



AGENDA
EXECUTIVE COMMITTEE
REGULAR MEETING
MONDAY, FEBRUARY 3, 2020 – 3:00 PM
ADMINISTRATION CENTER - ROOM A-200
121 W. MAIN STREET, PORT WASHINGTON, WI 53074

1. CALL TO ORDER

Roll Call

2. PROPER NOTICE

3. PUBLIC COMMENTS, CORRESPONDENCE, COMMUNICATIONS

4. APPROVAL OF MINUTES

a. January 13, 2020

5. DISCUSSION ITEMS

a. Self-Organized Counties - Jon Hochkammer, Wisconsin Counties Association

b. Defining County Board Session

c. Schedule of County Board Meetings

6. COUNTY ADMINISTRATOR'S REPORT

7. COMMITTEE REPORTS

8. NEXT MEETING DATE

Monday, March 2, 2020

9. ADJOURNMENT

A quorum of members of committees or the full County Board of Ozaukee County may be in attendance at this meeting for purposes related to committee or board duties, however, no formal action will be taken by these committees or the board at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the County Clerk's Office at 262-284-8110, twenty-four (24) hours in advance of the meeting.

Executive Committee**AGENDA INFORMATION SHEET**

AGENDA DATE: February 3, 2020
DEPARTMENT: County Clerk
DIRECTOR: Julie Winkelhorst
PREPARER: Julie Winkelhorst

Agenda Summary January 13, 2020

https://www.co.ozaukee.wi.us/AgendaCenter/ViewFile/Minutes/_01232020-2686

Executive Committee

AGENDA INFORMATION SHEET

AGENDA DATE: February 3, 2020
DEPARTMENT: Administrator
DIRECTOR: Jason Dzwiniel
PREPARER: Julie Winkelhorst

Agenda Summary Self-Organized Counties - Jon Hochkammer, Wisconsin Counties Association

ATTACHMENTS:

- UW Ext. Local Govt. Center Fact Sheet (PDF)

FACT SHEET

Number 8

February 1997

SELF-ORGANIZED COUNTIES

What self-organizing is: Self-organization is a process used by county boards that provides the board with alternatives to some of the specific procedures otherwise mandated in Chapter 59, *Wisconsin Statutes*. A county that has undertaken self-organization has given itself somewhat more flexibility in the manner in which its board of supervisors may operate.

This narrow power to control several elements of county board functioning is found in §59.10(1). It was given to counties during the 1970s, when the legislature decided that counties needed some flexibility in these matters. Later, the legislature also provided a little elbow room for county boards in the area of organizing their administrative departments. This latter authority is called administrative home rule. It is found primarily in §§59.03 and 59.04.

Counties are completely subject to state law; they have no constitutional home rule authority as do cities and villages. The statutes have historically dictated almost all elements of substance, policy, and procedure for counties. Chapter 59, the basic law under which counties operate, contains more than 150 optional powers which counties may invoke by action of the county board. These grants are necessary because of the lack of home rule.

What it does for a county: A county which has undergone self-organization may adopt its own policies regarding:

- *Use of staggered terms for the supervisors, electing half of them each year rather than electing them all each even-numbered year.* [§59.10(1)(b)] Without self-organization, all supervisors are to be elected on the first Tuesday in April in even-numbered years and take office on the third Tuesday in April of that year (except in 1996, when the desire for an early presidential preference primary led the legislature to move the spring general election to mid-March). Self-organization allows the use of staggered terms. [§59.10(3)(d)]
- *Compensation of supervisors for attendance at board meetings and paying mileage.* [§59.10(1)(c)] Non-self-organized boards already have several options. Self-organization would allow the board to be as creative as it wished, except that compensation would have to be set by the statutorily required date and the board could not give a mid-term compensation increase for itself. *For the statutes that control board compensation in the absence of self-organization, see Note below.*
- *Filling vacancies in the office of county supervisor.* [§59.10(1)(d)] A county may adopt its own procedures. Without self-organization, vacancies are filled by the board chairperson for the unexpired term, with the approval of the board. [§59.10(3)(e)]

How self-organization is accomplished: This is a very simple procedure.

- A majority of the *whole* board adopts an ordinance invoking the authority of the authorizing statute, §59.10(1). A certified copy of the adopted ordinance is filed by the county clerk with the Wisconsin Secretary of State.
- The county board adopts the policies it desires regarding possible staggered terms, compensation for board members, and the method for filling vacancies on the county board.

How self-organization relates to administrative home rule: Sections 59.03 and 59.04 of Chapter 59 provide for administrative home rule. This legislation grants counties flexibility in administrative and organizational matters — such as grouping functions into departments and establishing committees to supervise those departments.

The statutory language in the administrative home rule sections is more general than it is in the self-organization section, but administrative home rule has a broad and not clearly defined limit attached to it. Administrative home rule does not apply in areas where the legislature has enacted a statute of “statewide concern.” This is the same language that has been interpreted by the courts and attorney general to restrict municipal home rule considerably. Statewide concern has been interpreted several times similarly to restrict the latitude of counties in administrative home rule. .

Summary: County boards are granted clear authority to change the way they do business in very specific areas of board functioning if they undertake self organization. In contrast, county boards are given broadly stated, but vague, authority in administrative and organizational matters in §§59.03 and 59.04. This last authority, however, is subject to challenge in the event that the legislature might have enacted another statute considered to be of “statewide concern” in an area where a county board wanted to exercise administrative home rule.

Note: In the *absence* of self-organization, the controlling statutes regarding compensation of county board members are these as quoted:

§59.10(3)(f) **Compensation.** Each supervisor shall be paid a per diem by the county for each day he or she attends a meeting of the board. Any board may, at its annual meeting, by a two-thirds vote of all the members, fix the compensation of the board members to be next elected. Any board may also provide additional compensation for the chairperson.

