personal Miles:** Miles driven in a state vehicle that are not business-related. Commuting is an example of personal miles.

**Personally Assigned Vehicle:** A state vehicle assigned to an individual state employee for business use.

**Pool Vehicle:** A work shared vehicle available for business use through reservation.

**Qualified Non-Personal Use Vehicle:** Those vehicles used primarily by law enforcement or fire fighting personnel. See Chapter One, 1.23., for a complete definition.

**Reimbursement rate:** The rates at which an employee may be reimbursed for use of a personal vehicle for state business, or the rate at which an employee is required to reimburse the State for personal miles in a state vehicle. For rates, please refer to the current UTSA. If an employee exercises the option to use a personal vehicle when an assigned or pool vehicle is available, the reimbursement rate is set in accordance with s. 20.916(4)(e), Wis. Stats., unless provided otherwise in the UTSA.

**SBOP:** DOA State Bureau of Procurement

**State Vehicle:** A vehicle owned by the State of Wisconsin for use to conduct official state business. A state vehicle also includes a commercially leased or rented vehicle that is assigned to an individual, agency or business sub unit for use to conduct official state business.

**UTSA:** The most recent Uniform Travel Schedule Amount (UTSA) set by OSER with approval by the legislative Joint Committee on Employment Relations. UTSA's are found in the Compensation Plan.

**Vehicle Assignment Transfer (VAT):** An authorization to change vehicle assignment status.

**Vehicle Use Agreement (VUA):** An agreement signed by a driver of state vehicles and his/her supervisor indicating the employee is eligible to drive a state vehicle.

**Work Shared Vehicle:** A state vehicle assigned to an agency or an agency sub-unit for business use.

# Chapter One: Fleet Driver Policies

## Who May Drive a State Vehicle

### 1.1. Minimum Standards for Driving a State Vehicle

Only state employees, authorized University of Wisconsin System students and other authorized agents of the state who sign a Vehicle Use Agreement (VUA) may drive state vehicles. They may only use state vehicles if they are on official state business, meet minimum driving standards and are authorized by their agency risk manager. Approval will be documented and kept on file at the state agency risk management office. If the agency does not have a risk manager, the request for authorization should be submitted from the agency head of the employing agency to the BSRM for approval.

State employees, authorized University of Wisconsin System students and other authorized agents of the state may be allowed to drive a state vehicle if the following minimum standards are met and approved by their employing agency:

- Must have a valid operator's license,
- Must have minimum of two years licensed driving experience, and
- Must be eighteen (18) years of age.

Agency fleet managers/coordinators should consult with their agency risk managers regarding any requests for an exception to the minimum standards. Approval will be documented and kept on file at the state agency risk management office. If the agency does not have a risk manager, the request for exception should be submitted from the agency head of the employing agency to the BSRM for approval. Drivers denied the use of a state vehicle based on an unsatisfactory driving record may request a review of the denial by their agency head.

### 1.2. Vehicle Use Agreements

All drivers must sign a Vehicle Use Agreement (VUA), DOA-3103 or equivalent (Appendix I) and submit the completed VUA to their supervisor for approval prior to operating a state vehicle. The VUA shall be reviewed and forwarded by the agency fleet manager/coordinator to the owner agency. The VUA describes the State's minimum standards for driving a state vehicle. All drivers who use state vehicles will have their driving records reviewed annually. It is the driver's responsibility to immediately notify the supervisor and agency fleet manager/coordinator of any changes or updates in their driving record.

Prior to driving a state vehicle, each driver shall obtain a copy of and become thoroughly familiar with the Preface and Chapter One of the Fleet Driver and Management Policies and Procedures Manual. Once drivers sign the VUA, or equivalent, they acknowledge an understanding of and future compliance with the directives in this manual. Any failure to comply with the Fleet Driver Policies and Procedures will be reviewed by the driver's supervisor and may be considered a violation of work rules resulting in a loss of state vehicle driving privileges and possible discipline, up to and including discharge. Any questions should be directed to the driver's agency fleet manager.

### 1.3. Driver Disqualification

State employees, authorized University of Wisconsin System students and other authorized agents of the state may not drive a state vehicle if their driving record reflects any of the following conditions:

- Three or more moving violations and/or at-fault accidents in the past two years
- An Operating While Intoxicated (OWI)/Driving Under the Influence (DUI) citation within 12 months
- Suspension or revocation of driver's license

The violation occurs when the citation is issued, not when the final court decision is made. Exceptions to this policy are subject to a review. Agency fleet managers/coordinators should consult with their agency risk managers regarding any requests for an exception. Approval will be documented and kept on file at the state agency risk management office. If the agency does not have a risk manager, the request for exception should be submitted from the agency head of the employing agency to the BSRM for approval. Drivers denied the use of a state vehicle based on an unsatisfactory driving record may request a review of the denial by their agency head.

Drivers must inform their supervisor and agency fleet manager/coordinator in writing whenever they become disqualified under these policies. Changes include, but are not limited to, OWI/DUI citation, license revocation, restriction or suspension. Any change in the status of a driver's record resulting in disqualification or the failure to report such change may result in revocation of the privilege of driving a state vehicle and/or discipline up to and including discharge.

#### **1.4. Special Certifications**

Depending upon the type of vehicle driven, special training and/or licensing may be required prior to vehicle use. For example, training is required for driver certification for the operation of twelve and 15 passenger vans. Commercial Drivers Licenses (CDL) are also required for certain state positions (see Chapter One, 1.5.). Drivers should consult with the agency fleet manager, risk manager or BSRM to determine eligibility.

#### **1.5. Commercial Driver License (CDL) Requirements**

Under s. 340.01, Wis. Stats., a commercial driver's license is required to operate certain commercial motor vehicles (CMV). The following CMV and CDL guide is provided by the Wisconsin Department of Transportation (WisDOT):

- A combination vehicle 26,001 or more pounds is a Class "A" CMV only if the trailer being towed has a gross vehicle weight rated, registered weight or actual gross weight of more than 10,000 pounds.
- When the weight of the combination vehicle is exactly 26,000 pounds, it is not a CMV and does not require a CDL. Example: A tractor weighs 16,000 pounds and the towed unit weighs 10,000 pounds.
- When the towing vehicle is 26,000 or less pounds and the towed unit is 10,000 or less pounds, it is not a CMV and does not require a CDL. Example: A tractor weighs 25,500 pounds and the towed unit weighs 8,000 pounds.
- A CDL with an "N" tank vehicle endorsement is required only when the capacity of the tank is 1,000 gallons or more and the vehicle fits the description of a CMV.
- A CDL with a "P" passenger endorsement is required when the vehicle is designed to transport or is actually transporting the driver and 15 or more passengers.

A driver with a CDL hired by the State must be drug tested prior to driving a state CMV and may be subject to random testing. A driver receiving a CDL after employment is required to be drug tested prior to driving a state CMV.

The driver is responsible to ensure that the vehicle meets State and Federal regulations regarding permits, safety devices, equipment (e.g., pre-trip inspections) and loads prior to operating vehicle. The driver must also comply with all applicable State and Federal regulations.

## Using a State Vehicle

### 1.6. Permitted and Prohibited Uses

The following policies govern state vehicles and do not include the policies of the State Vanpool Program. DOA mandates the following when utilizing a state vehicle:

- Use of a state vehicle must be for official state business only. Incidental use associated with official business away from the employee's headquarters city is strictly limited and may include incidental travel mileage (see Chapter One, 1.9., Incidental Travel and Stops).
- A work-shared vehicle may only be used for business miles and associated incidental travel and the guidance provided under Chapter One, 1.10.
- All drivers and passengers in state vehicles must comply with all Wisconsin laws, including the Wisconsin seat belt law.
- Drivers and/or their agency are personally responsible for the cost of all traffic citations, parking tickets, locksmith calls for retrieving keys, etc.
- Drivers are responsible for compliance with IRS and Wisconsin Department of Revenue requirements that are related to mileage reimbursement and personal use of a state vehicle.

Compliance with state vehicle use policies is required of all drivers and passengers. No person may use a state vehicle, or permit the use of a state vehicle, in the following prohibited manners:

- Reckless driving or speeding
- The driver is impaired by fatigue, alcohol, drugs or any other condition
  - Any such vehicle use will be considered a violation of Fleet Driver and Management Policies and Procedures and may be grounds for disciplinary action up to and including discharge.
  - Drivers of state vehicle who feel that their driving abilities may be impaired must cease operating the vehicle immediately. Employees who believe another employee is impaired have a duty to prevent that person from driving a state vehicle.
- Smoking is prohibited in state vehicles
- Transporting non-state employee passengers, including family members, is not permitted unless authorized under Chapter One, 1.12, Riding in a State Vehicle.
- Use for personal gain, such as delivering goods or services
- Modifications including affixing signs, stickers, antennas, bike racks, ski racks, etc.
  - Modifications to state vehicles may be undertaken only with the prior written consent of the owner agency fleet manager.
- Transporting animals
  - Allowed only with prior written consent of the owner agency fleet manager.
- Hauling loads that could structurally damage the vehicle (e.g., firewood, paper, gravel)
- Use of trailer hitches and towing
  - Allowed only with prior written consent of the owner agency fleet manager
- Installation or use of any radar-detection devices
- Transporting hitchhikers
- Bicycles transported inside vehicles
- Use for vacations or any other use not expressly authorized by this manual

Drivers who have questions regarding the appropriate use of a state vehicle should consult with their agency fleet manager.

## 1.7. Personal Use of State Vehicles

With the exception of commuting, state vehicles shall not be used for personal purposes. State vehicles may be used for commuting under the following circumstances only:

- The agency requires the employee to commute in the state vehicle for valid business needs of the agency, and
- The agency requires the employee to use the state vehicle; the employee may not volunteer to use the state vehicle.

Work shared and pool vehicles may not be used for commuting unless required by the employer. Further, work shared or motor pool vehicles are to be parked at the agency when not being used by an employee.

## 1.8. Political Use of State Vehicles and Aircraft

Section 11.37(1) and (2), Wis. Stats., state the following:

(1) No person may use any vehicle or aircraft owned by the state or by any local governmental unit for any trip which is exclusively for the purposes of campaigning in support of or in opposition to any candidate for national, state or local office, unless use of the vehicle or aircraft is required for purposes of security protection provided by the state or local governmental unit.

(2) No person may use any vehicle or aircraft owned by the state or by any local governmental unit for purposes which include campaigning in support of or in opposition to any candidate for national, state or local office, unless the person pays to the state or local governmental unit a fee which is comparable to the commercial market rate for the use of a similar vehicle or aircraft and for any services provided by the state or local governmental unit to operate the vehicle or aircraft. If a trip is made in part for a public purpose and in part for the purpose of campaigning, the person shall pay for the portion of the trip attributable to campaigning, but in no case less than 50% of the cost of the trip. The portion of the trip attributable to campaigning shall be determined by dividing the number of appearances made for campaign purposes by the total number of appearances. Fees payable to the state shall be prescribed by the secretary of administration and shall be deposited in the account under s. 20.855 (6) (h). Fees payable to a local governmental unit shall be prescribed by the governing body of the governmental unit.

## 1.9. Incidental Travel and Stops

Drivers are not permitted to use a state vehicle for a personal purpose. The only exceptions to this rule are incidental stops. Examples are stops at a restaurant for a meal, an Automatic Teller Machine (ATM) or financial institution, urgent care or emergency room or a gas station or convenience store.

Drivers should remember that public perception of state employees is important and influenced by how and where the public sees state vehicles being used. Drivers should not make incidental stops at locations the public would perceive as inappropriate. Examples are gaming and sports venues, liquor outlets and other locations where it is unlikely that any state business or allowable incidental use is involved.

Drivers required to stay overnight(s) away from home may, with permission of their supervisor, use a state vehicle for the types of necessary activity that could be expected of a traveler away from home. Examples include evening use to go to a pharmacy, grocery, laundromat, fitness center, or other locations to purchase goods or conduct activities necessary for the employee's health and well being.



## 1.10. Reimbursing Personal Miles to the State

Internal Revenue Service (IRS) rules provide that the personal use of a state vehicle includes commuting to and from work, even if the vehicle is taken home for the convenience of the state. Personal use is considered a fringe benefit by the IRS unless the employee reimburses the State for the full value of the personal mileage based on the IRS Valuation rules. The value of the fringe benefit must be included in the employee's wages and is subject to income and employment taxes. No additional employee wages will need to be calculated if the employee reimburses the State for the value of the benefit, derived in accordance with the appropriate IRS rule.

Per the IRS, if a vehicle is generally taken home more than once a month, the employee is required to reimburse the state for personal miles traveled. This section applies to motor pool, work share, rental and personally assigned vehicles. IRS examples include:

- A state owned pickup truck has the name of the state marked on the vehicle. Usually the employee is allowed to take the vehicle home because he/she is "on call." The vehicle is not a qualified nonpersonal use vehicle, thus the commuting is a non-cash taxable fringe benefit.
- An employee takes a state vehicle home in order to avoid exposing it to harm. The vehicle has a state seal on the door and is not to be used for personal use. If the vehicle is not a qualified non-personal use vehicle, the employee would have a taxable commuting benefit if he/she takes a state vehicle home.
- An employee uses a motor pool vehicle for a business meeting. The employer requires that motor pool vehicles are returned at the end of the business day but the employee is delayed and motor pool is closed when the employee arrives back at the office. The employee takes the vehicle home and returns it the next morning. Is the commute home and back to the office the next morning taxable to the employee? Per IRS: Assuming that this is an infrequent occurrence for that employee, that is, generally happens no more than once a month, the commuting value of the trip would be considered a non-taxable de minimis fringe benefit. If not an infrequent occurrence, the commute would be taxable to the employee.

Reimbursable personal miles are determined as follows:

- Actual miles driven between an employee's home and headquarters are considered commuting miles, or,
- For trips that start or end at an employee's home, the lesser of actual miles driven between an employee's home and the work site removed from the assigned headquarters or the mileage between an employee's assigned headquarters and the work site, are considered business miles. Any miles driven in excess of this amount would be considered personal miles that need to be reimbursed to the state.

The operator of the vehicle is required to keep track of all business miles by keeping an Assigned Vehicle Log (Appendix IV) on a daily basis containing the information described below. Any undocumented mileage will be considered personal miles and considered compensation provided to the employee. Unless otherwise authorized, all personal mile reimbursements must be submitted along with the monthly mileage report to the vehicle owner agency. Reimbursement to the State shall be calculated using one of the following two valuation rules:

1. **Vehicle Commuting Rule:** This method applies only to the employee who is required to commute in the vehicle for valid business reasons and the employee is not compensated for such use. The following method is used to calculate reimbursement to the State:
  - Qualifying Employees must reimburse the State at the greater of \$1.50 per state employee each way of the commute or \$0.325 per mile plus appropriate tax.

- Example: John has a personally assigned vehicle which he drives 20 miles each way to his headquarters in Madison. 20 miles x \$0.325 x 2 ways = \$13.00 plus tax which John must reimburse to the State.

**2. Automobile Lease Value Rule:** This method applies to all elected officials or state employees whose compensation rate is at least as great as federal government employees at Executive Level V (\$128,200 in 2004) or to any employee whose use of the vehicle does not qualify under the vehicle commute rule. The following method is used to calculate reimbursement to the State:

- Determine the Annual Lease value of the vehicle as shown in IRS Publication 15-B.
- Multiply the vehicle's annual lease value by the percentage of non-business use of the vehicle.
- Add the value of fuel, if provided by the employer, per non-business miles traveled. Value of fuel (if provided) is at \$0.055 per mile.
- Example: The annual lease value of the vehicle is \$3,000. Jane put 2,000 non-business miles on the vehicle during the year, which equals 20% of the total miles put on the vehicle. The value of non-business miles under the "lease value rule" is 20% of \$3,000, or \$600. The value of fuel for 2000 non-business miles is \$110.00. The total lease value of the non-business mileage is \$710.00.
- Employees subject to this rule shall make monthly payments for personal miles at \$0.325 per mile. By January 10 of each year, the employing agency shall calculate the annual value of personal use as described above. If the annual value of personal use under the Lease Value Rule is higher than the sum of monthly payments made during the year, the employee must submit the difference to the owner agency along with a copy of the calculation of value.
- Example: Jane reimbursed the State for 2000 miles at \$0.325 per mile during 2004, for a total of \$650.00. Assuming that the annual value under the "lease value rule" is \$710.00, Jane must submit \$60.00 (\$710.00 minus \$650.00) to the State.

