

Legal principles relating to positions in the County Clerk's office

Benjamin Southwick <bsouth@southwicklaw.net>

Wed 11/18/2020 1:21 PM

To: Melissa Luck <melissa.luck@co.richland.wi.us>; David Turk <david.turk@co.richland.wi.us>; ingrid.rasmussen@co.richland.wi.us
<ingrid.rasmussen@co.richland.wi.us>;

Cc: Victor Vlasak <victor.vlasak@co.richland.wi.us>; Clinton Langreck <clinton.langreck@co.richland.wi.us>;

Friends,

My purpose in issuing this opinion is to set forth the legal principles governing positions in the County Clerk's office. These positions are:

County Clerk; an elected position created by the Wisconsin Constitution
Deputy County Clerk/Accounting Supervisor: position is currently vacant;
Payroll and Benefit Specialist: held by Ms. Tami Hendrickson;
Accounts Payable Specialist held by Ms. Amy Louis.

Per Wisconsin Statutes, section 59.23 (1), the County Clerk is entitled to at least one Deputy Clerk position and the County Clerk has the authority to appoint that person.

The remaining positions in the County Clerk's office are known as assistants. On the one hand, the County Board determines the number of assistant positions in the County Clerk's office although, on the other hand, the County Board must provide the County Clerk with sufficient staff to enable the County Clerk to fulfill his statutory duties, which are set forth primarily in section 59.23. The County Clerk has the authority to fill such assistant positions as are authorized by the County Board.

Finally, it is my opinion that there is no authority to transfer a person appointed by the County Clerk as Deputy County Clerk or as an assistant in the County Clerk's office, to another position in County government. Such action would violate the County Clerk's authority to appoint persons to the positions in the County Clerk's office.

The advent of the County Administrator resulted in the County Clerk no longer having the following duties:

1. The County Clerk is no longer the County's Administrative Coordinator. The duties of an Administrative Coordinator are set forth in Wisconsin Statutes, section 59.19 as follows:

"The administrative coordinator shall be responsible for coordinating all
administrative and management functions of the county government not
otherwise vested in law by boards or commissions, or in other elected officers."

2. The County Clerk no longer has authority to submit an annual budget to the County Board. However, the County Clerk retains day-to-day administration of the County budget.

The above duties have been transferred by law to the County Administrator.

I will attend remotely the Committee's meeting scheduled for this coming Friday at 1:00 p.m.

Ben

Benjamin Southwick
Corporation Counsel
130 W. Court Street
Richland Center, WI 53581
608-647-4111
bsouth@southwicklaw.net