§59.10(3)(g) **Mileage.** Each supervisor shall, for each day that he or she attends a meeting of the board, receive mileage for each mile traveled in going to and returning from the meetings by the most usual traveled route at the rate established by the board pursuant to §59.22 as the standard mileage allowance for all county employees and officers.

§59.10(3)(h) **Limitation on compensation.** Except for services as a member of a committee as provided in §59.13, no supervisor shall be paid for more days’ attendance on the board in any year than is set out in this schedule: In counties having a population of less than 25,000, 20 days; at least 25,000 but less than 100,000, 25 days; at least 100,000 but less than 500,000, 30 days.

§59.10(3)(I) **Alternative compensation.** As an alternative method of compensation, in counties having a population of less than 500,000, including those containing only one town, the board may at its annual meeting, by a two-thirds vote of the members entitled to a seat, fix the compensation of the supervisors to be next elected at an annual salary for all services for the county including all committee services, except the per diem allowance for services in acquiring rights of way set forth in §84.09(4). The board may, in like manner, allow additional salary for the members of the highway committee and for the chairperson of the board. In addition to the salary, the supervisors shall receive mileage as provided in par.(g) for each day’s attendance at board meetings or for attendance at not to exceed 2 committee meetings in any one day.

§59.10(3)(j) **Supplementary compensation.** The board, in establishing an annual salary, may enact an ordinance for a per diem for all committee meetings attended in excess of 40 committee and board meetings.

Attachment: UW Ext. Local Govt. Center Fact Sheet (6108 : Self-Organized Counties)

Local Government Center
University of Wisconsin-Extension
229 Lowell Center
610 Langdon Street
Madison, WI 53703

Phone (608) 262-9961
Fax (608) 265-8662

Executive Committee**AGENDA INFORMATION SHEET**

AGENDA DATE: February 3, 2020
DEPARTMENT: Corporation Counsel
DIRECTOR: Rhonda Gorden
PREPARER: Julie Winkelhorst

Agenda Summary Defining County Board Session

ATTACHMENTS:

- WCA Article Defining Session (PDF)



call to order

Session

J. Michael Blaska, Parliamentarian & Chief of Staff,
Wisconsin Counties Association

Wisconsin county boards are required to meet the third Tuesday in April after the election to organize and transact business. This generally includes taking the oath of office, electing officers, and adopting procedural rules for the two-year term. Most boards adopt their own procedural rules and then adopt the latest edition of *Robert's Rules of Order (Roberts)* as their parliamentary authority. In order to enforce or implement procedural rules, it is important to define a "session."

It is important because *Roberts* states that it is improper to *Postpone* something beyond the next regular session. It also states that a motion that was defeated, or *Postponed Indefinitely*, cannot be brought up a second time during the same session.

To define a session, it is also important to define a "meeting," "recess," and "adjournment." *Roberts* defines a "meeting" of an assembly as a single official gathering of its members to transact business for a length of time where there is no cessation of proceedings unless for a short recess.

A "recess" is a short intermission or break that does not end the meeting. Proceedings are immediately resumed at the point they were interrupted.

And finally, an "adjournment" terminates the meeting and may terminate the session. If another meeting has been set for a definite time to continue the same business or order of business, the motion to *Adjourn* does not end the session.

Have you heard the term *Adjourn Sine Die* (pronounced "sign-ee dye-ee)? The translation is

"adjourn without day." In practice, this means a group adjourns without the expectation of meeting again. For example, after several months of meeting, a task force or commission created for a special, specific purpose might *Adjourn Sine Die* when they have completed their work and there is no need to meet again.

A session of an assembly, unless otherwise defined by the bylaws or governing rules of the organization, is a meeting or series of connected meetings devoted to a single order of business, program, agenda, or announced purpose. When there is more than one meeting, each meeting is scheduled for the purpose of continuing business at the point where it was left off at the previous meeting.

Roberts goes on to state that in a "permanent society whose bylaws provide for regular weekly, monthly, or quarterly meetings that go through an established order of business in a single afternoon or evening, each meeting of this kind normally completes a separate session..."

With this explanation and the definition, one could easily come to the conclusion, as some do, that each county board meeting constitutes a session. The reason that county board meetings are not scheduled for the purpose of continuing business at the point where it left off at the previous meeting. There is a whole new agenda for each meeting, which does not fall into the definition of session.

If each county board meeting is a session, then it would be out of order to *Postpone* something to the next meeting. Further, every time a question was defeated,

it could be brought up at the next meeting and this is not practical.

The *Roberts'* definition of session is easily applied to state or national organizations that hold annual or biennial conventions. Each convention, which may have several meetings for several days, is considered a session.

It is easy to argue that a session should coincide with the term of the county board members. Members gather on the third Tuesday of April to elect officers and procedural rules for their term of office, which is two years. Furthermore, resolutions are often numbered numerically with the calendar year for the two-year period. Motions are often *Postponed Definitely* to the next meeting or subsequent meetings. In addition, once an item has been defeated, members

should not be able to renew the motion at the next or subsequent meeting, which they could do if each meeting was a session.

Roberts is designed to apply to all types of meetings, but its application is not always suitable for governmental meetings. The term session is subject to interpretation and *Roberts* acknowledges that any organization has the right to determine what constitutes a session. Every board, in adopting their procedural rules, should define a session. County boards have defined a session as one year. They also could define it as each meeting, the two years coinciding with the term of the members, or whatever the board determines.

In my opinion, a one-year or two-year session makes the most sense for county boards in Wisconsin.

Source: *Roberts' Rules of Order Newly Revised, 11th Edition*