**IRS Liability:** If an employee utilizes a state vehicle for personal use, including commuting, and the personal use of the vehicle is not reimbursed to the State, the value of any non-reimbursed personal use is considered a taxable fringe benefit. This rule does not apply to a qualified non-personal use state vehicle as long as the employee is complying with the assignment requirements. Under strictly limited circumstances, there may be exceptions to this rule. For example, an agency requires that the motor pool vehicle is returned at the end of the business day, but the employee is delayed and the motor pool is closed when the employee arrives back at the office. The employee takes the vehicle home and returns it the next morning. Assuming that this is an infrequent occurrence for that employee, that is, generally happens no more than once a month, the employee would not be required to reimburse the state for these miles. If the employee frequently experiences circumstances of this nature, the employee must reimburse the State for the commuting miles.

### 1.11. Mileage Reporting

Monthly mileage reporting is required for every state vehicle. The driver is required to submit two documents when recording and reporting monthly mileage. Drivers are required to maintain an Assigned Vehicle Log form, DOA 3472 (Appendix IV) or equivalent, which records each leg of daily travel. Vehicle logs must be submitted to and maintained by the fleet coordinator. At the end of every month, the driver responsible for the vehicle is to return a completed Mileage Report (envelope), DOA-3223 or equivalent, (Appendix IX) to the owner agency. The mileage report indicates the beginning and ending odometer readings for the vehicle along with any personal mileage. Reimbursement for any personal miles must be included with Mileage Report. A supervisor signature is required on all Mileage Reports.

If reporting personal/commute miles, a personal check including tax (state, county, and/or local taxes, if applicable) must be submitted according to owner/agency procedures. The tax rate is based on the

employee's county of residence. Vehicle reassignment may occur if monthly mileage reports are late or missing three times in a twelve-month period.

### **1.12. Riding in a State Vehicle**

Non-state employees may ride in a state vehicle if on official state business and authorized by their agency risk manager. Approval will be documented and kept on file at the state agency risk management office. If the agency does not have a risk manager, the agency head of the employing agency should submit a request for authorization to the BSRM for approval.

### **1.13. Extended Use**

Due to the composition and size of some agency fleets and the need to adequately accommodate all customers, there are limits to the length of time a driver may have a pool vehicle in their possession. Generally, a driver may reserve pool vehicle for no longer than two weeks. Please contact the agency fleet manager for more information.

### **1.14. Citations**

Drivers are responsible for promptly paying all vehicle citations. Failure to pay parking tickets immediately results in late fees and possible vehicle registration revocation or suspension. The owner agency will pay the amount due upon notice and invoice the driver and their employing agency, which may include extra charges. The responsible driver may be subject to discipline, as determined by the employing agency.

### **1.15. Motor Pool Service Charges**

Services charges only apply to pool vehicles. Charges may occur if there is:

- Failure to cancel a reservation
- Failure to pick up a vehicle on the day that it is reserved
- Failure to return a vehicle on the designated return date (charge will be waived if prior approval for an extension is granted by an agency fleet manager)

Drivers should contact agency fleet manager with questions regarding rates and timelines.

### **1.16. State Vehicle Related Purchases**

Drivers of state vehicles are strongly advised to find out from their agency fleet manager, fleet coordinator, or procurement manager which automotive service vendors and gas stations to use. The driver should be aware that purchase card (p-card) use is not allowed for fleet expenses. Fuel or other supplies and services needed to operate a state vehicle are primarily acquired through state contracts. These contracts include goods and services available throughout the state, as well as supplies and services contracts in particular geographic areas. Some contracts for supplies are only available for use by specific agencies. In other instances, different vendors might be available under a single contract.

## **1.17. Vehicle Fuel Policies and Fuel Card Uses**

State-owned gasoline dispensers should be used whenever possible. Agency fleet managers/coordinators must provide written directions to these locations and instruct their assigned drivers on the use of these dispensers.

Public self-service, regular unleaded dispensers should be used if state dispensers are not available. The most cost-effective vendor must also be used. The driver of the vehicle must be trained how to use the fleet fuel card found in the vehicle when operating a self-service dispenser. Use of Driver ID (PIN) and accurately recorded odometer readings are required to use these dispensers.

Fuel cards may not be used for the purchase of non-vehicle items such as food. If an attendant error occurs and non-vehicle items are charged to the fuel card, it is the responsibility of the driver to notify and reimburse the owner agency. Fleet managers are responsible for reviewing fuel card charges and identifying non-qualified purchases. Failure to reimburse for such purchases may result in the loss of driving privileges.

The driver should also be aware that there are cost limits related to vehicle services and an agency fleet manager must approve purchases above established limits. For example, vehicle wash rates for personally assigned and work shared state vehicles are calculated on a yearly basis and drivers seeking vehicle washes exceeding the maximum allowable cost must receive approval from their fleet manager. Drivers will be billed for any amount in excess of the set rate. Wash frequency is also limited to once a week during the period November through March (winter months), if needed, and limited to two times per month from April through October. Washes and other vehicle services will be reviewed. Drivers with excessive wash frequency will be notified. Detailing of a vehicle must be done at the leasing agency's expense and with the leasing agency approval. Typically, detailing occurs if the vehicle has been used to haul dirty or odorous materials or has been used off-road.

The State contracts with a fuel card vendor that issues credit cards and has established a transaction processing, reporting and payment system with respect to purchases of motor fuels and vehicle related purchases. Often, such fuel card vendors offer to process and pay for a variety of fleet related purchases at the point of sale. State policy restricts the use of the fuel card to purchase fuel, motor oil products, and related automotive consumables. Drivers are advised to verify which purchases are permitted with the fuel card prior to use.

The purchase of personal items such as food, beverages and air fresheners with a state fuel card, as well as automotive products for personal use, is strictly prohibited. Disciplinary action may be taken for improper use of a state fuel card. If an inappropriate charge occurs, the driver is responsible for reimbursing the State for the full amount of the inappropriate purchase. For additional information or clarification of fuel card use, drivers should contact their agency fleet manager/coordinator.

## **1.18. Repairs, Preventive Maintenance and Recalls**

It is the driver's or work shared vehicle coordinator's responsibility to ensure that all preventative maintenance is performed on schedule and have the vehicle serviced in a timely manner when notified of a recall or preventive maintenance. Failure to perform the maintenance and repairs in accordance with agency policy may result in loss of the vehicle or, in the event of damage to the vehicle, payment for vehicle repair. If a state owned repair shop does not provide maintenance on the state vehicle, a statewide mandatory contract for maintenance services must be used. In addition, the vehicle's owner agency may have special procedures to follow for emergency repairs. Consult the owner agency's procedures on repairs and preventive maintenance, including tires and glass breakage.

The following types of services are available through mandatory statewide contracts for fleet related items. Consult the owner agency's procedures on making purchases from the mandatory state contracts.

- Tires: new, retread, service
- Auto, light truck: maintenance and repair
- Towing and storage
- Fleet maintenance referral
- Vehicle lease - 30 or more days
- Rental passenger vehicles - In state
- Rental passenger vehicles - Out of state
- Glass repair or replacement

All drivers of state vehicles must know how to handle unscheduled emergency repairs. Instructions should be in the information/incident kit found in the state vehicle. If not available, contact the vehicle's owner agency to obtain a copy.

## **Vehicle Assignments**

### **1.19. Vehicle Assignment Regulations**

Employees should use a state vehicle whenever a vehicle is required and available for conducting official state business. The four categories of state vehicles are personally assigned, work shared, motor pool and qualified non-personal use vehicles. All restrictions relating to alcohol and drug consumption while using a state vehicle are strictly enforced under all categories of assignments.

All assignments will be approved or denied through the Vehicle Assignment Transfer (VAT) form, DOA3102 or equivalent (Appendix III). A VAT requesting personal assignment of a vehicle must be signed by the requesting agency head. The VAT must be submitted to the owner agency with a copy to the DOA Bureau of Enterprise Fleet Director for approval.

Special Needs Accommodation: State employees who, for health reasons, require a larger automobile or special equipment must forward a doctor's statement to the agency's ADA or Human Resources Coordinator. The agency's ADA or Human Resources Coordinator must review with their agency fleet manager the means to accommodate the need, and send an approval letter to the owner agency, if applicable.

### **1.20. Personally Assigned Vehicles**

An employee may be assigned an owned or leased state vehicle based upon job responsibilities, an approved driving record and whether there is a critical business need. Personal assignment of vehicles to individuals may be on an annual basis when not in conflict with collective bargaining agreements. Agency heads will monitor the assignment and use of vehicles by all their employees and vehicles may be reallocated from personally assigned status to work shared status at any time based on agency needs, subject to applicable provisions included in collective bargaining agreements.

The following guidelines are used to determine personal assignments and may be refined to meet the needs of the agency:

- Employee must need to use the vehicle for official state business 5-7 days per work week
- Vehicle requires special equipment not installable or transportable in a personal vehicle or making a state vehicle unsuitable for general use (e.g., law enforcement radios, sirens, lights)
- Employee is not headquartered near a motor pool or where a work shared vehicle is available
- Employee is required to be on-call

When an employee with a personal vehicle assignment is on leave or no longer works for the agency, the vehicle should be made available to other agency employees for state business travel or returned to the owner agency.

### **1.21. Work Shared Vehicles**

Work shared vehicles are assigned among a group of state employees usually within a single funding source or an unrestricted funding source.

A work shared vehicle may not be used for personal travel such as commuting. A work shared vehicle may be taken home by a driver with prior approval by a supervisor if the employee is required to take the vehicle home for valid business needs of the agency. If a work shared vehicle is taken home more than once a month, the employee is required to reimburse the State for personal miles traveled. If a driver detects a problem with the vehicle or the vehicle is in need of maintenance, the driver must report the problem to the vehicle coordinator.

Upon learning of potential problems or abuse, owner or employing agency fleet staff shall investigate the situation. Based on the facts of the case, vehicle use privileges may be revoked or restricted, or individuals may be subject to discipline as determined by the vehicle owner agency or the employer agency.

### **1.22. Motor Pool Vehicles**

Motor pool vehicles are made available to all employees without regard to funding source and are billed back on a daily use basis to the appropriate funding source. If the employee needs to take a pool vehicle home overnight or on the weekend when the fleet office is not open for business, written authorization from a supervisor is required. If a driver detects a problem with the vehicle or the vehicle is in need of maintenance, the driver must report the problem to the vehicle coordinator.

### **1.23. Qualified Non-Personal Use Vehicles**

A limited number of state vehicles may be determined to be qualified non-personal use vehicles. Drivers of these vehicles are not required to reimburse the State for personal commuting miles. The agency head must identify the job classifications recommended to be designated as drivers of qualified non-personal use vehicles and a request submitted in writing to the DOA Secretary. A qualified non-personal use vehicle generally includes all of the following:

- Police or fire vehicles
  - Vehicle is clearly identified and obvious
  - A license plate designating the vehicle as a police or fire vehicle is not sufficient designation
  - The employee must always be on call
  - Employee must be required by agency to use the vehicle for commuting
  - Employer must prohibit personal use other than commuting for travel outside of the officer or fire fighter's jurisdiction
- Unmarked law enforcement vehicles
  - Agency must officially authorize personal use in writing such as commuting for law enforcement purposes
  - Employing agency must be a governmental unit responsible for prevention or investigation of crime
  - Vehicle must be used by a full-time law enforcement officer, (e.g., officer authorized to carry firearms, execute warrants and make arrests)
- An ambulance or hearse used for its specific purpose

- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds
- Delivery trucks with seating for the driver only, or the driver plus a folding jump seat
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose
- School buses
- Specialized utility repair truck
- Truck (not van or pickup) designed to carry tools, equipment, etc.
  - Permanent interior construction, shelves, racks required.
  - Employer must require employee to commute for emergency call-outs to restore or maintain power services, i.e., gas, water, sewer.

## **1.24. Privately Owned Vehicles Used In State Business**

Privately owned vehicles may be used for official state business, but drivers are encouraged to use state vehicles whenever feasible. The reimbursement rates and rules for use of an employee's personal vehicle are defined in the UTSA.

If an employee desires to use a state vehicle and one is not available at the employee's agency fleet, they may contact the DOA Fleet (Madison area only). Non-availability slips will be issued if there are no state vehicles available at the employee agency fleet and the DOA Fleet (Madison area only). If no state vehicles are available and the driver receives a non-availability slip, the driver will receive reimbursement from the state for miles used for official state business. The reimbursement rules for use of an employee's personal vehicle are defined in the UTSA. When drivers use their private vehicle for state business, a Travel Expense Report, DOA-6107 or equivalent (Appendix XI) must be submitted in accordance with the policies of the employee's agency. When required, the non-availability slip must be attached to the driver's travel expense report. Requests for waiver of the non-availability criteria must be in writing to the DOA Secretary and must indicate specific reasons why the waiver should be granted. All non-availability slips must indicate the date of the request, the dates for which a pool vehicle was requested, and must be approved by the agency fleet manager/coordinator.

Disabled employees requesting a waiver from the non-availability slip requirements driving their own specially equipped vehicles must be authorized by the agency's ADA/human resources coordinator for a period of one year or less. Employees who are permanently disabled need to obtain a medical statement only once during their career in state service stating that they are permanently disabled; however, DOA reserves the right to review the permanency of determination.

## **Accidents and Liability**

### **1.25. Driver Procedure**

Drivers are responsible for immediately reporting all accidents or any damage to state vehicles to the agency fleet manager and to the appropriate agency/fleet coordinator or risk manager. Forms are provided for this purpose in the vehicle incident kit, DOA 6496 (Appendix VI). Reports must also be made to local law enforcement personnel. If all paperwork is not submitted in a timely manner, the claim may be denied and the agency is responsible for the cost of repairs.

The driver should consult with their agency fleet manager to confirm appropriate accident reporting procedure for their agency.

Each state vehicle has an accident kit in the glove compartment advising employees of the procedures to be followed in the event of an accident. All procedures included in the accident kit need to be followed.

According to the instructions in the kit, the driver of the state vehicle must follow these procedures after an auto accident involving a state vehicle:

1. Contact the nearest law enforcement agency to notify them of an accident.
  - Obtain relevant information required from other parties involved to complete the Accident/Incident Report, DOA-6496 or equivalent (Appendix VI).
  - Ask for the case number and when the police report will be available.
  - Driver is required to seek a police report for all vandalism or hit-and-runs that exceed \$200, accidents resulting in injuries, vehicle damage over \$1,000, and/or property damage over \$200.
2. Report the accident immediately to appropriate supervisor, agency fleet manager/coordinator and risk management staff.
  - If outside of normal business hours, leave a voice mail or send an e-mail to the owner agency fleet manager or BSRM with the following details: name, phone number, and a brief description of the loss.
  - If there is any bodily injury, immediately contact the Fleet Manager or DOA BSRM (608/2677395). If after hours or on the weekend, call and leave a message on voice mail with the driver's name and number where he/she can be reached.
3. Complete the Vehicle Accident/Incident Report Form DOA 6496 the same day including a supervisor signature and scope box checked and return to the agency risk manager or fleet coordinator within two (2) working days.
  - This accident report form may be found in the glove box of the vehicle, on the DOA web site (<http://doa.wi.gov>) or may be obtained from the agency risk manager.
  - If the driver is unable to complete the accident report form, the supervisor is responsible for completing it. It is extremely important that the information is accurate and all blanks are filled in, including the driver and supervisor signatures.
  - If a state employee is injured, the appropriate workers compensation forms should be completed by the employee or the employee's supervisor if the employee is unable to complete the forms.
4. Obtain and submit a copy of the police report to the agency risk manager.
  - If the police do not respond or do not complete a Wisconsin Motor Vehicle Accident report, but there is an injury, vehicle damage of \$1,000 or more, or \$200 or more damage to government owned non-vehicle property, complete the Wisconsin Driver Report of Accident, DMV4002 (Appendix VII) found in the vehicle's glove box or on the Department of Transportation (DOT) web site (<http://wisconsindot.gov>).
  - If the driver report form is not in the vehicle, it is available at any DMV or local law enforcement office. Mail the original form to DOT, a copy to your agency fleet manager and a copy to the vehicle owner agency along with the Accident/Incident Report.
5. Contact the vehicle owner agency. See agency procedures.

## **1.26. Property and Liability Protection**

The State is self-insured through its self-funded property and liability programs administered by BSRM. BSRM also administers the worker's compensation program for state employees injured while in the scope of their employment.

## **1.27. Worker's Compensation Coverage**

Injured state employees may use their health insurance, worker's compensation, or self-initiated litigation to recover damages against negligent third parties. Worker's compensation pays for medical expenses, hospital



expenses and loss of wages for state employees injured while in work status. There is no worker's compensation coverage when the employee is not in work status or is acting outside the scope of his/her employment.

## **1.28. Property Coverage – State-Owned and Leased Vehicles**

The Property Program covers loss to state property, which includes damage to state vehicles due to traffic crashes, vandalism, hail, etc. If another driver or a known party causes damage, the agency that owns the state vehicle will pursue subrogation. Damage to vehicles leased by the state from a private vendor for more than 30 days are also covered under the Property Program if the value of the leased vehicle is reported to BSRM.

Rentals of less than 30 days under the state's rental passenger vehicle contract include collision and liability coverage in the price of the rental and are handled by the contracted rental agency.

## **1.29. Liability Coverage**

Auto liability coverage is for claims in which a person driving a state vehicle in the scope of their state employment causes damage to a third party. Although a state vehicle may be damaged as well, only the damages to the third party are considered auto liability. For example, if a state vehicle backs into a privately owned vehicle in a parking lot, the damage to the state vehicle would be considered auto property and the damage to the other vehicle and/or injuries to the other driver and passengers would be considered auto liability. If a vehicle is rented under the state rental contracts, auto liability coverage is included in the rental fee. If the vehicle is leased, auto liability coverage is provided under the state's program. If a driver is traveling outside of Wisconsin, proof of insurance must be carried.

If a driver is traveling outside of the United States, the driver must consult their risk management office prior to driving or renting a vehicle. If the agency does not have a risk management office, the driver must consult BSRM. If a driver is travelling outside of the United States in a state vehicle, proof of insurance must be carried. If a driver is traveling outside of the United States, both auto liability and physical damage coverage must be purchased with the rental vehicle as well as carrying proof of insurance.

Coverage is provided on the authorized state driver/employee pursuant to Wis. Statute, s. 895.46, which provides liability protection for the negligent acts of its state officers, employees and agents while acting within the scope of their employment. Liability coverage is limited to \$250,000 per claimant per negligent state employee, as stated in s. 893.82, Wis. Stats. Claims that result from a state employee's actions in states other than Wisconsin are not subject to this statutory limit.

There may be no state liability coverage if:

- An unauthorized driver of the state vehicle operates the vehicle, or
- An authorized driver of the state vehicle operates a work shared vehicle outside the scope of their employment.

In each of these cases, the driver may be personally responsible for the damages to any third party and may also be responsible for payment of damages to the state vehicle.

Any accident resulting in bodily injury to a third party should be reported immediately to law enforcement and the agency risk manager or the BSRM (608/267-7395) for assignment to the State's third party adjuster. The state driver should always convey the facts to any responding authority but should never admit fault at the accident scene. The adjuster may subsequently investigate the liability claim and handle all contacts with

the other party, their attorney and/or their insurance company and will make a recommendation to the BSRM and request authorization for a proposed settlement range, if appropriate.

### **1.30. Privately Owned Vehicles**

Damages to the employee's personal vehicle are covered by the employee's own auto insurance and the employee is responsible for the insurance deductible. Under no circumstances will the State's property program pay for the employee's vehicle repairs. It is the employee's responsibility to carry personal auto liability insurance. Recommended minimum limits of personal auto insurance coverage are \$100,000 for bodily injury per person, \$300,000 for bodily injury per accident when two or more people are injured, and \$50,000 for property damage per accident.

The employee's personal auto liability insurance also provides primary coverage for medical expenses incurred by other parties involved in an employee's at-fault accident, and primary coverage for repairs to other vehicles or property involved in an accident caused by the employee. The State liability program only provides coverage for amounts in excess of the employee's auto liability insurance if the state employee was negligent and within the scope of employment when the accident occurred.

Questions may be referred to the driver's agency fleet manager, agency risk manager or BSRM.

### **1.31. State Vanpool Program**

The State Vanpool Program operates outside of normal business hours and is open to state, private and federal employees commuting to Madison from outlying areas. Therefore, the state purchases liability insurance for the Vanpool through a commercial insurer. State employees participating in the Vanpool Program are considered to be outside the scope of their employment and consequently would not be covered by Workers Compensation if injured. The Property Program does cover damage to State Vanpool Program vehicles.

## **Chapter Two: Fleet Management Policies**

### **Fleet Manager Responsibilities**

#### **2.1. Department of Administration Responsibilities**

Under s. 16.04, Wis. Stats., DOA is assigned the following responsibilities for managing all state vehicles:

- Develop uniform state policies and guidelines for vehicle acquisition, use, and maintenance.
- Keep up-to-date records on operational costs, vehicle performance evaluations and replacement of vehicles.
- Screen all requests for additional or replacement vehicles prior to forwarding those requests to the Governor for approval.
- Maintain an inventory of all state vehicles.
- Review agency records relating to fleet operations and the use of state vehicles on a semi-annual basis.

The DOA Division of State Agency Services performs these responsibilities.

## 2.2. Agency Responsibilities

State agencies authorized by DOA under s. 16.04(2), Wis. Stats., to manage and operate state vehicles must adhere to the Fleet Driver and Management Policies and Procedures. The DOA Secretary must authorize any deviations from these policies in writing prior to any use of any state vehicle in a manner which does not adhere to the policies and procedures. A state agency authorized to operate state vehicles must have an employee designated to perform a minimum of two of the following three levels of fleet administration: Fleet Manager, Fleet Coordinator, Driver Supervisor.

## 2.3. Fleet Manager

An agency that controls the deployment of owner agency vehicles acquired with agency/campus funds must employ a fleet manager. Fleet managers are responsible for the following:

- Designate and review vehicle assignments
- Establish maintenance procedures
- Evaluate and recommend vehicle procurement needs
- Identify surplus vehicles for sale disposition
- Maintain vehicle history records
- Maintain records
- Monitor direct and indirect fleet costs
- Maintain fleet required data

## 2.4. Fleet Coordinator

Agency fleet coordinators are the owner agency's representatives and assist in carrying out the fleet manager's duties at a local level. Fleet coordinators in a non-owner agency also act as the agency's central point of contact regarding fleet administration. An agency or agency sub-unit that operates leased vehicles must designate one of their employees to perform the minimum administrative requirements contained in these policies for using state vehicles. The fleet coordinator also interprets fleet policies and provides assistance to administrators and drivers regarding these policies. Fleet Coordinators are responsible for the following:

- Authorize the use of state vehicles
- Ensure adherence to fleet maintenance procedures
- Communicate and forward information regarding vehicle needs to fleet managers/drivers/supervisors
- Identify underutilized/replaceable vehicles
- Monitor vehicle use (e.g., mileage logs)
- Monitor costs that must be reimbursed to the State by the employee
- Investigate citizen driver complaints
- Assist in obtaining missing or erroneous driver reports

## 2.5. Driver Supervisor

The supervisor of a driver is responsible for the following:

- Maintain up-to-date knowledge of fleet policies and procedures
- Educate their staff/drivers of all policies and procedures
- Ensure completion of initial Vehicle Use Agreement for their employees

- Submit requests for a vehicle assignment
- Manage mileage envelopes/logs including a review of personal use

## 2.6. Required Training

Once every two years fleet managers/coordinators will be required to attend Fleet Management Training held by DOA Division of State Agency Services. This training will review for fleet manager/coordinators current Fleet Driver and Management Policies and Procedures.

## Driver Management

### 2.7. Approving Vehicle Use Agreements

Prior to operating any state-owned vehicle, a driver (see Chapter One, 1.1.) must have a signed and approved Vehicle Use Agreement Form (VUA), DOA-3103 or equivalent (Appendix I). An employee is prohibited from operating a state vehicle until the VUA is authorized by the employing agency fleet manager/coordinator and kept on file for annual review. A driver should expect a minimum of two weeks for processing and the driver is responsible for verifying approval/denial with the fleet manager/coordinator.

The VUA contains a provision signifying that the driver has been given a copy of the Fleet Driver and Management Policies and Procedures Manual and the driver acknowledges an understanding of and future compliance with the directives in the manual. The manual is also available on the DOA web page (<http://doa.wi.gov>). Supervisors should assure that drivers have access to the policy manual. The VUA also requires the driver's license number and informs the driver of their obligation to inform their supervisor and agency fleet manager/coordinator in writing whenever they become disqualified under these policies. New drivers must receive an orientation from their supervisor. At a minimum the orientation will include personal use rules, fueling procedures, monthly reporting, repair/maintenance procedures, accident reporting and safety. The driver supervisor reviews and approves the VUA and forwards the form to the employing agency fleet manager/coordinator.

The fleet manager/coordinator from the employing agency should methodically review the submitted VUA. Approval or denial of the application is based on, but not limited to, the minimum standards for driving a state vehicle (see Chapter One, 1.1.) and driver disqualification (see Chapter One, 1.3.). A driver will be rejected for failure to meet these standards. The applicant's Department of Transportation (WisDOT) driver record must be reviewed. To obtain the abstract the fleet manager/coordinator must submit to the WisDOT the prospective driver's full name, driver license number, date of birth and the state where the driver license was issued.

Agency fleet managers/coordinators should consult with their risk managers regarding any requests for exceptions to the minimum standards or driver disqualification requirements (see Chapter One, 1.1. and 1.3.).

Fleet managers/coordinators should also be aware that based on the type of vehicle being driven, special training and/or licensing may be required prior to vehicle use. For example, training is required for driver certification for the operation of twelve and 15 passenger vans (see Chapter One, 1.4.). Commercial Drivers Licenses (CDL) are also required for certain state positions (see Chapter One, 1.5.). Fleet managers/coordinators are responsible for confirming that training is complete before approving a VUA.

Only after a complete review, the fleet manager/coordinator shall indicate their decision on the form and send a copy of the form to the owner agency fleet manager and the agency risk manager. The owner agency will enter the driver in statewide data system.

## **2.8. Monitoring Vehicle Use Agreement**

Each year, a review of all driving records of employees with active Vehicle Use Agreements will be conducted. An employee who, as a result of the review, no longer meet minimum standards for driving a state vehicle shall have his/her agreement voided and their driving privileges suspended until such time that he/she can demonstrate meeting the standard.

If an employee is denied use of a state vehicle due to an unacceptable driving record and travel is required, the employee (who must hold a valid operator's license) may use his/her personal vehicle and be reimbursed for mileage. Reimbursement will be at the rate equal to the full business mileage reimbursement rate established for an employee required to use their personal vehicle on state business set in the current UTSA (Appendix II).

See Chapter One, 1.3., for driver policies related to driver disqualification.

## **2.9. Personal Use of State Vehicles**

See Chapter One, 1.7., for driver policies related to personal use of state vehicles.

## **2.10. Political Use of State Vehicles and Aircraft**

See Chapter One, 1.8., for driver policies related to political use of state vehicles and aircraft.

## **2.11. Incidental Travel and Stops**

See Chapter One, 1.9., for driver policies related to incidental travel and stops.

## **2.12. Reimbursing Personal Miles to the State**

See Chapter One, 1.10., for driver policies related to reimbursing personal miles to the State.

## **Vehicle Management**

### **2.13. Vehicle Assignments**

Fleet managers/coordinators are mandated to monitor the assignment and use of vehicles by all agency employees on a semi-annual basis, or more frequently, if necessary. Fleet managers/coordinators must also keep records up-to-date upon notice of a change in vehicle status. The review should specifically examine the distribution of vehicles that are assigned as work shared, personally assigned, motor pool or non-qualified personal use. All changes of assignment for vehicles must be done using the Vehicle Assignment Transfer (VAT) form, DOA-3102 or equivalent (Appendix III) and be submitted to the owner agency with a copy to the DOA Bureau of Enterprise Fleet Director.

In addition to determining assignment type, fleet managers/coordinators review and ensure the appropriate size of the vehicle and make a recommendation to their agency head for approval. Restrictions are set in the Vehicle-Procurement Information Memorandum (PIM) issued by the State Bureau of Procurement, stating it is the responsibility of every agency to review and restrict the assignment of vehicles. The PIM is available at <http://doa.wi.gov> keyword: procurement. The vehicle size must be based on the number of passengers in the

vehicle and the amount of equipment or luggage being carried. Medical necessity is the only other reason a larger vehicle may be assigned and must be approved by the agency fleet manager.

Disabled employees seeking a waiver from the non-availability requirements for driving their own specially equipped vehicles must be authorized by the agency's ADA/human resources coordinator on how to accommodate the need. Employees who are permanently disabled need to obtain a medical statement only once during their career in state service, stating that they are permanently disabled; however, DOA reserves the right to review the permanency of determination. These drivers will be reimbursed at the "full rate" set in the current UTSA (Appendix II).

## **2.14. Personally Assigned Vehicles**

All assignments will be approved or denied through the Vehicle Assignment Transfer (VAT) form, DOA3102 or equivalent (Appendix II). VATs requesting Personal Assignment of a vehicle must be signed by the requesting agency head. The VAT must be submitted to the owner agency with a copy to the DOA Bureau of Enterprise Fleet Director for approval. All rules relating to personal use of the state vehicle are strictly enforced.

See Chapter One, 1.20., for driver policies related to personally assigned vehicles.

## **2.15. Work Shared Vehicles**

Work shared vehicles must have a designated coordinator who is responsible for scheduling use of the vehicle(s), maintenance and repair, maintaining the Assigned Vehicle Log, DOA-3472 or equivalent (Appendix III), and ensuring compliance with state fleet policies. Reassigning work shared vehicles requires the fleet manager/coordinator to file a VAT with the owner agency. Agencies should attempt, when feasible, to reassign personally assigned vehicles and consolidate shared vehicles into pools to minimize the need for additional vehicles. All requests for reassignments must be reviewed and authorized by the DOA Bureau of Enterprise Fleet Director.

See Chapter One, 1.21., for driver policies related to work shared vehicles.

## **2.16. Motor Pool Vehicles**

Fleet managers/coordinators managing a motor pool have added responsibilities because many drivers use the vehicles. Each driver using a pool vehicle must meet the minimum standards for driving a state vehicle and have an approved VUA on file. It is the responsibility of the fleet manager/coordinator to ensure maintenance and manufacturer recall repairs are complete.

Pool vehicles are to be reserved and issued to drivers by their agency dispatcher. A record must be made of each pool vehicle trip with beginning and ending mileage noted. The agency dispatcher ensures that the driver is authorized to travel and has obtained a supervisor signature. A supervisor always must approve use of the vehicle by an employee. Vehicle assignment will be the smallest available vehicle based on the number of occupants and equipment/luggage to be carried.

Pool vehicles are subject to an annual review based on the breakeven mileage criteria determined by the DOA Secretary. Exceptions to the breakeven mileage criteria may be granted upon recommendation of an agency head and with written approval of the DOA Secretary. The number of vehicles assigned to a motor pool may increase or decrease to achieve optimum resource allocation.

See Chapter One, 1.22., for driver policies related to motor pool vehicles.

## **2.17. Qualified Non-Personal Use Vehicles**

See Chapter One, 1.23., for driver policies related to qualified non-personal use vehicles.

## **2.18. Vehicle Maintenance Policies**

Fleet managers will develop and maintain a preventative maintenance program and procedures for unscheduled maintenance for the state vehicles owned by their agencies. Fleet coordinators will follow established policies and programs and manage maintenance. Supervisors will ensure compliance by drivers for maintenance related issues.

State vehicles must be serviced and maintained according to factory recommendations and the owner agency fleet manager must produce a maintenance schedule. Agency fleet managers/coordinators are responsible for scheduling service and maintenance on pool vehicles. Drivers are responsible for service and maintenance of personally assigned vehicles and agency fleet managers/coordinators for work shared vehicles. Mileage accumulated during this endeavor shall be considered business mileage. An authorized dealer shall do warranty work.

When a driver/fleet coordinator has been notified of any type of needed repair, including recall, warranty, maintenance and body repair, it is their responsibility to have the vehicle serviced in a timely manner. Failure to perform needed repairs may result in a loss of the vehicle, or in the event of damage to the vehicle the agency/driver may be subject to payment for vehicle repair. When notified by the fleet manager/coordinator of a driver's failure to comply with required repair procedures, it is the responsibility of the driver's supervisor to immediately contact the driver and ensure compliance.

Generally, maintenance is authorized through a managed maintenance contractor, a State service facility or purchase order. Only in an emergency situation may vehicle maintenance be secured with a personal credit card or cash. If maintenance is paid through purchase order, vendors must be selected from the SBOP Statewide Bulletin for Vehicle Maintenance Service. If cash is used, an original receipt must be submitted to the agency supervisor with a travel voucher to secure a reimbursement approval along with justification for the repairs. Fleet managers/coordinators are advised to consult with the SBOP (608/2662605) for the appropriate procedures to follow. State Purchasing Cards (P-Cards) are not to be used for vehicle expenses.

Vehicle maintenance and repairs for automobiles and light trucks must be secured through purchase order if a managed maintenance contractor is not used. All receipts for service outside of a managed maintenance contractor should be signed and retained by the driver who is then responsible for turning in those receipts either:

- At the end of their pool reservation, or
- At the end of each month with their assigned vehicle log forms and mileage envelopes.

The appropriate fleet manager/coordinator/supervisor is to review the maintenance tickets and reports. Drivers who have turned in questionable or unnecessary maintenance expenses must be contacted for further investigation and possible reimbursement to the vehicle's owner agency. Failure to reimburse may result in the loss of driver privileges.

The driver should also be aware that there are cost limits related to vehicle services and an agency fleet manager must approve purchases above the limits. For example, vehicle wash rates for personally assigned and work shared state vehicles are calculated on a yearly basis and drivers seeking vehicle washes exceeding

the maximum allowable cost must receive approval from their fleet manager. Drivers will be billed for any amount in excess of set rate. Wash frequency is also limited to once a week, if needed, November through March (winter months) and limited to two times per month April through October. Washes and other vehicle services will be reviewed. Drivers with excessive wash frequency will be notified. Detailing of a vehicle must be done at the leasing agency's expense and with agency approval. Typically, detailing occurs if the vehicle has been used to haul dirty or odorous materials or has been used off-road.

Receipts for vehicle maintenance do not need to be turned in by the driver if they are using the state contracts for managed maintenance services. All maintenance and repairs must be tracked for each vehicle in the fleet. This is done electronically through a maintenance contractor or through retention of hard copies of bills and work orders. If a managed maintenance contractor is used, they will track all costs through their vendor network and report them on a monthly basis to the owner agency fleet manager. If a managed maintenance contractor is not used then copies of receipts and/or work orders must be retained and forwarded at the end of their pool reservation, or at the end of each month with their assigned vehicle log forms and mileage envelopes.

Fleet managers/coordinators/supervisors are responsible for ensuring vehicles are maintained and confirming their drivers understand the importance of the maintenance function and accept their responsibility in helping to maintain the vehicles that they drive. All drivers should be educated to increase their awareness of the vehicle's daily performance.

## **2.19. Vehicle Fuel Policies and Fuel Card Uses**

See Chapter One, 1.17., for driver policies related to vehicle fuel policies and fuel card uses.

## **2.20. Plain Plate Requirements**

All state vehicles are required to have red state-owned license plates with the exception of vehicles authorized by DOA; for instance, undercover law enforcement. Any deviation from this policy requires written request from the agency head and authorization from the DOA Bureau of Enterprise Fleet Director.

# **Accidents and Emergencies**

## **2.21 Driver Procedures**

See Chapter One, 1.25., for driver policies related to driver procedures.

## **2.22. Agency Risk Manager or Repair Coordinator**

The agency risk manager or repair coordinator is responsible for submitting the following information to the owner agency, which handles the property claim and submits it to BSRM for payment if over \$500:

- Police report or DOT Driver Report of Accident Form, MV4002 (Appendix VII)
- Vehicle Accident/Incident Report Form, DOA-6496 (Appendix VI)
- Photographs of damage (if photos were taken)
- Two written estimates: If vehicle is totaled, documentation should also be submitted which supports the actual cash value of the vehicle.
- For property claims, one signed Proof of Loss Form, DOA-6413 or equivalent (Appendix VIII)



## **2.23 Repair/Accident Coordinator Procedure**

In the event of an accident, the repair/accident coordinator is responsible for the follow up and approval of repairs of the agency owned state vehicle and must adhere to the following steps:

1. Check to see that a police report is completed on vehicle damage over \$1,000, property damage over \$200, injuries, or hit and run damage/vandalism over \$200.
2. Contact driver with a policy and procedures instruction sheet
3. Inform driver to complete Accident/Incident Form, DOA-6496 or equivalent (Appendix VI), and return it within 48 hours of the accident. Copy sent to owner agency and also to BSRM if it is an injury case. Failure to report in a timely manner may result in loss of vehicle or incurring repair costs.
4. Request/receive police report from the appropriate police department(s) for all cases.
5. Inform driver to get two estimates. The repair coordinator or managed maintenance contractor can assist in recommending vendors.
6. Forward estimates to owner agency.
7. Owner agency reviews estimates and provides authorization to proceed with repairs.
8. Follow up with a call/email to driver requesting more information, if needed.
9. Follow up with a call/email to driver and supervisor if problems arise.
10. Follow up with driver and supervisor every ten to 15 days on status of the repairs.
11. Compare invoice to estimate final invoice from repair shop.
12. Compares invoice to estimates and approve invoice, submit final packet to agency risk manager who will send to the BSRM.

## **2.24. Driver Claims-Recovery of Losses**

Injured state employees may use their own health insurance, worker's compensation, or litigation on their own to recover damages against negligent third parties in a case with an injury.

### **Auto Claim Reporting – Property**

Auto property claims over the \$500 deductible are to be finalized and filed with BSRM within 90 days from the date of loss. Claims submitted beyond 90 days may not be honored. Auto property claims of over \$10,000 should be immediately reported to the agency risk manager and/or BSRM to determine if assignment to the State's third party adjuster is necessary. If outside of normal business hours, leave a voice mail or send an e-mail to BSRM or the agency risk manager or fleet manager with the following details: name, phone number, and a brief description of the loss.

For claims that will not be finalized within 90 days from date of loss and are not assigned to the State's third party adjuster, an agency should instead submit to BSRM a written statement putting BSRM on notice of the claim with an explanation as to why the claim is not finalized.

State auto property coverage pays the lower of either the cost to repair or the actual cash value of the vehicle on the date of loss, less the applicable deductible. Repairs should be supported with two (2) estimates and any sales tax must be deducted. Betterment or upgrades are not covered and such costs should be deducted from the claim. Actual cash value (ACV) is determined by the trade-in value listed in the National Automobile Dealers Association (NADA) Official Car Guide or comparable source, adjusted for mileage minus salvage.

### **Auto Claim Reporting – Liability**

Auto liability claims should be concluded and submitted by an agency to BSRM within 120 days from the date of loss, as provided by s. 893.82, Wis. Stats. Prompt settlement will also result in less cost and greater satisfaction for the claimant. Any accident resulting in bodily injury to a third party should be reported immediately to the agency risk manager and/or BSRM for assignment to the third party adjuster. If outside of

normal business hours, leave a voice mail or send an e-mail to BSRM with the following details: name, phone number, and a brief description of the loss.

The third party adjuster is responsible for performing the investigation and handling all contacts with the claimant, attorney and/or insurance company. The adjuster will make a recommendation to the BSRM and request authorization for a proposed settlement range, if appropriate.

State liability coverage pays the lower of two (2) estimates. The vehicle is considered totaled if the lower estimate exceeds the retail value listed in the NADA Official Car Guide or comparable source, adjusted for mileage and salvage value.

If the third party driver requires a rental vehicle during the time that his or her vehicle is being repaired, the state will pay the daily base rate for an economy (compact) vehicle plus sales tax. The claimant will not be reimbursed for the purchase of any insurance, damage waiver, fuel charges or additional mileage charges that they incur.

### **Recovery of Losses**

Each agency will be expected to attempt to collect, in accordance with accepted insurance industry practices, from those individuals or firms that cause damage to state vehicles. The first dollars recovered by the agency shall be used to satisfy the deductible. Any recovered amount that exceeds the deductible shall be used by the agency to reduce the claim to the BSRM. The remaining balance should then be submitted to the BSRM for processing.

In an effort to reduce or eliminate late reporting of auto losses to the BSRM, agencies are encouraged to submit covered auto losses to the BSRM before undergoing a long subrogation process. The BSRM or its representative may assume the agency's right of recovery when an agency files a claim. In those situations, all losses will be subject to the applicable deductible.

Driver should be directed to the vehicle owner agency for additional information.

## **Records Management**

### **2.25. Record Keeping and Reviews**

Rigorous record keeping and substantiation are required by the employee or agency fleet manager/coordinator and failure to report will result in a seizure of the vehicle. Under s. 16.04, Wis. Stats., each fleet manager shall review the use of state vehicles within their agency at least semi-annually to determine whether usage criteria are being met. Reports must be submitted to the DOA Secretary and include a detailed description of the utilization of each vehicle and justification of need.

Failure to submit the semi-annual review justifications may result in a delay in the purchase of new vehicles until a review of the usage of all state vehicles is complete and all agencies have responded to DOA's request. Non-reporting agencies may also be subject to loss of vehicles as determined by the DOA Secretary.

Personally assigned and work shared assignments must be evaluated annually for the following:

- Minimum utilization for personally assigned vehicles is based on 16,000 miles of annual official state business use and 13,000 miles of annual official state business use for work shared vehicles or criteria annually established by the DOA Secretary.
  - DOA Secretary may grant special exceptions to the mileage criteria only after recommendation by the agency head.

- Agencies will have 30 days to submit written justification on why vehicles that do not meet the criteria of the DOA Secretary should be assigned to the agency.
- Overall availability of vehicles in the fleet.
- Requirements such as those for federal grants or collective bargaining agreements.
- Determination of whether the priority of the assignment is in line with agency priorities and overall travel demand.
- Changes in the scope of work that may require a change in the vehicle type needed to accomplish the work objectives.
- Continued need for special purpose vehicles.
- Reimbursement to the State for personal use of personally assigned vehicles.

Fleet managers, in conjunction with the agency’s annual vehicle report, will evaluate which vehicles are eligible for replacement. Eligibility for replacement is set out in a Procurement Information Memorandum (PIM) issued by the SBOP. Fleet managers/coordinators should follow the procedures of the owner agency in requesting replacements. Vehicle replacement occurs once per year. Mid-year requests may be made only in an emergency and, if approved, must be from existing stock or by recalling an underutilized vehicle. The purchases of new vehicles may only occur based on the approval of the Governor.

Requests for additional vehicles should follow the same procedure as requesting a replacement and must include a thorough analysis of internal vehicle reallocation, including any legislation or budget information that would authorize additional staffing or duties. Forms and additional instructions can be found on the SBOP website at <http://doa.wi.gov> keyword: procurement.

**2.26. Mileage Reports**

Employees using personally assigned, work-shared and qualified non-personal use vehicles for state business must keep track of business miles on a daily basis with the Assigned Vehicle Log form, DOA3472 or equivalent, (Appendix IV) and Mileage Report (envelope), DOA-3223 or equivalent, (Appendix IX). The mileage log and report should contain following information:

- Date
- Mileage
- Starting Location
- Destination
- Business Purpose
- Personal Use Mileage
- Passengers

On a monthly basis the driver or work share coordinator is required to submit two documents, the Assigned Vehicle Log and the Mileage Report. Vehicle logs must be submitted to and maintained by the fleet coordinator. The Assigned Vehicle Logs must remain at the employing agency. At the end of every month, the driver responsible for the vehicle is to return the completed Mileage Report to the owner agency. The Mileage Report indicates the beginning and ending odometer readings for the vehicle along with any personal mileage and must include reimbursement for any personal miles. A supervisor signature is required on all Mileage Reports.

The State Controller’s Office in collaboration with DOA Division of State Agency Services will assist agencies in calculating personal mileage reimbursement under Chapter One, 1.10. Agency heads are ultimately responsible for ensuring that personal mileage reimbursements are properly made. However, supervisors have the first-line duty and are directly responsible for ensuring that all personal mileage reimbursements are made by drivers under their supervision agency fleet coordinators are to assist supervisors to ensure that drivers are recording personal mileage use and are making proper reimbursements for personal mileage in assigned vehicles.

Mileage reports must be kept up-to-date and maintained by the employing agency. Failure to submit reports and maintain logs in a timely manner may result in a loss of vehicle privileges. Reported personal/commute miles are considered a reimbursable travel and reimbursements must be made in accordance with the guidelines previously identified.

Fleet coordinators/supervisors are responsible for ensuring that mileage information is properly recorded and filed on work shared and personally assigned state vehicles as well as maintain the Assigned Vehicles Logs. Vehicle reassignment may occur if monthly mileage reports are late or missing three times in a twelve-month period.

## 2.27. Fleet Related Record Retention

In general, fleet managers/coordinators should follow the General Schedule for Motor Vehicle Management Records (Appendix X) retention procedures required by their agency in terms of the records identified in these fleet policies and procedures. The following fleet records are subject to retention times (as indicated):

- Policy and Administration Subject Files (Current Fiscal year + 4 Prior Years)
- Motor Vehicle Related Project Files: research, grants, trends in vehicle resale (Current Fiscal year + 4 Prior Years)
- Motor Vehicle Correspondence: correspondence not covered under other sections (Creation Date + 1 Prior Year)
- Motor Vehicle Acquisition Case Files: records relating to the purchase of vehicles by the State (Current Fiscal year + 4 Prior Years)
- Motor Vehicle Sales and Surplus: records related to the transfer, sale, donation, salvage or exchange of vehicles. (Current Fiscal year + 4 Prior Years)
- Vehicle Titles (Creation Date + 5 Prior Years)
- Motor Vehicle Maintenance Records: service and repairs orders for motor vehicles (Creation Date + 5 Prior Years)
- Supplies and Parts Inventories: running inventories of vehicle related supplies and stocks of expendable materials. (Current Fiscal year + 4 Prior Years)
- Supplies and Parts Disbursement Records: disbursement of vehicle related supplies and stocks of expendable materials. (Current Fiscal year + 4 Prior Years)
- Motor Vehicle Control, Assignment and Use Records: includes VUA, pool vehicle requisition forms, and non availability slips (Date of driver separation from state service or recession of authority to drive a state vehicle + 1 Prior Year)
- Motor Vehicle Cost Accounting Records: includes mileage records (Current Fiscal year + 4 Prior Years)
- Vehicle Accident/Incident Reports (Case closed date + 1 prior year)

Hard copy files are required for the following types of documents:

- Accident reports
- Vehicle Use Agreements
- Vehicle Assignment Transfers
- Travel Logs
- Non-electronic receipts for fuel, maintenance and repairs

## 2.28. FleetAnywhere Database Reports

All agencies are required to report their vehicle information in the FleetAnywhere database. Fleet managers must maintain detailed records on fleet equipment, fleet and fleet user attributes. Use of the FleetAnywhere database to maintain this information is mandatory. As implementation of FleetAnywhere continues, further data requirements will be identified; however, at a minimum the following information must be obtained and maintained for all state vehicles:

- Equipment ID
- Make
- Model
- Year
- Color
- VIN#
- License Plate Number
- Fuel Types
- Transmission Type
- Engine Size and Cylinders
- Date of Vehicle Disposition
- Purchase Price
- Vehicle Modifications
- Maintenance Schedule
- Purchase Price

On-going data Maintenance:

- Fuel use
- Repair history
- Assignment history
- Mileage history
- Assignment status
- Depreciation
- Recall Disposition

## 2.29. Public Records Requests and Special Reports

As necessary, fleet managers/coordinators will respond to requests for information or special reports from the DOA Secretary or the Legislature. Fleet managers and coordinators will provide a timely response to all such requests.

## 2.30. Lease and Rental Rates

Agencies owning vehicles must annually publish their daily rental and lease rates effective on or about July. Each Fleet Manager who maintains a pool must establish criteria and charges for late returns and noshows for vehicles and publish that schedule.

## 2.31. Citizen Driver Complaints

If a call is received from a citizen regarding the driver of a state vehicle, gather as much information as possible about the incident including date, time, location, license plate, vehicle ID, description of driver (e.g., gender), make, model, color of the vehicle and a detailed description of the incident. Obtain the caller's name and telephone number if they are willing to give it.

- If the vehicle is not in your fleet, determine the owner agency and forward the information to the fleet contact or to DOA Division of State Agency Services to determine its disposition.
- If the vehicle is in your fleet or a complaint is forwarded to you, forward the complaint to the fleet manager/coordinator.

The agency fleet manager/coordinator should record the complaint in detail and communicate with the driver's supervisor. For work shared vehicles, the fleet manager/coordinator may need to contact the supervisor to determine the identity of the driver. The supervisor may be asked to respond fully to the complaint, which may include replying directly to the citizen, but only at the citizen's request. While these

are not moving violations in the manner reviewed for driver disqualification (see Chapter One, 1.3.), they may become the basis for suspending driving privileges if there are multiple complaints logged.

## Appendix Directory

Documents referenced in this manual are published in *Fleet Driver and Management Policies and Procedures Appendix* at <http://doa.wi.gov> keyword: fleet appendix.

- I. DOA-3103, Vehicle Use Agreement (VUA) Form
- II. Office of State Employment Relations (OSER), Uniform Travel Schedule Amounts (UTSA)
- III. DOA-3102, Vehicle Assignment Transfer (VAT) Form
- IV. DOA-3472, Assigned Vehicle Log Form
- V. DOA-AD-GS-75, Non-Availability Slip
- VI. DOA-6496, Vehicle Accident/Incident Report Form
- VII. MV4002, Department of Transportation, Driver Report of Accident Form
- VIII. DOA-6413, Proof of Loss Form
- IX. DOA-3223, Mileage Report (Envelope)
- X. General Schedule for Motor Vehicle Management Records
- XI. DOA-6107, Travel Expense Report

# Addendum to Fleet Driver and Management Policies and Procedures

July 2017

The following items from the Fleet Driver and Management Policies and Procedures shall be modified with the updated language and procedures.

## Definitions of Terms

**Vehicle Use Agreement (VUA):** An agreement signed by a driver of state vehicles acknowledging they have reviewed state driver policies, are eligible to operate a state vehicle, agree to inform their supervisor of a change in eligibility and agree to a monthly check of their driving status. Log into the [Enterprise Fleet Management Portal](#) and click on “New Driver” to access the electronic VUA.

### 1.2. Vehicle Use Agreements

All drivers must sign a Vehicle Use Agreement (VUA) and submit the completed VUA prior to operating a state vehicle. Before driving a state vehicle, each driver shall become thoroughly familiar with the [Preface and Chapter One of the Fleet Driver and Management Policies and Procedures Manual](#).

By completing and submitting a VUA, the employee agrees to the following four terms.

1. The driver understands and will comply with the directives in the driver manual.
2. The driver meets the states’ minimum standards for driving a state vehicle--a valid driver’s license, at least two years licensed driving experience, 18 years of age, no Operating While Intoxicated (OWI) or Driving Under the Influence (DUI) citations within the last 12 months and does not have three or more moving violations and/or at-fault accidents in the past two years. (see Chapter 1, 1.3)
3. It is the driver’s responsibility to immediately notify their supervisor and agency fleet manager/coordinator of any changes or updates in their driving record.
4. All drivers who use state vehicles will have their driving records reviewed monthly.

Failure to provide accurate information on the VUA or to comply with the terms of the VUA, will be reviewed by the driver’s supervisor and may be considered a violation of work rules resulting in a loss of state vehicle driving privileges and possible discipline, up to and including discharge. Any questions should be directed to the driver’s agency fleet manager or fleet coordinator.

New drivers with a driver’s license from another state must provide their agency’s Fleet Manager with their driving abstract from the state that issued their driver’s license and submit an electronic VUA before they are eligible to drive. Approved drivers with a license from another state must submit their driving abstract annually for review. The abstract can be can be uploaded electronically with the VUA.

The VUA can be electronically completed and submitted. Log into the [Enterprise Fleet Management Portal](#) and click on “New Driver.”

### 2.7. Supervisor Responsibilities

New drivers must receive an orientation from their supervisor. At a minimum the orientation will include personal use rules, fueling procedures, monthly reporting, repair/maintenance procedures, accident reporting and safety. Helpful orientation information can be found in the [Drivers Guide](#) on the Enterprise Fleet Management Portal. In addition, supervisors should assure that new drivers have access to the [Fleet Driver and Management Policies and Procedures Manual](#).

Prior to operating any state-owned vehicle, a driver must submit a Vehicle Use Agreement (VUA). An employee is prohibited from operating a state vehicle until the VUA is submitted. The VUA contains a provision signifying that the driver has reviewed a copy of the [Fleet Driver and Management Policies and Procedures Manual](#) and the driver acknowledges an understanding of and the driver's agreement to comply with the directives in the manual, both now and in the future. The supervisor will receive an automatic email notice that their employee has submitted a VUA. The VUA will be filed electronically and is accessible by the employee's supervisor through the [Enterprise Fleet Management Portal](#).

Fleet managers/coordinators should also be aware that based on the type of vehicle being driven, special training and/or licensing may be required prior to vehicle use. For example, training is required for driver certification for the operation of twelve and 15 passenger vans (see Chapter One, 1.4). Commercial Drivers Licenses (CDL) are also required for certain state positions (see Chapter One, 1.5.). Supervisors are responsible for making sure employees meet the special training or licensing required to operate these vehicles for state business. (Special requirements for Vanpool drivers will be the responsibility of the Vanpool Program.)

## **2.8. Monitoring Vehicle Use Agreements**

Each month, a review of all driving records of employees with active Vehicle Use Agreements and a Wisconsin driver's license will be conducted. An employee who, as a result of the review, no longer meets minimum standards for driving a state vehicle shall have his/her agreement voided and their driving privileges suspended until such time that he/she can demonstrate meeting the standard.

Agency fleet managers/coordinators should consult with their risk managers regarding any requests for exceptions to the minimum standards or driver disqualification requirements (see Chapter One, 1.1 and 1.3). If an employee is denied use of a state vehicle due to an unacceptable driving record and travel is required, the employee (who must hold a valid operator's license) may use his/her personal vehicle and be reimbursed for mileage. Reimbursement will be at the rate equal to the full business mileage reimbursement rate established for an employee required to use their personal vehicle on state business set in the current UTSA. See Chapter One, 1.3., for driver policies related to driver disqualification.

## **2.27. Fleet Related Record Retention**

Hard copy files are required for the following types of documents:

- Accident reports
- Vehicle Assignment Transfers
- Travel Logs
- Non-electronic receipts for fuel, maintenance and repairs.



## **PARKS, RECREATION & FORESTRY ARPA PROJECTS**

### **Return on Investment and/or Justification:**

#### **Big Eau Pleine Restroom/Shower Facility:**

Total Cost Estimate: \$468,100 (Could reduce by 22,617.80 due to second quote for restroom)  
New Costs Estimate:\$422,940 (includes adjustment to contingency for facility cost reduction)  
2023 Sales = \$20,046.99 self registration = 835 Nights + 6515 nights reserved online = 7351 nights  
7351 \* \$2 increase per night = \$14,702/year in extra revenue  
 $\$422,940 / \$14,702 = 28.8$  year payback assuming no additional nights reserved and no fee adjustments  
106 Sites available + 1 group campground.  
Max nights that can be reserved in individual sites from May 1-September 30 = 16,264 nights  
Current reservations in individual campsites is 7351 nights, which are the majority weekend stays.

#### **Dells of Eau Claire Restroom/Shower Facility:**

With only 28 sites it does not make sense to install the restroom/shower facility.  
Long term plans does include developing 60 acres adjacent to the campground to the east into more campsites on land that is owned by the County. Approximately 55-70 new sites could be built.  
A campground with 100+ sites could justify the Restroom/Shower facility.

#### **Dells of Eau Claire Dump Station:**

Number of campsites = 28 and 1 group site  
Cost: \$29,157.00 + 20% contingency = \$34,988.00  
Required by the Department of Agriculture, Trade and Consumer Protection (ATCP) Chapter 79.15(2)(a):  
(a) Number required. The Operator shall provide a sanitary dump station in the ratio of 1 for every 300 independent campsites or fraction thereof that are not connected to a POWTS or municipal sewer system. The department may approve an alternate method of disposal under s. ATCP 79.02 (2) if all of the following apply:

1. There are 20 or fewer campsites designated for independent camping units.
2. The distance to the nearest sanitary dump station is 25 or fewer miles from the campground and is available during the campground season.
3. The operator has a written agreement that allows campers who stay at the campground to dispose of wastewater at the sanitary dump station identified in subd. 2., and provides a copy of the written agreement to the department or its agent.

**Alternative:** To not have to put a dump station in we would need to turn 5 non electric sites into tent only sites (these sites are rarely used) and 4- 30amp electric sites into tent sites only (\$6000 annual revenue for the electric sites).

Estimated loss is around \$6,000 annually.

#### **Dells of Eau Claire Camper Cabins (3):**

Option 1: replace 3 non-electric sites with Camper Cabins

Option 2: Add 3 camper cabins to the park

Approximate cost for 3 camper cabins: \$115,000 + 20% contingency = \$138,000

456 nights available

15 Year Payback assuming only rented on the weekends (Friday and Sat) – 132 nights X \$70/nigh = \$9,240

## **East Gate Hall**

2022 Revenue = \$31,000, 2023 YTD Revenue = \$14,000 w/ park closed most of summer for water project. EGH is the 3<sup>rd</sup> largest rentable facility owned by the County behind the Ice Arenas (Multipurpose Buildings).

All requests are end of life improvements to maintain the facility.

Items that add value to a rentable space:

Acoustic ceiling and enhanced lighting increases the desirability of the interior, appealing to larger rentals including celebration, weddings and events.

New windows improve the ventilation of the building. The building currently does not have air conditioning.

Siding replacement will be required if the window's are replaced. Replacing the siding will allow for enhancing the curb appeal of the building. The building will resemble the surrounding buildings. The entry way would be improved to attract renters and serve as a backdrop for pictures and events.

The flooring is the foundation of the interior. Sections of the base under the flooring have failed causing the linoleum tile flooring to disconnect and break.

Maintaining the facility provides the opportunity to enhance the interior and exterior of the building. The enhancements should attract more renters increasing the revenue to the County and justifying higher rental rates than our current rates.

For reference, the current rental rates for 2024:

Non Commercial 1-300 people \$527/day

Non Commercial 301-800 people \$862/day

Commercial 1-800 people \$1320/day

End of life maintenance cost estimate: \$293,385 + misc labor, materials, dumpster, etc.

Total divided by typical annual revenue = 9.5 year payback assuming no additional rentals or cost increases.



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September 20, 2023

**VIA EMAIL**

Nick Cioll  
WI RNG VDG LLC  
111 Veterans Memorial Blvd, Suite 1546  
Metairie, LA 70005  
[ncioll@msn.com](mailto:ncioll@msn.com)

Re: Not to Exceed \$45,000,000 Marathon County, Wisconsin Solid Waste Disposal Revenue Bonds, Series 2023 (WI RNG VDG LLC Renewable Natural Gas Production Plant Project) (the "Bonds")

Dear Mr. Cioll:

As you know, we are serving as special issuer's counsel to Marathon County, Wisconsin (the "County") in connection with the proposed issuance of the Bonds as industrial revenue bonds pursuant to Section 66.1103, Wisconsin Statutes. In that capacity, we will be reviewing the financing documents and providing advice to the County in accordance with the terms of our engagement letter with the County. Although the County is our client, we understand that WI RNG VDG LLC, as the Borrower, will be responsible for payment of our fees. Accordingly, the purpose of this letter is to provide you with information regarding those fees.

I would expect to perform the majority of the work on this matter with the assistance of Thomas Cameron, an associate in the Public Finance Group, such work to be billed on an hourly basis. My current hourly rate is \$780 and Thomas's hourly rate is \$450. Our rates are adjusted annually on October 1. For informational purposes only, it is our experience that fees incurred as special issuer's counsel in similar transactions generally range from \$15,000 to \$25,000, but this amount could vary significantly depending upon individual circumstances and actual time spent. For example, this amount will be significantly higher if we are asked to attend meetings of the County Board of Supervisors or any of its committees or participate in weekly working group calls for an extended period of time or extensive conference calls, or if there are significant changes to the structure of the Bonds requiring significant redrafts of documents in the course of the financing.

At the conclusion of our engagement as special issuer's counsel (whether or not the financing is consummated) we will send a statement for services rendered directly to you.

Nick Cioll  
September 20, 2023  
Page 2

Good luck to you with the project. If you have any questions regarding our role in the financing or our fees, please let me know.

Very truly yours,

QUARLES & BRADY LLP



Rebecca A. Speckhard

RAS:TDC  
630738.00033

cc: Lance Leonhard (via email)  
Kim Trueblood (via email)  
Michael Puerner (via email)  
Lynda R. Templen (via email)  
J. Connor Muth (via email)  
Kate Albrecht (via email)  
Thomas Cameron (via email)

# HUSCH BLACKWELL

Lynda R. Templen  
Senior Counsel

511 North Broadway, Suite 1100  
Milwaukee, WI 53202  
Direct: 414-978-5505  
Fax: 414-223-5000  
Lynda.Templen@huschblackwell.com

September 5, 2023

TO THE ATTACHED DISTRIBUTION LIST

**RE: Not to Exceed \$45,000,000 Marathon County, Wisconsin  
Solid Waste Disposal Revenue Bonds, Series 2023  
(WI RNG VDG LLC Renewable Natural Gas Production Plant Project)**

Greetings:

At the request of WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed (collectively, the “Borrower”), we have prepared drafts of documents necessary for the consideration and adoption of an Initial Resolution Regarding Solid Waste Disposal Revenue Bond Financing for WI RNG VDG LLC Renewable Natural Gas Production Plant Project (the “Initial Resolution”) by the Board of Supervisors of Marathon County, Wisconsin (the “County”) on October 24, 2023. The Borrower’s project consists of financing the (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Borrower for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”).

Federal and state law requires that the authorization for such an industrial development revenue bond be done in two stages (first, the consideration of an Initial Resolution by the County Board, and second, the consideration of a final resolution (the “Final Resolution”) by the County Board).

The Initial Resolution is not a commitment to issue bonds, but merely evidences the County's “official intent” to issue bonds pending satisfactory negotiation of the terms.

The Final Resolution to be considered by the County Board at a future meeting will be drafted and presented to the County only after negotiations for the bond issue have been completed.

Enclosed are the following documents necessary to allow the County Board to consider the Initial Resolution on October 24, 2023:

- (1) Initial Resolution, with the form of Notice to Electors of Marathon County, Wisconsin, attached as Exhibit A;
- (2) Good faith fee estimate letter required under Section 66.1103 of the Wisconsin Statutes; and
- (3) Notice of Intent to Obtain a Municipal Industrial Revenue Bond, which contains information regarding job estimates.

We have also enclosed a “Checklist for Marathon County” and a summary of industrial development revenue bonds for informational purposes.

The following, in chronological order, are the steps necessary to issue the bonds:

1. The County Board considers the Initial Resolution on October 24, 2023. For agenda purposes, the County Clerk should describe the Initial Resolution as follows for the County Board meeting on October 24, 2023:

*“Consideration of an Initial Resolution Regarding Solid Waste Disposal Revenue Bond Financing for WI RNG VDG LLC Renewable Natural Gas Production Plant Project. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution.”*

Under federal regulations for cost recovery, reimbursement of the Borrower’s expenditures with bond proceeds can only occur if the Issuer adopts the Initial Resolution. This Initial Resolution may apply to expenditures made by the Borrower within sixty (60) days prior to the adoption of the Initial Resolution and, in general, the reimbursement must be made no later than three (3) years after the original expenditure.

2. On October 25, 2023, the County Clerk should call Kate L. Albrecht at our office (414-978-5516) to confirm that the Initial Resolution was adopted. Kate will publish the Notice to Electors, which is attached to the Initial Resolution as Exhibit A, in the County’s local newspaper. After the notice is published, the electors of the County have thirty (30) days during which to circulate a petition

for a referendum. In my personal experience, only one such referendum has ever been placed on the ballot, out of hundreds of industrial development revenue bond issues.

3. The County Clerk should mail a copy of the Initial Resolution (the Certificate by County Clerk which is attached to the Initial Resolution should be completed and signed) to Kate L. Albrecht. Kate will send a copy of the Initial Resolution, along with the date that the Notice to Electors was published, to Steven Sabatke at the Wisconsin Economic Development Corporation.

4. The federal tax law known as the Tax Equity and Fiscal Responsibility Act of 1986 (“TEFRA”), requires that this Project, which is being funded with tax-exempt bond proceeds, be the subject of a noticed public hearing called a TEFRA public hearing. These hearings provide interested individuals or parties the opportunity to testify on any matters related to such potential bond issues, including the nature and location of the Project.

Therefore, at a future date, a notice regarding the scheduled TEFRA public hearing must be published (our office will publish the Notice of Public Hearing on behalf of the County). The Notice of Public Hearing must be published no later than seven (7) days before the TEFRA public hearing. Our usual practice is to have the TEFRA public hearing immediately preceding the meeting at which the Final Resolution is considered by the County Board. We will notify the County in the future to schedule the TEFRA public hearing/Final Resolution date.

5. At a future date, the County Board will hold the TEFRA public hearing and consider the Final Resolution. A representative of the Borrower should attend the TEFRA public hearing. The County Board meeting must meet the requirements of an open meeting under Sections 19.81 et seq. of the Wisconsin Statutes

6. After the preliminary steps outlined above have been completed, the Borrower and the Purchaser will need to negotiate the bond documents (to be prepared by Husch Blackwell LLP) in preparation for the sale of the bonds. The pricing will occur just prior to the County Board meeting during which the County Board will be asked to adopt the Final Resolution.

The foregoing is a brief sketch of the procedural steps that must be followed when issuing industrial development revenue bonds. The key point to remember is that the County will be considering, from a policy standpoint, whether to encourage the location of the Project in the County. By issuing the bonds, the County will give the Borrower an interest rate benefit because the bonds will be tax-exempt in the hands of the Purchaser. It must be emphasized that the County will not be liable in any way on the bonds; the bonds are special, limited obligations of the County.

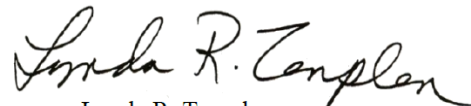
*We are simultaneously delivering to the County Clerk the good faith fee estimate letter required under Section 66.1103 of the Wisconsin Statutes. A copy of this letter should be signed by Kim Trueblood and returned to us to evidence her receipt of the letter.*

September 5, 2023  
Page 4

*The Borrower has signed the enclosed Notice of Intent to Obtain a Municipal Industrial Revenue Bond (the "Notice of Intent"). The Notice of Intent is being delivered to the County Clerk with this letter, and we will mail a copy to Steven Sabatke at the Wisconsin Economic Development Corporation.*

We are looking forward to working with everyone on this Project. Please call me with any questions or comments.

Very truly yours,



Lynda R. Templen



Marathon County, Wisconsin  
\$ \_\_\_\_\_ \* Tax-Exempt Solid Waste Disposal Revenue Bonds, Series 2023A  
\$ \_\_\_\_\_ \* Taxable Solid Waste Disposal Revenue Bonds, Series 2023B  
(WI RNG VDG LLC Renewable Natural Gas Production Plant Project)

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**DISTRIBUTION LIST**

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**MARATHON COUNTY/ISSUER**

Lance Leonhard, County Administrator  
Kurt Gibbs, Chairperson  
Kim Trueblood, County Clerk  
Michael Puerner, Corporation Counsel  
Marathon County  
500 Forest Street  
Wausau County, WI 54403

Phone: (715) 261-1402 (Leonhard)  
(715) 370-7435 (Gibbs)  
(715) 261-1500 (Trueblood)  
(715) 261-1129 (Puerner)  
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**ISSUER'S COUNSEL**

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**BORROWER**

Nick Cioll  
WI RNG VDG LLC  
111 Veterans Memorial Blvd, Suite 1546  
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**BORROWER'S COUNSEL**

[TBD]

**BOND COUNSEL**

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J. Connor Muth, Esq.  
Kate L. Albrecht, Senior Paralegal  
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**UNDERWRITER**

Paul Donna  
Managing Director, Public Finance  
D.A. Davidson & Co.

Phone: (612) 499-3066  
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**UNDERWRITER'S COUNSEL**

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**TRANSACTION ADVISOR**

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Rhonda Suckut, Assistant  
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E-mail: [ralph@rainstreetadvisors.com](mailto:ralph@rainstreetadvisors.com)  
[rhonda@rainstreetadvisors.com](mailto:rhonda@rainstreetadvisors.com)

**TRUSTEE**

[TBD]

**TRUSTEE'S COUNSEL**

[TBD]

**MACQUARIE GROUP/MACQUARIE CONSULTANTS**

Alex Erlikh  
E-mail: [Alex.Erlikh@macquarie.com](mailto:Alex.Erlikh@macquarie.com)

**COUNSEL FOR MACQUARIE GROUP**

[TBD]

**TITLE COMPANY**

[INSERT]

**E-MAIL ADDRESSES:**

**Maine Working Group:**

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[Kurt.Gibbs@co.marathon.wi.us](mailto:Kurt.Gibbs@co.marathon.wi.us)  
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[rhonda@rainstreetadvisors.com](mailto:rhonda@rainstreetadvisors.com)  
[Alex.Erlikh@macquarie.com](mailto:Alex.Erlikh@macquarie.com)

# HUSCH BLACKWELL

Lynda R. Templen  
Senior Counsel

511 North Broadway, Suite 1100  
Milwaukee, WI 53202  
Direct: 414-978-5505  
Fax: 414-223-5000  
Lynda.Templen@huschblackwell.com

September 5, 2023

Kim Trueblood, County Clerk  
Marathon County  
500 Forest Street  
Wausau County, WI 54403

Steve Sabatke  
Underwriting Manager  
Wisconsin Economic Development Corporation  
201 West Washington Avenue, 6<sup>th</sup> Floor  
Madison, WI 53149

**RE: Not to Exceed \$45,000,000 Marathon County, Wisconsin  
Solid Waste Disposal Revenue Bonds, Series 2023  
(WI RNG VDG LLC Renewable Natural Gas Production Plant Project)**

Greetings:

We understand that in the near future, the Board of Supervisors of Marathon County, Wisconsin (the "County"), will take action on an Initial Resolution for industrial development revenue bond financing under Section 66.1103 of the Wisconsin Statutes on behalf of WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed.

Section 66.1103 of the Wisconsin Statutes requires that prior to the adoption of the Initial Resolution, a document containing a good faith estimate of the legal fees which will be paid from the bond proceeds must be filed with the County Clerk of the County and with the Wisconsin Economic Development Corporation. This letter is that document.

Estimating legal fees at this stage in the proceedings is difficult because many of the most significant factual matters which may affect legal costs are not known in detail at this time. The size and structure of the bond issue have not been finalized. These and other matters normally are negotiated and determined after the Initial Resolution is adopted. As a result, the scope and amount of work which the

various parties may choose to refer to their lawyers can vary considerably as the economic aspects of the financing develop.

The relationship of these variables to an estimate of aggregate legal fees is evident from the principles which lawyers apply in charging fees for their services. Fees for services rendered by any Wisconsin lawyer should be consistent with, and grounded upon, the Rules of Professional Conduct for Attorneys of the American Bar Association, as currently enforced in Wisconsin. Those rules set forth the following basic guidelines:

A lawyer's fee shall be reasonable. Factors to be considered as guides in determining the reasonableness of a fee include the following:

- (1) The time and labor required, the novelty and the difficulty of the questions involved, and the skill requisite to perform the legal service properly.
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.
- (3) The fee customarily charged in the locality for similar legal services.
- (4) The amount involved and the results obtained.
- (5) The time limitations imposed by the client or by the circumstances.
- (6) The nature and length of the professional relationship with the client.
- (7) The experience, reputation and ability of the lawyer or lawyers performing the services.
- (8) Whether the fee is fixed or contingent.

The maximum principal amount of the bonds will not exceed \$45,000,000.

The following is a good faith estimate of the legal fees which will be paid from the proceeds of the bonds with respect to this financing:

**COUNSEL**

**FEE ESTIMATE**

Bond Counsel

\$137,500 plus disbursements\*

Counsel to the Eligible Participant

It is unknown whether the legal fees and disbursements of such counsel will be paid from the proceeds of the bonds

Attorneys who have not yet been identified who may be involved in the transaction, including, without limitation, counsel to any Trustee involved, any real estate counsel involved, and any counsel to the initial bond purchaser(s)

It is unknown whether the legal fees and disbursements of such counsel will be paid from the proceeds of the bonds

The actual fee charged by each of the lawyers acting in this matter may vary considerably from the estimates provided above. Without purporting to be exhaustive, the following are reasons why actual fees may be higher or lower than the estimate: (i) assumptions regarding the size, structure, complexity and timing of the bond financing may change; (ii) clients may alter the scope of their lawyers' engagement; (iii) parties may require legal opinions or legal advice beyond that normally requested in similar financings; and (iv) unforeseen legal problems may arise.

We are writing and filing this letter to comply with the requirements of Section 66.1103 of the Wisconsin Statutes. To the extent that we have estimated attorneys' fees other than our own, we did so on the basis of prior experience and information available to us at the time of writing this letter.

Please complete and return the receipt below by email. Thank you.

Very truly yours,

  
Lynda R. Templen

\*Estimate only, based on par.

The undersigned acknowledge receipt of the foregoing this \_\_\_\_ day of \_\_\_\_\_, 2023.

**WISCONSIN ECONOMIC DEVELOPMENT  
CORPORATION**

By: \_\_\_\_\_  
Steven Sabatke, Underwriting Manager

**MARATHON COUNTY, WISCONSIN**

By: \_\_\_\_\_  
Kim Trueblood, County Clerk

MARATHON COUNTY, WISCONSIN

RESOLUTION NO. 2023 - \_\_\_\_\_

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**INITIAL RESOLUTION  
REGARDING SOLID WASTE DISPOSAL  
REVENUE BOND FINANCING FOR  
WI RNG VDG LLC RENEWABLE NATURAL GAS  
PRODUCTION PLANT PROJECT**

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WHEREAS, Section 66.1103 of the Wisconsin Statutes (the “Act”) authorizes Marathon County, Wisconsin (the “Issuer”), to authorize the issuance and sale of bonds by the Issuer to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects; and

WHEREAS, WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed (collectively, the “Borrower”), desires to complete a project to be owned by the Borrower consisting of financing the (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Borrower for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”); and

WHEREAS, the cost of the Project to be financed with one or more issues or series of tax-exempt and/or taxable industrial development revenue bonds (the “Bonds”) issued under the Act does not exceed \$45,000,000; and

WHEREAS, the Borrower has requested that the Issuer now approve an initial resolution (the “Initial Resolution”) providing for the financing of the Project in an amount not to exceed \$45,000,000; and

WHEREAS, the Issuer is a county organized and existing under and pursuant to the laws of the State of Wisconsin, and is authorized to enter into revenue agreements with eligible participants with respect to the Project whereby eligible participants agree to cause said Project to be constructed and to pay the Issuer an amount of funds sufficient to provide for the prompt payment when due of the principal and interest on said industrial development revenue bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Marathon County, Wisconsin, as follows:

1. Based upon representations of the Borrower, it is the finding and determination of the Board of Supervisors that the Project is a qualified “project” within the meaning of the Act and that the Borrower is an “eligible participant” within the meaning of the Act. The Issuer shall:

(a) Finance the Project in an amount not to exceed \$45,000,000; and

(b) Issue industrial development revenue bonds in one or more series of tax-exempt and/or taxable bonds (the “Bond(s)”), in an amount not to exceed \$45,000,000 in order to finance costs of the Project.

2. The aforesaid plan of financing contemplates, and is conditioned upon, the following:

(a) The Bonds shall never constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory limitation;

(b) The Bonds shall not constitute or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers;

(c) The Project shall be subject to property taxation in the same amount and to the same extent as though the Project were not financed with industrial development revenue bonds;

(d) The Borrower shall find a purchaser for all of the Bonds;

(e) The County’s out-of-pocket costs, including but not limited to legal fees and trustee’s fees, in connection with the issuance and sale of the Bonds shall be paid by the Borrower; and

(f) A notice of public hearing required by federal law for purposes of Section 147(f) of the Internal Revenue Code, as amended, shall be published in a newspaper of general circulation in Marathon County and a public hearing shall be held to provide interested individuals or parties the opportunity to testify as to the Project and the issuance of the Bonds.

3. The aforesaid plan of financing shall not be legally binding upon the Issuer nor be finally implemented unless and until:

(a) The details and mechanics of the same are authorized and approved by a further resolution of the Board of Supervisors which shall be solely within the discretion of the Board of Supervisors;

(b) The County Clerk shall cause notice of adoption of this Initial Resolution, in the form attached hereto as Exhibit A, to be published once in a newspaper of general circulation in Marathon County, and the electors of Marathon County shall have been given the opportunity to petition for a referendum on the matter of the aforesaid bond issue, all as required by law;

(c) Either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the bond issue;



(d) The County Clerk shall have received an employment impact estimate issued under Section 238.11 of the Wisconsin Statutes; and

(e) All documents required to consummate the financing have been duly authorized and delivered.

4. Pursuant to the Act, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

5. The County Clerk is directed, following adoption of this Initial Resolution (i) to publish notice of such adoption not less than one time in the official newspaper of Marathon County, Wisconsin, such notice to be in substantially the form attached hereto as Exhibit A and (ii) to file a copy of this Initial Resolution, together with a statement indicating the date the Notice to Electors was published, with the Wisconsin Economic Development Corporation within twenty (20) days following the date of publication of such notice.

6. This Initial Resolution is an "initial resolution" within the meaning of the Act and official action toward issuance of the Bonds for purposes of Sections 103 and 144 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder. Furthermore, it is the reasonable expectation of the Issuer that proceeds of the Bonds may be used to reimburse expenditures made on the Project prior to the issuance of the Bonds. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$45,000,000. This statement of official intent is made pursuant to Treasury Regulations §1.150-2.

Dated: October 24, 2023

Approved as to Form:

\_\_\_\_\_  
Corporation Counsel

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
County Administrator

I, the undersigned, the duly appointed and qualified Clerk of Marathon County, Wisconsin do hereby certify that the foregoing resolution was duly adopted by the Board of Supervisors at a meeting of said County held in open session in accordance with the requirements of Subchapter V of Chapter 19 of the Wisconsin Statutes on October 24, 2023

\_\_\_\_\_  
Kim Trueblood, County Clerk

## EXHIBIT A

### NOTICE TO ELECTORS OF MARATHON COUNTY, WISCONSIN

TAKE NOTICE that the Board of Supervisors of Marathon County, Wisconsin (the “Issuer”), at a regular meeting held at the Marathon County Courthouse, 500 Forest Street, Wausau, Wisconsin, on October 24, 2023, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$45,000,000 of industrial development revenue bonds of the Issuer (the “Bonds”) on behalf of WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed (collectively, the “Borrower”). The Borrower desires to complete a project consisting of financing the (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Borrower for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”). The Borrower has represented that the net number of full-time equivalent jobs which the Project is expected to create on the Project site within three years is 10.

Pursuant to the terms of Section 66.1103 of the Wisconsin Statutes, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer’s interests are not prejudiced thereby.

THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE ISSUER, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE ISSUER AND THE BORROWER.

The Initial Resolution may be inspected in the office of the County Clerk at 500 Forest Street, Wausau, Wisconsin, during business hours.

TAKE FURTHER NOTICE THAT THE ELECTORS OF MARATHON COUNTY MAY PETITION FOR A REFERENDUM ON THE QUESTION OF THE BOND ISSUE. Unless within thirty (30) days from the date of the publication of this Notice a petition signed by not less than five percent (5%) of the registered electors of Marathon County is filed with the County Clerk requesting a referendum on the question of the issuance of the Bonds, the Issuer will issue the Bonds without submitting the proposition for the electors' approval. If such petition is filed as aforesaid, then the Bonds shall not be issued until approved by a majority of the electors of Marathon County voting thereon at a general or special election.

Kim Trueblood, County Clerk  
Marathon County, Wisconsin

## SUMMARY

**Request for MARATHON COUNTY, WISCONSIN  
to Serve as Conduit Issuer  
for  
Not to Exceed \$45,000,000 Exempt Facility Revenue Bonds  
to Benefit  
WI RNG VDG LLC Renewable Natural Gas Production Plant Project**

This will summarize the request of WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed (collectively, the “Company”), asking that Marathon County, Wisconsin (the “County”) consider an Initial Resolution to benefit the Company through the conduit issuance of one or more series of tax-exempt and taxable exempt facility revenue bonds (“Bonds”) to finance a project located at 5555 County Road A, in the Village of Maine, Marathon County, Wisconsin. The Project consists of the (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Company for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”). Exempt facility revenue bonds must comply with both Federal law (Sec. 142 of Internal Revenue Code (“IRC”) and State law (Section 66.1103 Wis. Stats.). In a conduit bond transaction, a state or local governmental entity issues bonds and loans the proceeds from the sale of the bonds to a private entity for an authorized project. In Wisconsin, counties, cities, villages and towns, as well as duly constituted redevelopment authorities and community development authorities may issue such conduit bonds.

Section 142(a) IRC permits the issuance of qualified exempt facility bonds for multiple purposes, including for projects in which 95% of the project is used for conversion of solid waste to a first useful product (Section 142(a)(6) IRC). The Project, as outlined above, converts animal waste into renewable natural gas (“RNG”) and will constitute a solid waste conversion facility under Section 142(a)(6) IRC.

These exempt facility Bonds are municipal bonds; however, they are not general obligations of the County. If the County agrees to issue bonds to benefit the proposed Project:

1. The County will not be liable for payment of the principal and interest on the bonds;
2. The County will not have ongoing responsibilities of monitoring or reporting with regard to the bonds or the Project.
3. The bonds do not count against the County’s borrowing capacity. The County will not levy a tax for payment of the bonds.
4. The County will be reimbursed for all fees and costs incurred because of the County’s participation as the conduit issuer of the bonds.

The County acts strictly as a conduit, which enables the Company to borrow at a lower rate of interest.

Because the bonds are issued by a governmental entity, the holder of the bond may exclude the interest on the bonds from gross income for federal tax purposes.

### **Inducement/Reimbursement**

Companies considering bond financing must obtain an Initial Resolution, also sometimes referred to as an “inducement resolution” or “qualified reimbursement resolution” from the municipality in which the Project being financed is located, in order to preserve the option to use bond financing and apply for volume cap from the WEDC. The Initial Resolution is preliminary approval only and is non-binding as to the County or the Company but is required by Federal tax law and State law. If the Initial Resolution is adopted by the County, this will assure that when and if bonds are issued, all eligible project costs incurred no more than 60 days prior to the date of the Initial Resolution (including reimbursement of equity contributions or refunding of conventional financing), may be included in the ultimate bond financing. Failure to have a qualified resolution may result in disqualifying certain costs.

By acting as the conduit issuer, the County can grant the Company a significant monetary benefit, at no cost to the County, because the Company will enjoy a lower interest rate as a result of using a bond structure. The bonds will be sold to the public (“Bondholders”) by an underwriter and thereafter, an independent third-party fiduciary, (the “Trustee”) will continuously monitor the bonds on behalf of the Bondholders. The Bondholders will look solely to the Company for repayment. Bondholders will not look to the County for payment. The County will assign all of its rights, liability and responsibilities under the bonds to the Trustee for the benefit of the Bondholders. In addition, the Bond documents will include broad indemnification of the County. The Company will be fully responsible for repaying the loan. If the Company is not able to meet its payment obligations, the Trustee will enforce the rights of the Bondholder as required in the Bond documents. The County is not liable for payment.

If the County adopts the Initial Resolution and the bond financing proceeds, the County, and their counsel, will receive copies of all documents, will be asked to hold a public hearing required by the IRC (the “TEFRA hearing”) at a future date. Once all documents are in substantially final form, the County will be asked to consider a Final Resolution approving the financing.

The foregoing is just a brief discussion of tax-exempt financing. By issuing the bonds, the County will give the Company an interest rate benefit, because the tax-exempt bonds will be tax-exempt in the hands of the Bondholders and, therefore, the cost savings passed along to the Company. It must be emphasized that the County will not be liable in any way on the bonds; the conduit bonds are special, limited obligations of the County.

The Company respectfully asks that the County Board consider the Initial Resolution at its October 24, 2023 meeting.

**Not to Exceed \$45,000,000**  
**Marathon County, Wisconsin**  
**Solid Waste Disposal Revenue Bonds, Series 2023**  
**(WI RNG VDG LLC Renewable Natural Gas Production Plant Project)**

**CHECKLIST FOR MARATHON COUNTY, WISCONSIN (the “Issuer”)**

ITEM	ACTION TO BE TAKEN BY ISSUER	DATE ACTION TAKEN
1. Husch Blackwell LLP (“HB”) provides Procedure Letter to Marathon County, Wisconsin (“Issuer”).	N/A	September 5, 2023
2. HB provides Fee Estimate Letter to County Clerk and Wisconsin Economic Development Corporation (“WEDC”).	County Clerk signs Fee Estimate Letter and returns to HB.	September 5, 2023
3. HB / Borrower provide Job Estimate to Issuer, WEDC and union representatives (if any).	N/A	September 5, 2023
4. HB provides Initial Resolution (inducement resolution) to Issuer.	County Clerk includes Initial Resolution in County Board packet and on agenda.	September 5, 2023
5. County Clerk provides Notice of Meeting to consider Initial Resolution. <b>Must include job information. See Procedure Letter for required language.</b>	County Clerk provides notice of meeting, including required job language to comply with Wisconsin open meetings law.	Notice of meeting provided by County for October 24, 2023 meeting
6. County Board considers Initial Resolution.	County Board considers Initial Resolution.	October 24, 2023
7. HB publishes Notice to Electors.	County Clerk calls Kate L. Albrecht at HB (414-978-5516) to confirm adoption of Initial Resolution.	October 25, 2023
8. HB provides a copy of Initial Resolution and publication date of Notice to Electors to WEDC.	County Clerk mails copy of signed Initial Resolution to Kate L. Albrecht.	October 25, 2023
9. HB provides Issuer with Final Resolution and other documents.	County Clerk includes Final Resolution in County Board packet and on agenda. Issuer reviews documents.	TBD
10. County Clerk provides Notice of Meeting to consider Final Resolution. <b>Final Resolution considered approximately 4 weeks after publication of Notice to Electors (#7 above); however, bonds cannot be issued sooner than 30 days after publication of Notice to Electors.</b>	County Clerk provides notice of meeting to comply with Wisconsin open meetings law.	TBD
11. HB publishes TEFRA Notice at least 7 days prior to meeting date.	County Clerk includes Notice of Public Hearing on County Board agenda.	TBD
12. Issuer holds TEFRA public hearing and considers Final Resolution.	County Board holds TEFRA public hearing, County Board consider Final Resolution, and County signs and returns all bond documents provided by HB to Kate L. Albrecht.	TBD
13. Closing (Issuer does not attend closing; signature pages will be sent to Issuer prior to closing)	N/A - HB will send a closing book to Issuer upon closing.	TBD

Husch Blackwell LLP  
Lynda R. Templen, Esq. 414-978-5505

### Notice of Intent to Obtain a Municipal Industrial Revenue Bond

Section 66.1103 (4m) (a) 1 of the Wisconsin Statutes requires the person or business who intends to obtain an industrial revenue bond issue from a Wisconsin municipality to notify this intention to the Wisconsin Economic Development Corporation and to any collective bargaining agent in the state with whom the person or business has a collective bargaining agreement. This notification must occur at least 30 days prior to entering into the revenue agreement or signing the loan contract. The person or business must provide information on the number of full-time jobs that are expected to be eliminated, created, or maintained at the project site and elsewhere in Wisconsin as a result of the project which is the subject of this notice. The person or business named below hereby gives notice of intent to obtain an Industrial Revenue Bond pursuant to s. 66.1103 of the Wisconsin Statutes.

#### I. Project

A. Person: Nick Cioll  
Business: WI RNG VDG LLC  
Address: 111 Veterans Memorial Blvd, Suite 1546  
Post Office/ZIP: Metairie, LA 70005

B. Project site: Marathon County, Wisconsin (Village of Maine)  
(Name of city, village or town in which the project is located)

C. Project type:     Expansion at Present Location     Relocation Within Same Municipality  
 Relocation From Within State     Relocation from Out-of-State     New Business  
 Branch-Wisconsin Operation     Branch-Out-of-State Operation     \_\_\_\_\_

D. Maximum amount of IRB financing: \$45,000,000

#### II. Employment Estimates (to result within the next 3 years)

Number of Full-Time Jobs	Before Project	To Be Maintained	To Be Created	To Be Eliminated	Net Total Number of Jobs
A. <u>At the Project Site</u>	-0-	-0-	10	-0-	10
B. <u>At All Other Wisconsin Operations</u>	-0-	-0-	-0-	-0-	-0-
C. <u>Net Totals</u>	-0-	-0-	10	-0-	10

D. Will any jobs transfer from one or more locations to the project site?    Yes  No

Number of jobs to transfer: N/A

Location(s) the jobs will transfer from: (municipality)    N/A

\_\_\_\_\_  
Signed/Person completing this form    Nick Cioll    \_\_\_\_\_  
Name    Date

\_\_\_\_\_  
(469) 951-3264  
Telephone Number

**Notice of Intent to Obtain a Municipal Industrial Revenue Bond**

Section 66.1103 (4m) (a) 1 of the Wisconsin Statutes requires the person or business who intends to obtain an industrial revenue bond issue from a Wisconsin municipality to notify this intention to the Wisconsin Economic Development Corporation and to any collective bargaining agent in the state with whom the person or business has a collective bargaining agreement. This notification must occur at least 30 days prior to entering into the revenue agreement or signing the loan contract. The person or business must provide information on the number of full-time jobs that are expected to be eliminated, created, or maintained at the project site and elsewhere in Wisconsin as a result of the project which is the subject of this notice. The person or business named below hereby gives notice of intent to obtain an Industrial Revenue Bond pursuant to s. 66.1103 of the Wisconsin Statutes.

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 (Name of city, village or town in which the project is located)

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 Relocation From Within State  Relocation from Out-of-State  New Business  
 Branch-Wisconsin Operation  Branch-Out-of-State Operation  \_\_\_\_\_

D. Maximum amount of IRB financing: \$45,000,000

**II. Employment Estimates (to result within the next 3 years)**

Number of Full-Time Jobs	Before Project	To Be Maintained	To Be Created	To Be Eliminated	Net Total Number of Jobs
A. <u>At the Project Site</u>	-0-	-0-	10	-0-	10
B. <u>At All Other Wisconsin Operations</u>	-0-	-0-	-0-	-0-	-0-
C. <u>Net Totals</u>	-0-	-0-	10	-0-	10

D. Will any jobs transfer from one or more locations to the project site? Yes  No

Number of jobs to transfer: N/A

Location(s) the jobs will transfer from: (municipality) N/A

  
 \_\_\_\_\_  
 Signed/Person completing this form

R. Nick Cioll  
 \_\_\_\_\_  
 Name

Sept 21, 2023  
 \_\_\_\_\_  
 Date

(469) 951-3264  
 \_\_\_\_\_  
 Telephone Number

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**CERTIFICATE OF WI RNG VDG LLC**

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WI RNG VDG LLC, a Delaware limited liability company (the “Borrower”), has requested that the County Board of Marathon County, Wisconsin (the “Issuer”) consider an “Initial Resolution Regarding Solid Waste Disposal Revenue Bond Financing for WI RNG VDG LLC Renewable Natural Gas Production Plant Project” (the “Initial Resolution”) on October 24, 2023, for the purpose of financing a project to be owned by the Borrower consisting of (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Borrower for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”). This certificate is delivered in connection with the Borrower’s request for the Issuer to issue conduit revenue bonds pursuant to Section 66.1103 of the Wisconsin Statutes on behalf of the Borrower to finance the Project.

The undersigned hereby certifies, represents, and warrants to the Issuer as follows:

1. The undersigned is the Managing Member of Progressive EnergyCo LLC, which entity is the managing member of the Borrower, and as such is familiar with the Borrower’s affairs, properties and records, and in particular, with the Project and the conduit bond financing request to which this certificate relates.
2. The Borrower represents that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer’s interests are not prejudiced thereby.

Dated: September 22, 2023.

**WI RNG VDG LLC**

By: Progressive EnergyCo LLC, its Managing Member

By: 

R. Nick Cioll, Managing Member



## **RESOLUTION #R-52-23**

### **Authorizing the Expenditure of ARPA Funds for Phase II Design Services for the Regional Forensic Science Center Project**

**WHEREAS**, Marathon County is the recipient of funds through the American Rescue Plan Act (ARPA). Marathon County is authorized to expend ARPA funds pursuant to rules promulgated by the United States Department of the Treasury and Section 602(c)(1)(A) of the Social Security Act as amended; and

**WHEREAS**, the Marathon County Board of Supervisors previously authorized the allocation of American Rescue Plan Act funds in an amount not to exceed \$2,000,000.00 to serve as a portion of the funding plan for a Regional Forensic Science Center; and

**WHEREAS**, state funding for a Regional Forensic Science Center was awarded by the Wisconsin Legislature as a part of the state's budget process, and additional funds may be received in 2023 through federal sources; and

**WHEREAS**, Marathon County staff have had ongoing discussions with Northcentral Technical College (NTC) regarding a location for a Regional Forensic Science Center on or near property currently owned by NTC and near that college's existing campus in the City of Wausau. NTC is willing to engage Marathon County in a transaction relative to land for the Regional Forensic Science Center and is interested in developing an operational partnership with County staff to provide for significant professional educational experiences at the future Forensic Science Center site; and

**WHEREAS**, Funds for Phase I Design Services were previously approved by the Marathon County Board of Supervisors in May 2023, which included Schematic Design and Programming Services. Phase II Design Services includes Design Development, Construction Documents, and all materials needed for the Procurement/Bidding Process; and

**WHEREAS**, a portion of the \$2,000,000.00 in encumbered ARPA funds could be utilized to continue the County's engagement with Venture Architects for the final stages of design of the Regional Forensic Science Center. Allocation of a portion of these encumbered funds would permit work to continue on the design of the Regional Forensic Science Center and delays in completion of the design phase of the project would likely lead to higher project costs; and

**WHEREAS**, the Marathon County Board of Supervisors at its May 2023 meeting extended its encumbrance of ARPA funds in an amount not to exceed \$2,000,000.00 to serve as a portion of the funding plan for Regional Forensic Science Center through December 31, 2023; and

**WHEREAS**, the Marathon County Board of Supervisors amended the 2023 Capital Improvement Program budget to create as an additional project in 2023 the Marathon County Regional Forensic Science Center with funding for the project to include the \$2,000,000.00 in encumbered ARPA funds to be supplemented by state or federal grant dollars upon receipt.

**NOW THEREFORE BE IT RESOLVED** that the Marathon County Board of Supervisors approves the use of up to \$370,200 of the \$2,000,000.00 in encumbered ARPA funds to procure Phase II Design Services for the Regional Forensic Science Center building and infrastructure. The Board finds that this expenditure is consistent with the use of ARPA funds for capital improvements to public facilities that respond to the COVID-19 public health emergency and as revenue replacement, both allowable uses of ARPA funds.

**BE IT FURTHER RESOLVED,** that the County Board authorizes the amendment of the 2023 budget to reflect the encumbrance and expenditure of the funds identified herein.

FISCAL NOTE:

This resolution authorizes the expenditure of up to \$370,200 of the \$2,000,000.00 in encumbered ARPA funds to procure Phase II Design Services for the Regional Forensic Science Center building and infrastructure. If the required alternative funds for the project are not allocated to and raised by Marathon County by December 31, 2023, the remaining ARPA funds shall be returned to the County's ARPA fund balance for reallocation.

LEGAL NOTE:

The County Board is authorized to take this action pursuant to §§ 59.01 and 59.51, Wis. Stats. As an amendment to the adopted 2023 County Budget, this Resolution requires a 2/3 vote of the entire membership of the County Board pursuant to § 65.90(5)(a), Wis. Stats.

**PUBLIC SAFETY COMMITTEE**

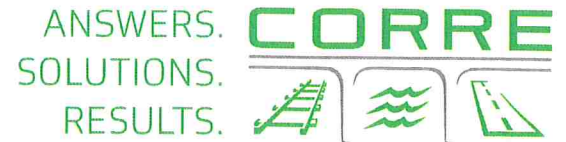
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**HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

September 7, 2023

Via Certified Mail



Marathon County  
Attn: Lance Leonhard  
500 Forest Street  
Wausau, WI 54403-5554

Eau Claire Office  
1802 Warden Street  
Eau Claire, WI 54703

**RE: Project ID: 6999-09-02  
Stewart Avenue, S. 72<sup>nd</sup> Avenue – S. 48<sup>th</sup> Avenue  
City of Wausau,  
Marathon County  
Parcel 1**

We previously sent you an offer dated March 3, 2023. **This letter gives you written notice rescinding any previous offers presented to you during our negotiations.** The offer is being rescinded because the City/Town will not use eminent domain authority to acquire the property interests associated with the planned bike path on the north side of the Stewart Avenue improvement project if the seller chooses not to participate or if negotiations fail. Wis. Stat. s. 32.015 states, "Property may not be acquired by condemnation to establish or extend a recreational trail; a bicycle way, as defined in s. 340.01(5s); a bicycle lane, as defined in s. 340.01(5e); or a pedestrian way, as defined in s. 346.02(8)(a)."

This letter is a written offer to purchase the portion of your property that is needed for the improvements of Stewart Avenue in Marathon County. The acquisition area remains the same and involves the following interests:

- **301 Square Feet of New Highway Right of Way (FEE)**
- **313 Square Feet of Temporary Limited Easement (TLE)**: A TLE means that you still own the property, but the City /Town has the right to use the property for construction purposes. No permanent improvements will be placed on the property. The TLE terminates at the time construction of the project is complete.

We have enclosed the following documents:

- "The Rights of Landowners Under Wisconsin Eminent Domain Law" pamphlet
- Right-of-way plat
- Names of neighboring landowners affected by the project
- Legal description of the land and/or interest(s) needed for the project
- Nominal Payment Parcel Recommendation and Approval Form
- Statement to Construction Engineer Form
- Warranty Deed & Temporary Limited Easement
- Internal Revenue Service Form W-9 & postage-paid envelope

When the City/Town determine an acquisition to be of a nominal value, they may acquire the property and/or interests without doing an appraisal, if the property owner agrees. We believe your parcel fits this situation, and hereby extend to you an offer of **\$1,350.00** for this parcel.

If you agree with the values determined and wish to enter into an agreement with the City/Town, please return the following enclosed documents in the enclosed self-addressed, postage-paid envelope:

1. **Nominal Payment Parcel Recommendation and Approval Form:** This form needs to be signed and dated by all owners. This verifies that you have waived the right to an appraisal and agree to accept settlement in the amount stated on the form.
2. **Statement to Construction Engineer Form:** If there are items you would like the construction engineer to be made aware of, please note them on the form under "Owner Concerns" and sign and date the form. If you have no concerns, write "None" on the form, and sign and date the form. This form will be reviewed and approved by the City of Wausau.
3. **Warranty Deed & Temporary Limited Easement:** Each person whose name is on the conveyance must sign, and each signature must be notarized. This means the conveyance must be signed in the presence of a notary public (available at a bank or the courthouse).
4. **Internal Revenue Service Form W-9:** This form is needed in order for the City/Town to issue you a check. This form is also required by the IRS for any sale of real estate valued at \$600 or more. If more than one owner, unless husband and wife at the time of the conveyance, each should submit a W-9. If husband and wife, please circle the name of the spouse whose social security number is provided. If exempt, the seller must provide an exemption form. Failure to complete a W-9, or to provide false information, risks a fine by the IRS.

Your rights as a landowner are fully explained in the enclosed brochure entitled "Rights of Landowners Under Wisconsin Eminent Domain Law." This brochure is intended to guide you during the acquisition process. **However, as previously noted, acquisition related to trail projects cannot follow the condemnation process that is noted in the brochure. Any real estate interests will be acquired through the negotiation process.**

The City of Wausau and Town of Stettin want you to be satisfied that your property and your rights have been fully considered. We will be pleased to provide any additional information as requested, if available, or further discuss any concerns you may have.

Real estate taxes for the current year shall be pro-rated as of the date of acquisition, based on the latest tax assessment in accordance with Wis. Stat. Chapter 74.62.

**Please give this matter your earliest consideration. I am requesting to hear from you by Tuesday,**

**September 19, 2023.** I have also included a postage paid envelope for your convenience in returning the enclosed documents. Upon receipt of the required documents, I will begin processing payment to you.

If you have any questions, please contact me at 608-826-6129 (office), 715-450-0898 (cell), or via email at [mmunden@correinc.com](mailto:mmunden@correinc.com).

Respectfully,  
CORRE, INC.

A handwritten signature in black ink that reads "Megan Munden". The signature is written in a cursive, flowing style.

Megan Munden  
As Consultant Real Estate Agent for the City of Wausau and Town of Stettin  
Enclosures

## **LEGAL DESCRIPTION**

Parcel 1 of Transportation Project Plat 6999-09-02-4.01, recorded in Cabinet 3 on Page 582A as Document 1872141, recorded in Marathon County, Wisconsin.

Property interests and rights of said Parcel 1 consist of:

**Fee Simple.**

**Temporary Limited Easement.**

TRANSPORTATION PROJECT PLAT NO: 6999-09-02-4-01

THAT PART OF LOT 1 OF CSM 1159 LOCATED IN PART OF THE SE1/4 OF SECTION 36, TOWNSHIP 29 NORTH, RANGE 6 EAST, PART OF LOT 1 OF CSM 17539 LOCATED IN PART OF THE NE1/4 OF SECTION 36, TOWNSHIP 29 NORTH, RANGE 6 EAST, PART OF LOT 1 OF CSM 4281, PART OF OUTLOT 1 OF CSM 12575, PART OF LOT 1 OF CSM 4787 AND PART OF LOT 1 OF CSM 4767 LOCATED IN PART OF THE NE1/2 OF THE FRACTIONAL NW1/4 OF SECTION 31, TOWNSHIP 29 NORTH, RANGE 7 EAST, PART OF PARCEL A OF CSM 6176, PART OF LOT 1 OF CSM 609, PART OF LOT 1 OF CSM V. 1, P. 250, PART OF LOTS 1 AND 2 OF CSM 9120, PART OF LOT 1 OF CSM 4168, PART OF LOT 1 OF CSM 393, PART OF LOT 1 OF CSM 394 AND LOT 1 OF CSM 14275 LOCATED IN PART OF THE S1/2 OF THE FRACTIONAL NW1/4 OF SECTION 31, TOWNSHIP 29 NORTH, RANGE 7 EAST, ALL IN CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

RELOCATION ORDER - LOC STR, C WAUSAU, STEWART AVENUE (S 72ND AVENUE), MARATHON COUNTY

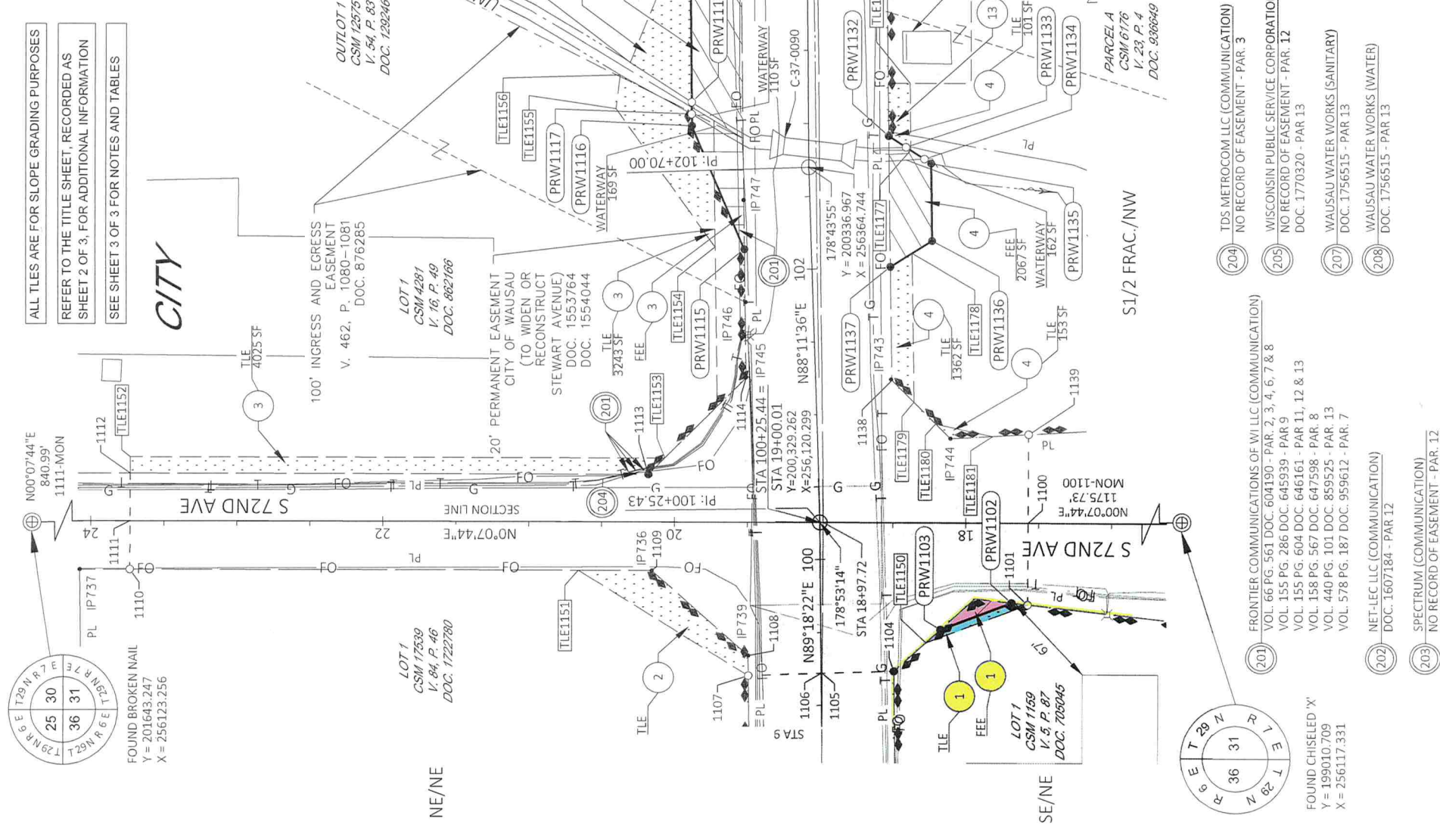
TO PROPERLY ESTABLISH, LAY OUT, WIDEN, ENLARGE, EXTEND, CONSTRUCT, RECONSTRUCT, IMPROVE, OR MAINTAIN A PORTION OF THE HIGHWAY DESIGNATED ABOVE, THE CITY OF WAUSAU DEEMS IT NECESSARY TO RELOCATE OR CHANGE SAID HIGHWAY AND ACQUIRE CERTAIN LANDS AND INTERESTS OR RIGHTS IN LANDS FOR THE ABOVE PROJECT.

TO EFFECT THIS CHANGE, PURSUANT TO AUTHORITY GRANTED UNDER SECTION 62.22, WISCONSIN STATUTES, THE CITY OF WAUSAU HEREBY ORDERS THAT:

1. THAT PORTION OF SAID HIGHWAY AS SHOWN ON THIS PLAT IS LAID OUT AND ESTABLISHED TO THE LINES AND WIDTHS AS SO SHOWN FOR THE ABOVE PROJECT.
2. THE LANDS OR INTERESTS OR RIGHTS IN LANDS AS SHOWN ON THIS PLAT ARE REQUIRED BY THE CITY OF WAUSAU FOR THE ABOVE PROJECT AND SHALL BE ACQUIRED IN THE NAME OF THE CITY OF WAUSAU, PURSUANT TO THE PROVISIONS OF SECTION 62.22, WISCONSIN STATUTES.

UTILITY INTERESTS REQUIRED

UTILITY NUMBER	OWNERS(S)	INTERESTS REQUIRED
201	FRONTIER COMMUNICATIONS OF WI, LLC (COMMUNICATION)	RELEASE OF RIGHTS
202	NET-LEC LLC (COMMUNICATION)	RELEASE OF RIGHTS
203	SPECTRUM (COMMUNICATION)	RELEASE OF RIGHTS
204	TDS METROCOM LLC (COMMUNICATION)	RELEASE OF RIGHTS
205	WISCONSIN PUBLIC SERVICE CORPORATION (ELECTRIC)	RELEASE OF RIGHTS
206	WISCONSIN PUBLIC SERVICE CORPORATION (GAS)	RELEASE OF RIGHTS
207	WAUSAU WATER WORKS (SANITARY)	RELEASE OF RIGHTS
208	WAUSAU WATER WORKS (WATER)	RELEASE OF RIGHTS



STATE OF WISCONSIN - MARATHON COUNTY  
 RECORDED  
 10-28-2022 at 11:39 AM  
 DEAN J. STRATZ, REGISTER OF DEEDS  
 DOC#: 1872141  
 Pages: 4  
**REGISTER OF DEEDS**  
 MARATHON COUNTY, WI  
 Received for Record this 9 day of October  
 A.D. 2022, at 11:31, Clock 24.1  
 In Plat Cabinet No. 3 on page 212A  
 REGISTRAR  
 Dean J. Stratz  
 RESERVED FOR REGISTER OF DEEDS  
 PROJECT NUMBER 6999-09-02-4-01  
 SHEET 1 OF 3  
 AMENDMENT NO.:

SCHEDULE OF LANDS & INTERESTS REQUIRED

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE CITY OF WAUSAU.

PARCEL NUMBER	OWNERS	INTERESTS REQUIRED	R/W	SF REQUIRED	NEW	EXISTING	TOTAL	PLE	TILE
1	MARATHON COUNTY, A WISCONSIN MUNICIPAL CORPORATION	FEE/TILE	301	---	301	---	301	---	313
2	APOGEE WAUSAU GROUP, INC., A WISCONSIN CORPORATION	FEE/TILE	1556	---	1556	---	1556	---	2264
3	KINGSFAN LIGHT & AIR LLC, A DELAWARE LIMITED LIABILITY COMPANY	FEE/TILE	5960	---	5960	---	5960	---	7268
4	CITY OF WAUSAU, A WISCONSIN MUNICIPALITY	FEE/TILE	8254	---	8254	---	8254	---	4231
6	BADGER HOUSING ASSOCIATES III, A WISCONSIN CO-PARTNERSHIP	FEE/PLE/TILE	1521	---	1521	---	1521	---	3247
7	OSHCOR CORPORATION, A WISCONSIN CORPORATION	FEE/PLE/TILE	1521	---	1521	---	1521	---	4586
8	WITH 9, LLC, A WISCONSIN LIMITED LIABILITY COMPANY	TILE	---	---	---	---	---	---	47
9	BRIAN LUEDTKE PROPERTIES, LLC, A WISCONSIN LIMITED LIABILITY COMPANY	TILE	---	---	---	---	---	---	1746
11	INDUSTRIAL TOWEL AND UNIFORM, INC., A WISCONSIN CORPORATION	TILE	---	---	---	---	---	---	1997
12	RUTH A. VAN ERT, LLC, A SOUTH DAKOTA LIMITED LIABILITY COMPANY	TILE	---	---	---	---	---	---	4622
13	DP REAL ESTATE LLC, A WISCONSIN LIMITED LIABILITY COMPANY	TILE	---	---	---	---	---	---	3555

- (201) FRONTIER COMMUNICATIONS OF WI, LLC (COMMUNICATION)  
VOL. 66 PG. 561 DOC. 604190 - PAR. 2, 3, 4, 6, 7 & 8  
VOL. 155 PG. 286 DOC. 645939 - PAR. 9  
VOL. 155 PG. 604 DOC. 646161 - PAR. 11, 12 & 13  
VOL. 158 PG. 567 DOC. 647598 - PAR. 8  
VOL. 440 PG. 101 DOC. 859525 - PAR. 13  
VOL. 578 PG. 187 DOC. 959612 - PAR. 7
- (202) NET-LEC LLC (COMMUNICATION)  
DOC. 1607184 - PAR. 12
- (203) SPECTRUM (COMMUNICATION)  
NO RECORD OF EASEMENT - PAR. 12
- (204) TDS METROCOM LLC (COMMUNICATION)  
NO RECORD OF EASEMENT - PAR. 3
- (205) WISCONSIN PUBLIC SERVICE CORPORATION (ELECTRIC)  
NO RECORD OF EASEMENT - PAR. 12  
DOC. 1770320 - PAR. 13
- (207) WAUSAU WATER WORKS (SANITARY)  
DOC. 1756515 - PAR. 13
- (208) WAUSAU WATER WORKS (WATER)  
DOC. 1756515 - PAR. 13



## **2024 County Administrator's Budget Message**

<https://www.marathoncounty.gov/home/showdocument?id=10848&t=638313372248129291>